

REPORT

INTERNATIONAL WORKSHOP ON
INTEGRATED PROTECTION OF CIVILIANS IN
**UN PEACEKEEPING
OPERATIONS**

17 - 21 DECEMBER 2018
MANEKSHAW CENTRE, NEW DELHI, INDIA

JOINTLY ORGANISED BY
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ICRC

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Group photograph of the participants of the International Workshop on Integrated Protection of Civilians in UN Peacekeeping Operations

MONDAY 17 DECEMBER 2018

WELCOME ADDRESS

Lieutenant General Saranjeet Singh, YSM

DG SD, Indian Army

Lt Gen Saranjeet Singh expressed his appreciation for the 35 attendees from 23 countries for their participation in the workshop. He highlighted the three issues that would be addressed over the course of the workshop: Protection of Civilians (PoC); Conflict Related Sexual Violence (CRSV); and Child Protection (CP).

Pointing out that nine out of the 14 ongoing United Nations (UN) Peacekeeping missions include PoC as part of their mandate, he emphasised the need for military and police personnel and civilians to develop a shared understanding of these issues. He called upon the participants to derive the maximum possible benefit from the unparalleled experience of the field experts, CUNPK and ICRC staff conducting the workshop.

OPENING REMARKS

Jeremy England

Head of Regional Delegation, ICRC New Delhi

Jeremy England welcomed the participants to the 4th annual workshop and acknowledged the contributions by CUNPK to the topic of PoC. He focussed on four particular issues during his opening remarks:

- I. The need to inculcate a better understanding about the applicability of International Humanitarian Law (IHL) and that PoC is a separate and distinct mandate under IHL.
- II. On the issue of humanitarian access, he said that IHL places primary responsibility of ensuring access to basic needs are met by the State and humanitarian organisations may also undertake relief action subject to the consent of the State. Towards this end, States are required to grant rapid and unimpeded access to the affected population. When civilians are unable to fulfill their basic needs and the host government is unwilling or unable to provide supplies, access must be allowed. The failure to do so may even constitute a war crime under certain circumstances.

- III. On the issue of rape and sexual violence, he quoted the UN Secretary General, Antonio Guterres, “Rape and sexual violence in conflict are tactics of terrorism and war, used strategically to humiliate, degrade and destroy, and often to pursue a campaign of ethnic cleansing. They should never be downplayed as war’s inevitable by-product. Sexual violence is a threat to every individual’s right to a life of dignity, and to humanity’s collective peace and security.”
- IV. There exist over 300,000 child soldiers who are forcibly recruited and are used as spies, messengers, domestic and sexual slaves in addition to being employed directly in hostilities.

He concluded by stating that the real substance of these sessions lay not in the expert presentations, but in the conversations. He added that the ICRC looks forward to learning from the experiences of the many serving officers who have joined to the workshop.

INAUGURAL ADDRESS

Lieutenant General IS Ghuman, AVSM

DCOAS (IS&T), Indian Army

Lt Gen IS Ghuman commented that the world is likely to face more conflicts and wars in the coming years. He said that the civilians suffer just as much as the fighting factions in today’s time. Consequently, any peacekeeping effort must encompass the protection of civilians. He acknowledged that PoC is the primary responsibility of the State that hosts peacekeeping contingents. However, the mandate of the peacekeeping contingents generally flows from the United Nations Security Council (UNSC) and this confers on them the legal authority to take any necessary steps, including the use of force in case the host State is unable or unwilling to effectively protect civilians. Concluding, he emphasised on the need for all concerned stakeholders to adopt a multipronged strategy to ensure synergy.

STRATEGIC PERSPECTIVE ON POC (UN)

Lieutenant General JS Lidder, UYSM, AVSM (Retd)

Former Force Commander and Deputy SRSG, UNMIS

Lt Gen JS Lidder stated that the primary responsibility for PoC lies with the host State and peacekeeping forces play a supporting role. He chalked out the three pillars upon which all PoC missions rest. These include the political element (a well-managed peace process), the security element (which aims to protect

from physical violence by preventing, deterring and responding to threats) and the humanitarian element (which establishes a protective environment by rule of law, institution building, upgrading human rights and capacity building). He drew attention to the cross-cutting nature of these three lines of efforts and insisted that each and every one of them carried equal weightage.

He then addressed the challenges faced by peacekeeping forces engaged in PoC:

- I. Operations in highly blurred conflict spectrum: He cited the example of French forces operating in Mali to underscore the hybrid nature of threats that confront peacekeeping forces. Forces can no longer expect to be safe from attacks simply by the virtue of donning blue berets.
- II. Christmas tree mandates: These are increasingly elaborate and demanding UNSC mandates that bestow complex tasks on peacekeeping forces. This results in a tick box mentality leading to mechanical responses in the field.
- III. Gap between Theory and Practice: There is no shortage of individuals talking about PoC conceptually but there is a pressing need for those who can bridge the gap between theory and practical exigencies.
- IV. Majority of United Nations peacekeeping operations (UNPKO) are characterised by a disconnect between mandate and means. The shortage of means is evident in terms of both capacity (resources) and capability (leadership, intelligence and training).
- V. Mission wide planning and joint mechanisms continue to fall short of standards. For example, PoC is still treated as a thematic issue rather than being mainstreamed into the planning process.
- VI. The connection between the military and the civilian components of peacekeeping missions continue to be inadequate and there exists an unhealthy narrative wherein both the civilian and the military individuals blame each other for the shortcomings in the mission.

Lt Gen JS Liddar provided suggestions for the way ahead:

- I. The mainstreaming of PoC in the wider mission framework needs to be encouraged as this will aid the leadership in taking greater ownership of missions.
- II. The balancing of imminent protection needs with long term strategies is a source of perennial tension. Hence, partnerships need to be harmonised and the expectation-delivery gap carefully managed.
- III. Engagement with the host nation is critical. All States are sensitive about matters relating to sovereignty. It is, therefore, necessary to be aware of

local sensitivities and cultivate a good working relationship with the host State.

- IV. Maintaining a pro-active posture is crucial for an effective early warning mechanism and credible response capability. A peacekeeping force that opts for a reactive as opposed to a pro-active posture will cede initiative to disruptive elements.
- V. Today, there exists plenty of information for force commanders but the challenge lies in channeling it to those in need. The UN has begun to develop joint structures to address this issue. The mantra for the PoC should be to predict and preempt.
- VI. Countries are no longer sensitive to the idea of training and the UN now encourages integrated trainings. This trend should be encouraged by all parties.

COMMENTS

A participant asked about the wisdom of the UN authorising more robust, offensive missions such as those undertaken by the United Nations Force Intervention Brigade. Lt Gen JS Lidder stated that he disagreed with this operational tactic. If a peacekeeping contingent has to resort to using force, then it has already failed. Even though forces like the Intervention Brigade give quick results, they do more harm in the long run as they end up becoming a part of the problem.

STRATEGIC PERSPECTIVE ON POC (ICRC)

Pierre Gentile

Head of Protection Division, ICRC Geneva

Pierre Gentile commenced by stating that PoC concerns every component of a peacekeeping contingent. Until 2010, the political, military, police, judicial and humanitarian actors had their own interpretation of protection which led to the blurring of roles and responsibilities. However, the adoption of a three-tiered approach towards PoC in 2011 brought about much needed clarity.

He highlighted the three understandings of protection :

- I. A set of legal obligations incumbent on parties to an armed conflict as per IHL;
- II. Protection as an overall objective for both military and humanitarian actors; and

III. Protection consists of a set of activities. Activities undertaken by humanitarian actors are distinct from legal (prosecutions), political (sanctions and advocacy), military or security activities (to provide physical protection), which other actors undertake even if all these are aimed at protecting the rights of the people.

Gentile also spoke about the multifaceted nature of the contribution by peacekeepers to PoC. He said that their contribution is vital not just for the physical security or the monitoring and reporting of all violent activities but they play an important role in supporting the political processes and the rule of law. Giving the example of access to education, he said that a lack of access to education dramatically increases the probability of the next generation getting sucked into conflict. Finally, he stressed upon the necessity of ensuring safer access to healthcare by preventing violence against healthcare facilities, the sick and the wounded and healthcare personnel and preventing the misuse of medical emblems and vehicles.

COMMENTS

The participants engaged the speaker in a discussion on peacekeeping missions in the African continent. They discussed activities aimed at promoting the rule of law and protecting civilians from attacks of non-state armed groups.

STRATEGIC PERSPECTIVE ON CONFLICT RELATED SEXUAL VIOLENCE (CRSV)

Alison Davidian

Programme Management Specialist on Women, Peace and Security, UN Women

Alison Davidian traced the trajectory of peacekeeping missions from the 1948 United Nations Truce Supervision Organization (UNTSO) mission to the 1956 armed United Nations Emergency Force (UNEF) mission, the first ‘modern’ peacekeeping mission. CRSV concerns began to be addressed in these missions at a relatively later stage. She drew attention to the numerous UN Security Council (UNSC) resolutions which have addressed this issue, such as resolution 1325 (2000), 1820 (2008), 1888 (2009), 1889 (2009), 1960 (2010), 2106 (2013), 2122 (2013) and 2242 (2015). Three of these resolutions are of particular importance. UNSC resolution 1820 (2008) was the first to recognise that CRSV could be used as a tactic of war. UNSC Resolution 1889 (2009) resulted in the appointment of a Special Representative of the Secretary General on Sexual Violence. Finally, UNSC resolution 1960 (2010) saw the beginning of a naming and shaming regime as the UN began to actively monitor and report incidents of sexual violence.

Davidian explained that from a legal perspective, none of the UNSC resolutions, as stated above, introduced anything substantively new. Much of the legal framework governing CRSV was already in the Geneva Conventions (GC) and the Rome Statute but, the true value lay in the paradigm shift that the resolutions introduced. CRSV was henceforth conceptualised as a security issue and not simply, a humanitarian one. The dialogue around women, peace and security is now centered around three core principles:

- I. International peace and security are inextricably linked to equality between men and women;
- II. Women's experiences of conflict and violence are different from men; and
- III. Women are an untapped resource for peace.

CRSV can take many forms, like rape, sexual slavery, forced prostitution, forced pregnancy, enforced sterilisation or any other form of sexual violence of comparable gravity (sexual mutilation, emasculation and branding).

Maj Gen Patrick Cammaert, a former UN Peacekeeping commander has stated that, *"It is now more dangerous to be a woman than to be a soldier in modern conflict."* Davidian explained that the reason why sexual violence is so widespread is because many societies identify women as being the property of men. In such societies, attacks against women are seen as an attack against the honour or the values of the society itself. When violence is perpetrated in such a social context, the impact is felt not just by the individuals but by the entire community. In such a scenario, the role of the military contingent in a peacekeeping mission ranges from hotspot mapping, disarming perpetrators and armed groups, extracting victims of CRSV to putting in place arrangements for referrals and survivor assistance.

Some easily implementable measures to address CRSV include the use of foot and joint patrols along routes frequented by women and girls. Minor changes like adjusting the timings and routes of patrol to protect women at night, when they are collecting water or firewood or going out to the market can bring a massive difference. The construction of shelters and well-lit latrines and showers in camps are some of the quick impact projects that can and should be undertaken.

Davidian informed the participants about the UNIFIM-DPKO Analytical Inventory of Peacekeeping Practice which makes a strong case for mixed gender teams for monitoring and conducting verifications and investigations in areas that have a high number of cases of violence against women. She stated that there is a pressing need to involve more women in peacekeeping operations

and said that till date, not a single woman peacekeeper had been accused of perpetrating sexual violence.

Between 1957–1989, there had only been 20 women peacekeepers but today, 4.2% of all UN military personnel are women peacekeepers. Women are better represented in the police forces, where they comprise 12% of all UN personnel. Davidian drew attention to the impact made by the all-female police unit from India which was deployed in Liberia. These women became role models for the local Liberian women. She quoted the Liberian president, Ellen Johnson Sirleaf, who credited the police unit for driving an increase in the share of women in Liberia's police force from one to 17%.

COMMENTS

The participants asked if there are any statistics which demonstrate that women are better than men in preventing sexual violence and whether it was the quality of the deployed women peacekeepers or the number which reflected the change. Davidian said that there exists empirical evidence that the presence of women increases the effectiveness of operations. She further stated that in many contexts, women are able to access spaces which is very often not open to men. Women were also better able to engage with local women's organisations and credibility increases when security forces look more like the communities that they serve.

STRATEGIC PERSPECTIVE ON CHILD PROTECTION

Yasmin Ali Haque

UNICEF

Yasmine Ali Haque outlined the legal framework applicable to child protection. This framework includes International Human Rights Law (IHRL), IHL, several UNSC resolutions on children in armed conflict and conventions specific to child protection. She said that barring a few issues, the applicable legal standard is quite clear.

Presently, there are over 300,000 child soldiers globally. The definition of a child soldier is not simply a child who carries a gun but any individual below the age of 18 who is a part of any armed force or group, in any capacity. This also includes, but is not limited to, children employed as cooks, porters and messengers and includes individuals recruited for sexual purposes.

The Graca Machel Report, *The Impact of Armed Conflict on Children* (1996) underlined the need to treat children in an armed conflict as a distinct priority

in all UN monitoring and reporting activities. Healthcare, psychological well-being and education form the pillars of all humanitarian assistance for children in emergencies. The Machel Study 10-Year Strategic Review focuses on:

- The shifting landscape of contemporary warfare where many armed groups that resist disarmament transform into entities that are primarily criminal in nature;
- The proliferation of paramilitary and proxy forces with weak systems of accountability;
- The emergence of resource wars as parties to armed conflict look for new sources of revenue, children are drawn into additional forms of hazardous labour, in addition to being recruited and used for military objectives; and
- The internationalisation of “terrorism” where children are increasingly being targeted as victims and are also being used as perpetrators or accomplices in “terrorist” acts.

She drew attention to instances where peacekeepers have occupied schools and said that there is a need for integrated planning to prevent such practices. On the issue of sexual exploitation and abuse, she reiterated that no institution is immune, including the UN but what is important is that the relevant mechanisms that enable the UN to respond are in place.

She outlined the various ways in which peacekeeping missions can respond to the needs of children:

- Apply “no harm rule” and take into account best interest of the child;
- Understand the key violations against children;
- Establish collaboration with child protection actors; and
- Strengthen the role of women in peacekeeping.

UN peacekeeping forces must show zero tolerance towards sexual exploitation and abuse, and child labour. Further, these efforts need to be complemented by engaging in child protection activities, outreach and community engagement.

COMMENTS

Participants enquired about the relevant legal framework which govern accusations of sexual exploitation and abuse against UN peacekeepers and whether there is any legal regime particular to senior citizens. Ali Haque stated in her reply that it is the Troop Contributing Countries (TCC) that retain

jurisdiction over the troops for purposes of assessing complaints, passing sentences and awarding punishment. The protection of senior citizens is covered under the broader mandate of PoC.

EFFECT OF SMALL ARMS AND AMMUNITION PROLIFERATION ON POC IN MISSION AREAS

Eric Berman

Director, Small Arms Survey

Eric Berman began by talking about factors that drive demand, supply and the actors involved in the proliferation of small arms and ammunitions. He stated that there are over one billion small arms in circulation worldwide and over 85% of those are outside State holdings. Over 500,000 people are violently killed each year and around 10% of these deaths happen in conflict zones. Peacekeepers are increasingly being subjected to attacks. He outlined the specific challenges that these create for peacekeeping missions:

- I. Increased costs of aid delivery;
- II. Reluctance to patrol and follow standard operating procedures (SOP) and Rules of Engagements (ROE); and
- III. Decreased trust in and cooperation with the mission.

He concluded by highlighting all notable incidents where arms and ammunitions had been lost in peace operations and how these could be redressed.

COMMENTS

Participants enquired about the scope of the Small Arms Survey and whether there was any data relating to IED attacks. Berman stated that the Multinational Joint Task Force (MNJTF), United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA), and G-5 Sahel are among the groups that conduct research on this issue. The Small Arms Survey intends to undertake research on IEDs in West Africa in 2019 and that the employment of drones also requires further research. Participants enquired about the difference between the role of weapons and ammunition recovered from peacekeepers versus those being utilised by armed groups. Berman said that such a distinction is not possible. Following the end of the cold war, immense quantities of arms and ammunition ended up on the black market. but peacekeeping forces are not well placed to influence the activities of brokers engaged in embargo busting operations. There is need for a dialogue between the concerned actors to address this issue.

Lieutenant General Satish Nambiar

Padma Bhushan, PVSM, AVSM, Vrc (Retd), Former Force Commander and Head of Mission, UNPROFOR

Lt Gen Nambiar stated that the UN is handicapped by the absence of contributions from the developed world. The developed world has trained manpower, resources and proportionately larger complements of women in their armed forces and police. Their return to peacekeeping is a must to deal with contemporary challenges.

Military contingents are sent on UN peacekeeping missions as they are trained to deal with danger. However, on the issue of use of force, he underlined the necessity of recognising the implications of such actions. Not every participant in UN operations is willing to understand that casualties is the inevitable consequence of using force. Referring to a comment on Intervention Brigades, he affirmed that it is not advisable to have two sets of operations ongoing in one mission area.

INDIA'S CONTRIBUTION TO THE UNITED NATIONS AND THE ROLE OF CUNPK

Colonel V Vidyashankar

Director, CUNPK

India's first contribution to the UN Peacekeeping Missions came in 1950, when it deployed the 60 Para Field Ambulance to Korea as part of a multi-national force. In 1953, India provided a custodian force under the command of Major General SP Thorat. (Then) Major General KS Thimayya acted as the Chairman of the Neutral Nations Repatriation Committee. Thimayya subsequently went on to become the Chief of Army Staff of the Indian Army, demonstrating how India always sent the best officers for service with the UN.

The United Nations Emergency Fund (UNEF) was deployed in the Gaza Strip and the Sinai as the first armed UN contingent which saw active Indian participation. 11 infantry battalion groups participated in UNEF from 1956 to 1967 and two Indian brigades were also deployed in the United Nations Operation in the Congo (ONUC) from 1960 to 1964. India has participated in 50 of the UN's 71 peacekeeping missions and has always been counted amongst the top five troop contributors. Till date, India has deployed 2,34,000 troops across UN peacekeeping missions. Presently, about 6147 Indian Army personnel and 943 police personnel are serving in a variety of UN missions. The country also contributed 169 military observers and has fielded 19 Force Commanders, two Divisional Commanders, seven Deputy Force Commanders, two Military Advisors, two Deputy Military Advisors and one national in the

position of Deputy Special Representative of the Secretary General (SRSG). Another particularly successful Indian initiative has been the formation of an all-female police unit which was deployed in Liberia from 2007 to 2015. India has six Infantry Battalion Groups (INDBATT), one Medical Team, two level II hospitals, one level III hospital, one force signal unit, one petroleum platoon, one horizontal engineering company and one logistics battalion in place. In April 2017, India converted an INDBATT to an INDRBB (Indian Rapid Deployment Battalion).

Listing out the broad guidelines related to UN peacekeeping operations, Col Vidyashankar stated that the possession of a clear UNSC mandate, operation of forces under the command and control of the UN and impartial conduct are essential. Further, consent of the host country and the parties to the conflict is also a pre-requisite and this requires that a status of forces agreement (SOFA) is in place. A SOFA is what allows a country other than the host State to deploy its armed troops in the host State. A memorandum of understanding (MoU) between the UN and the TCCs is also required as this gives the deployed troops the freedom to conduct armed operations.

He highlighted the manner in which PoC became a priority following the Rwandan and the Yugoslavian genocides in the 1990's. He examined the mandates of the UN missions in MONUSCO (Congo), UNMISS (South Sudan), UNIFIL (Lebanon) and UNDOF (Israel-Syria) and said that each of these missions had their own unique PoC challenges. In Congo, for instance, the task of PoC has become complex as the host government has failed to conduct elections, resulting in a volatile political situation. In South Sudan, the hostile attitude of the host government is heightened by the existence of more than one group that claims to be the legitimate government. Further, the State's own armed forces are pitted against each other. UNIFIL and UNDOF are missions where concerns relating to PoC are not particularly pressing.

A number of factors have been identified that strengthen India's performance in peacekeeping operations. These include:

- I. India's participation in Peacekeeping missions without any national caveats;
- II. The rich operational experience of the Indian contingents;
- III. The selection of the best of units for peacekeeping operations;
- IV. Mission specific training imparted to units prior to deployments;
- V. The exemplary disciplinary records of participating Indian contingents with next to no sexual exploitation and abuse allegations against Indian contingents;

- VI. India's incorporation of women as part of its peacekeeping contingents;
- VII. A stringent selection procedure for military observers and staff officers;
and
- VIII. Strong Socio-cultural ethos.

The following challenges are faced by peacekeeping operations, irrespective of the contingent undertaking them:-

- I. Lack of clarity about the status of the many parties part of the political process;
- II. The phenomenon whereby peacekeeping missions are deployed in environments where there is no peace to keep;
- III. The rise of unconventional threats to peacekeepers,
- IV. A mismatch between the number of troops required and the number of troops actually available to conduct PoC missions;
- V. Inadequate rapid reaction capability;
- VI. Lack of dedicated monitoring and strategic lift capability; and
- VII. Lack of adequate intelligence resources available to peacekeeping forces.

Col Vidyashankar explored the history, mission and the activities of the CUNPK. CUNPK was established in September 2000 as a joint venture between the Ministry of Defence (MoD), the Ministry of External Affairs (MEA) and the Service Headquarters. It is the nodal agency for imparting training to peacekeepers and officers from foreign countries prior to deployment in mission areas. CUNPK represents India in the International Association of Peacekeeping Training Centres (IAPTC), of which India has also been the Chair from 2005 to 2016.

CUNPK's vision is to become a leading integrated institution which conducts UN peacekeeping training at the tactical, operational and the strategic level. CUNPK conducts courses both nationally and internationally and provides integrated training to military and police officers, both nationally and from foreign countries. Its flagship international courses include a Staff and Logistics Officers course, a Military Observers course, a Military Contingent Officers course, a Peacekeeping course for African partners and a Female Military Officer's course. CUNPK has thus far trained 7,493 Indian officers and 1,378 foreign officers from 95 countries.

CUNPK also conducts Command Post Exercises (CPX), Field Training Exercises (FTX), Table Top Exercises (TTX) and programs where they train the trainers. It also regularly organises student exchanges, instructor exchanges, mobile training teams, delegation visits and seminars.

One example of such an exchange fructifying into a deeper working relationship is evident in the example of Kazakhstan. India has a mobile training team in Kazakhstan, with both nation's armies also having conducted validation exercises. This year, Kazakhstan has chosen to deploy its armed forces as part of UN peacekeeping forces for the first time ever to UNIFIL deployed under an Indian command. This is also the first time that India has sent a mixed force to any UN mission. The Indian Battalion (IND BATT) as the more experienced party in peacekeeping will be leading the IND-KAZ BATT.



L-R: Lieutenant General Satish Nambiar, Padma Bhushan, PVSM, AVSM, VrC (Retd), Former Force Commander and Head of Mission, UNPROFOR; Eric Berman, Director, Small Arms Survey; Lt Gen JS Liddar, UYSM, AVSM (Retd), Force Cdr & Dy SRSG, UNMISS; Alison Davidian, Programme Management Specialist on Women, Peace & Security, UN Women



Lieutenant General Saranjeet Singh YSM, DG SD, Indian Army delivers the welcome address at the International Workshop on Integrated Protection of Civilians in UN Peacekeeping Operations



Pierre Gentile, Head of Protection Division, ICRC Geneva giving a presentation on the ICRC's strategic perspective on Protection of Civilians (PoC)



Jeremy England, Head of the Regional Delegation addresses the participants during the inaugural session



Alison Davidian, Programme Management Specialist on Women, Peace and Security, UN Women giving a presentation on Conflict-related Sexual Violence (CRSV)



Lieutenant General JS Lidder, UYSM, AVSM (Retd), Former Force Commander and Deputy SRSG, UNMIS, giving a presentation on the UN's Strategic Perspective on Protection of Civilians (PoC)



Lieutenant General IS Ghuman AVSM, DCOAS (IS&T), Indian Army, delivers the inaugural address



Participants and ICRC colleagues with Lieutenant General Saranjeet Singh YSM, DG SD, Indian Army

TUESDAY 18 DECEMBER 2018

INTRODUCTION TO POC: THE ENVIRONMENT (UN)

Colonel Rohit Sehgal

Indian Army

Col Sehgal provided an overview of the basic principles governing UNPKO. These being consent of the parties; impartiality; and non-use of force except in defence of the mandate. He explained that following the end of the cold war, there has been a shift from inter-state conflicts to intra-state and this has changed the manner in which peacekeeping operations are now conducted. Traditional peacekeeping operations confined themselves to the military dimension and played no role in the political dimension. Their tasks included observation; monitoring and reporting; supervision of ceasefires; supporting verification mechanisms; interposing as a buffer; and confidence building measures. Multidimensional peacekeeping operations, in comparison, do not focus simply on creating a secure and stable environment. They also focus on facilitating the political process and providing a framework which ensures that all UN and other international actors can pursue their activities in a coherent and coordinated manner.

Col Sehgal talked about “civilian” as a concept. He stated that a civilian is an unarmed person who is not, or is no longer, directly participating in hostilities. Should there ever be any doubt regarding the status of an individual or a group of individuals, then they shall be afforded the protection owed to civilians, unless determined otherwise. He further discussed the concept of an “imminent threat”. An imminent threat does not imply that violence is guaranteed in the immediate future but threat to civilians may exist if a potential aggressor is believed to have the intent and the capacity to inflict physical violence. A threat of violence against civilians is imminent from the time it is identified until such a time that the mission can determine that the threat no longer exists. He also addressed the concept of “necessary action”. He reminded the participants that the host government bears the primary responsibility to ensure the security of civilians. That said, peacekeeping forces have the authority to take all steps, up to and including, the use of deadly force (as a last resort) to protect civilians under imminent threat. Necessary actions are not only military actions, they include a full range of civilian, police and military actions and may include any preventive, pre-emptive and responsive actions taken to avert, mitigate or respond to a known threat. He also stated that all PoC actions were ultimately limited to those which the peacekeeping force had the capability to tackle. This was in acknowledgment of the fact that not all military resources could be devoted to civilian protection.

He further discussed the difference between “opportunistic” and “strategic” violence as one of intent and not of type. He named the components of “protection” as physical, rights based, stabilisation and peacebuilding. Some commanders believe that they do not need to go beyond the text of the mandate, while others who follow the spirit rather than the text of the mandate and do not consider themselves narrowly bound. Whether one is the former or the latter type of a commander depends largely on whether the mission mandate is seen as a ceiling or a floor.

Col Sehgal went on to discuss gender dynamics and drew attention to both the particular vulnerability of women during a conflict and the unique role played by female peacekeepers in improving information gathering. He highlighted the distinction between CRSV and sexual exploitation and abuse (SEA) and said that the difference lies in the perpetrators. Explaining further, he said that CRSV is used when perpetrators belong to any of the armed groups, whereas SEA is used when peacekeepers themselves were the perpetrators. He discussed the other range of actions that peacekeepers are prohibited from engaging in, ranging from torture, attacking civilians or civilian objects to using their position as a peacekeeper for personal gains.

Col Sehgal then discussed the issues germane to PoC at the strategic, operational and tactical levels. At the strategic level, the PoC involves a three-tiered approach. The military component supports all three tiers even as it assumes a critical role in tier two. Though sequential in nature, nothing prohibits simultaneous engagement with all the three tiers. Tier one is concerned with dialogue and engagement – conducting a dialogue with the perpetrator, conflict resolution and mediation. Tier two is concerned with physical protection – the military and the police assume a central role here. Finally, tier three is concerned with establishing protective elements – environmental building activities and support to the political process and humanitarian activities are the core concerns in this tier.

There are a variety of enabling elements that need to be factored in at the strategic level and integrated assessment and planning which factors in PoC considerations is the most basic one. Further, force composition has to be tailored to the assigned task and terrain, weather and climatic conditions of the mission area need to be reviewed prior to determining force structure. Pre-deployment training is the responsibility of individual TCCs even as the training standards are established by the Department of Peacekeeping Operations (DPKO). Follow-up mission training is conducted by the Integrated Mission Training Centres (IMTC). He stated that the central dilemma in force disposition is that of striking a balance between the needs of ensuring

geographical coverage and maintaining an adequate reserve to retain the capability of responding to contingencies.

At the operational level, pro-activeness is extremely important. Prevention remains the most effective form of ensuring PoC and it simultaneously instills confidence in the public while deterring troublesome elements. The local force should prioritise different sectors and missions based on the gravity, scale and the likelihood of human rights violations and each region will have their unique challenges. He stated that it is imperative that there be coordination between the military and the non-military actors in the region. Early warning plans must be shared with all other actors so as to enhance situational awareness and training must be constantly imparted not just to be aware of local cultural sensitivities and gender dynamics, but also to be able to pick up on early warning indicators. He further highlighted that expectation management is also a vital task. Every deployed force must clarify its role and capabilities to the local population as they too need to be involved and informed of the constraints with which a peacekeeping mission operates. Expectation management must also be an integral part of the peacekeeping mission's communications strategy. Public information officers must be kept in the loop to ensure that a common and consistent message is projected to influence the target audience. Operational accountability is a constant imperative. All peacekeeping forces need to have a clear understanding of the Rules of Engagement (RoE) and must constantly rehearse PoC scenarios. The failure to use force in accordance with the RoE can convey a wrong impression to the armed groups operating in the area.

Activities at the tactical level comprise of four phases, which may be carried out simultaneously or independently of each other. Phase one is concerned with assurance and prevention and deployment and patrolling are conducted to ensure that the force's presence is felt. Routing battle drills and communication with civilians are also a part of this phase. Phase two comprises of pre-emption. Quick reaction forces are employed whenever heightened risk is detected. Phase three is the response phase. Direct military action is required in case of violence by an armed group. Lastly, phase four is the consolidation phase which primarily entails stabilisation activities following a crisis.

He stated that it is critical that there be no ambiguity amongst the troops at the tactical level about the content of RoE. Practice in the form of picture (scenario) painting and pocket cards (with essential information and basic warnings and commands in the local language) on their person must be encouraged. An early warning centre to which information from all sources is fed also needs to be set up and a check list of threat indicators should be maintained. A community alert network is indispensable for this task. Providing a dedicated communications

capacity to the vulnerable community is of immense help but it must be ensured that the identity of the individual who is carrying out correspondence from that particular community is not exposed. Further, the role of community liaison assistants and national staff provided by the civil affairs section (interpreter) is also crucial. It is preferable to employ a female community liaison assistant owing to the wider sources of information that can be tapped into by a female.

Col Sehgal reiterated that the consequences of failing to protect civilians is severe, at all levels. At the strategic level, there is a loss of support for the mission from the international community, at the operational level, the UN Field Mission loses credibility and risks losing the consent of the host nation and at the tactical level, there is human suffering and lack of local support resulting in low morale within the ranks of the UN contingent.

Modern peacekeeping operations grapple with many problems that afflict the foundational principles of peacekeeping. In the context of PoC, for instance, it is not always possible to have the consent of every insurgent group. Consequently, this principle has to be flexibly interpreted. Impartiality remains a cornerstone principle. However, impartiality has to be distinguished from neutrality. Humanitarian organisations, like the ICRC for instance, are neutral (the essence of which is to not be seen as partisan). However, deployed UN forces are not neutral, but impartial.

PROTECTION OF CIVILIANS – ICRC APPROACH

Pierre Gentile

Head of Protection Division, ICRC, Geneva

Pierre Gentile reiterated his previous assertion on the three ways protection can be conceived: protection as a set of legal obligations; protection as an overall objective; and protection as a concrete activity or a set of activities. He drew attention to the two issues that protection activities address:

- I. The way force is used – The focus here is both on the conduct of hostilities and on law enforcement; and
- II. The treatment of people – Freedom of movement, the return of internally displaced people (IDPs) and access to education and other services.

The following are the individuals and groups who are the objects of protection:

- I. Persons no longer participating in hostilities;
 - A. Civilians;

- B. Wounded and sick combatants; and
- C. Prisoner of war (POWs) and other persons deprived of freedom.

II. Persons/groups deemed to be in need for special protection:

- A. Population in Occupied Territories;
- B. Children, women, elderly, foreigners; and
- C. Refugees, migrants and IDPs.

The notion of “protection” has evolved over time. It originated following the Yugoslavian and the Rwandan genocides and 1999 was the first time that a peacekeeping mission was explicitly tasked with protecting civilians and in 2009, PoC was made a priority mandate. In 2010, DPKO and Department of Field Support (DFS) came up with an operational concept and in 2015 this became the DPKO-DFS policy on PoC. In 2018, a study was undertaken to review and address the gaps in the 2015 policy, reflect on new approaches and best practice and to provide policy and guidance on PoC in new and emerging contexts. The following is the operational concept for PoC:

“All necessary action, 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 to protect its civilians.”

Gentile stated that most UN peace operations have mandates and tools that are relevant to protection. For example, they include human rights components that serve as mission actors, while also representing the Office of the United Nations High Commissioner for Human Rights (OHCHR) and its human rights protection mandate. They generally monitor, report on and promote human rights and often work to strengthen national institutions involved in law enforcement and protection, with a view to enhance respect for the rule of law, which in turn, generates protection outcomes. In addition, UN peace operations and humanitarian organisations often undertake complementary protection activities, such as child protection and preventing and responding to gender-based violence. UN peace operations also frequently lead the implementation of the Security Council-mandated monitoring, analysis and reporting arrangements (MARA) on CRSV, and of the monitoring and reporting mechanism (MRM) on grave violations of children’s rights in situations of armed conflict.

Further, the UN Human Rights Due Diligence Policy (HRDDP) dictates that the UN will not provide support to national security forces when there are substantial grounds for believing that there is a real risk of such forces

committing grave violations of IHL or human rights law and where the relevant authorities fail to take the necessary corrective or mitigatory measures.

PoC mandate as part of peacekeeping operations consists of three tiers:

- Protection through political process;
- Providing protection from physical violence; and
- Establishing a protective environment.

In UNPKO, PoC is a “whole of mission” responsibility (i.e. involving the military, police and civilian components of a mission) and is implemented on three different/complementary levels, or “tiers”, as defined by DPKO:

Tier 1: Protection through dialogue and engagement: (mediation, reconciliation, prevention effort at political level). The ICRC is not involved in these activities. Specifically, these include:

- Dialogue with a perpetrator or potential perpetrator;
- Conflict resolution and mediation between parties to the conflict;
- Persuading the government and other relevant actors to intervene to protect civilians; and
- Public information and reporting on POC, and other initiatives that seek to protect civilians through public information, dialogue and direct engagement.

Tier 2: Provision of physical protection: These activities by the police and the military components of the peacekeeping mission involve the show or use of force to prevent, deter, pre-empt and respond to situations in which civilians are under threat of physical violence. There are four phases to this Preventive presence, monitoring of abuses, direct response to threat and final consolidation.

Activities in this tier may also include a range of other activities such as:

- Conducting medical evacuations;
- Patrolling;
- Ensuring freedom of movement;
- Contributing to creating the security conditions conducive to the delivery of humanitarian assistance;
- Taking measures to ensure security in and around IDP camps;

- Ensuring presence in areas where populations are most at risk as a preventive and early-warning strategy; and
- Contributing to improving the security and rule of law environment conducive to the safe, voluntary and dignified return of IDPs and refugees.

Tier 3: Establishment of a protective environment

Environment building activities are frequently programmatic in nature, broad and designed with committed resources for medium to long-term peace building objectives;

Presented as separate mandated tasks under country specific resolutions, these activities help to create a protective environment for civilians and are generally planned independently of the PoC mandate; and

Most of these activities are undertaken alongside or in coordination with programmes by the United Nations country team or Humanitarian country team and may include, in line with the mission's mandate as provided by the Security Council:

- Supporting the political process;
- Disarmament, demobilisation and reintegration of ex-combatants;
- Strengthening of the rule of law, including, through the promotion and protection of human rights, justice, and safe, secure and humane correctional facilities;
- Fighting impunity and strengthening accountability to deter potential perpetrators;
- Supporting security sector reform;
- Managing stockpiles and disposal of mines, arms and ammunitions;
- Putting an end to the illicit exploitation of natural resources;
- Contributing to creating conditions conducive to the voluntary, safe, dignified and sustainable return, local integration, or resettlement of refugees and IDPs;
- Supporting the participation of women in conflict prevention, conflict resolution and peacebuilding. Supporting the efforts of the host government towards inclusion of women in decision-making roles in post-conflict governance institutions;
- Help in the establishment of security conditions to facilitate delivery of humanitarian assistance;

- Coordinating and cooperating with UN agencies, funds and programmes to support the host government in designing youth employment and other relevant economic development activities;
- Supporting the process of compensation delivery and rehabilitation of victims; and
- The contribution of other mandated tasks, such as in the areas of security sector reform or child protection which may also fall into tier three.

He demonstrated how problem analysis provides a solid basis for protection activities. Problem analysis is based on the documentation of incidents and trends on the ground and the analyses of policies and their humanitarian consequences for the population.

He stated that for the ICRC, “protection”, in the broadest sense aims to ensure that authorities and other actors respect their obligations and the rights of individuals in order to preserve the lives, security, physical and moral integrity and dignity of those affected by armed conflicts and/or other situations of violence. It includes efforts that look to prevent or put a stop to actual or potential violations of IHL and other relevant bodies of law or norms that protect human beings. Protection also aims to eradicate the causes of violations, or the circumstances that lead to them, by addressing those responsible for the violations and those who may have influence over them. It also includes activities that seek to reinforce the security of individuals and indirectly, to reduce the threats they face and their exposure to risks.

All of the ICRC’s actions have one of two aims: to engage responsibility (of authorities) or to reduce vulnerability (of individuals). The ICRC accomplishes this through a combination of bilateral and confidential representations, development of the law, empowering individuals and communities and creating specially protected areas or conducting evacuations, if required.

When deployed in situations of armed conflict, UN peace operations are bound, at all times, by common Article 1 of the Geneva Conventions (GCs). This requires that all feasible measures be taken to induce parties to comply with IHL. This obligation, contained in common Article 1 of the GCs of 1949, implies, as a minimum, the duty of each party involved in an armed conflict to ensure respect of the GCs in all circumstances by its civilian and military authorities as well as by the members of its armed forces. The obligation to ensure respect for IHL in all circumstances also entails a negative duty for UN forces to not encourage any party to commit violations under IHL. Additionally, this requires UN forces to exert due diligence in choosing appropriate measures to induce

the parties to the armed conflict to comply with IHL. The obligation laid down in common Article 1 of the GC is binding upon UN forces as an expression of customary international law.

The ICRC engages proactively with UN forces and civilian components to share non-confidential information and analysis of protection risks. It may also share information about the specific needs of the civilian population that need to be protected in specific situations.

He concluded by stating that the professional standards governing protection reflect shared agreement among protection peers on baseline requirements for safe and effective protection work. They are the result of a very open consultative process which was followed when establishing the standards and the advisory group composed of both experts from humanitarian and human rights organisations. Based on the first consolidated draft which was finalised in January 2009, a broad consultation process took place from 2009 to 2013. The result was a new version of the professional standards with 59 standards and guidelines, and numerous explanatory notes capturing the main challenges.

PROTECTION OF CIVILIANS

SCENARIO-BASED TRAINING FOR MILITARY PEACEKEEPERS

INTRODUCTION TO SCENARIO 1

The first scenario was set in an environment where a multinational force is deployed as part of multidimensional peacekeeping mission. Appropriate legal framework in the form of a Status of Forces Agreement (SOFA), an MoU and a mandate under Chapter VII exists. RoE has also been clearly established. In this scenario, the UN battalion arrives at an unstable area with a history of violence against civilians which includes intercommunal violence, CRSV and conflict between undisciplined security forces and armed rebel and criminal groups. The UN force intends to conduct frequent mounted and dismounted patrols to maintain an active presence and improve security.

The battalion commander directs his staff to prepare a PoC checklist to help patrols identify and report on PoC issues. The checklists and plans should be based on the following issues :

- a. The indicators to assess the local situation;
- b. How can the Headquarters (HQ) systematically obtain and analyse information from patrols;

- c. Who are the other actors and stakeholders, and what are the programmes available to provide information and address CRSV in the unit's AO. Further, how can the units safely contact and coordinate with the other actors;
- d. What are the regimens that leaders and patrols should take to support PoC; and
- e. Other measures that the unit should adopt to address PoC.

The participants were divided into four syndicates and they separately discussed the given scenario with the help of two moderators assigned to each syndicate.

SOLUTIONS BY SYNDICATES

(a) The Indicators to assess the local situation

One of the syndicates proposed engaging in an information gathering exercise prior to determining the indicators. This exercise would look at past incidents such as burning of villages, killings, firing incidents and ascertain the problems facing the local population. Other syndicates felt that engaging in such an activity would take up too much time. They stated that it was possible to rely on indicators that sought to determine changes in the pattern of life. Relevant indicators would include vacation of certain places by the locals, damaged vegetation, a change in resources, a change in the behavior/attitude of the local population towards the patrols, a sudden drop in student attendance and the absence of women and children. One of the syndicates suggested a much more pro-active method of assessing the situation by setting up a network of dispersed checkpoints to check the local movement of troops or groups of people.

The moderators provided them with some guidance about the relevant metrics that may be relied upon. These included the willingness of the local population to engage in conversations, the local population engaging in normal activities (like going to the market etc.) and the presence of women in expected numbers. UN forces must also actively be on the lookout for evidence of victimisation, injury or mistreatment and must acquaint themselves with local police assessments and any recent history of violence.

(b) How can the HQ systematically obtain and analyse information from patrols

All the syndicates agree upon the measures that need to be adopted for this issue. The first requirement was to determine the Commanders Critical

Information Requirements. The need for specific tasking to the patrols before they moved out was reiterated time and again. Patrols need to be debriefed upon return and the information obtained by them needs to be collected in a systematised format. Separate mechanisms need to be established to obtain complaints from the civilian population, particularly from those working in schools and medical installations. Information also needs to be channeled from the higher HQs, the police, civilian and humanitarian agencies and the locals who work for the peacekeeping mission. All this information needs to be collated and in an established databank. Upon analysing this information, certain patterns and trends will reveal themselves. This information must then be passed on vertically and horizontally.

(c) Who are the other actors and stakeholders, and what are the programmes available to provide information and address CRSV in the unit's AO. Further, how can the units safely contact and coordinate with the other actors.

This too found large scale consensus among the syndicates. It was stated that there exist many international actors in the mission area, many of whom have been deployed in the region much longer than the UN forces. All the syndicates were in agreement that such actors (international and regional organisations, NGOs etc.) often have a deeper understanding of the local issues and actors and constitute an invaluable source of information which must be tapped into. Communication alert networks need to be set up and communication addresses must be shared as well. When providing a local source with the capacity to communicate with the UN forces, care must be taken to never interact publicly, lest the source's identity is compromised.

(d) What are the regimens that leaders and patrols should take to support PoC

All syndicates were in agreement as to the utility of patrols, quick impact projects, reliable communications equipment to ensure the submission of reports and the creation of a focal point for the exchange of information. One of the syndicates suggested that the UN forces must also conduct intelligence, surveillance and reconnaissance (ISR) which prompted a strong clarification from the moderators. It was explained that ISR is a strategic level function which may not be conducted at the level of the tactical commanders unless they were explicitly authorised to do so. Tactical commanders must confine themselves to collecting information through ordinary means. During the ensuing discussions it was also clarified that delegating authority is different from delegating responsibility. The delegation of authority is necessary to allow a soldier to react to rapidly changing circumstances. However, responsibility cannot be delegated. Responsibility ultimately lies with the higher command.

(e) Other measures that the unit should adopt to address PoC

All the syndicates agreed that surveillance and monitoring via patrols is a mainstay of the PoC mission. However, some syndicates suggested that the identification of vulnerable villages and areas would be a vital pre-condition to ensure the success of such patrols. The difference between long range missions (upto 72 hours), static combat deployments (one week to ten days) and the creation of a Tactical Operating Base (three to four months) were brought to the fore. The participants were reminded that the deployment of checkpoints far away from local bases may not be possible as that would entail an intrusion into host State functions. Some syndicates stressed upon the need to hone or acquire (if unavailable) a rapid reaction capability.

INTRODUCTION OF SCENARIO 2

The second scenario involved a squad sized patrol driving along a trail in an uninhabited area about three kms away from the nearest village. The squad spots a partially clad woman crawling towards the trail. She is in a state of shock but she tells the squad that four armed men wearing different uniforms abducted her while she was retrieving water and raped her some 500 mts away. The various syndicates were tasked with deliberating on and coming up with a plan of action addressing the following points:

- A. What actions should the patrol take;
- B. What is the basis for action according to the mandate and ROE; and
- C. What should the patrol commander do if the perpetrators are members of:
 - I. An armed rebel group, local security or military forces; and
 - II. What can the unit do to prevent sexual violence in areas where there is no local law enforcement to protect women.

PRESENTATION OF SOLUTIONS BY SYNDICATES

(a) What actions should the patrol take:

All the syndicates agreed that the local police and higher HQs should be informed of the incident after which two different courses of action can be taken. The first one relates to aiding the victim and the second one to the tracking and capturing of the perpetrators. The syndicates however differed on the question of whether the two tasks should be undertaken sequentially or simultaneously. A few felt that to split the patrol would be dangerous when confronting a similarly sized group and that a wiser option would be to focus on helping the victim while awaiting reinforcements from a higher formation.

Others felt that the patrol should be split with half escorting the female while the other half attempting to at least track down the perpetrators. One syndicate suggested that the local village head and the hospital be warned about the incident. The locals should not, however, be informed about the name of the victim (to ensure confidentiality) but should be warned to stay away from the area.

The syndicates also differed on the manner in which the victim must be treated. Some syndicates suggested that she should be given aid in the form of first aid and clothing. The moderators stepped in at this stage and drew the attention of the participants to the traumatic experience that the victim had just undergone and suggested that it might be a better suggestion to offer aid instead of giving it to her. A Post Exposure Prophylactic Kit (PEP) must be administered and a Woman Protection Adviser must be relied upon for further interactions. Some syndicates also suggested that the woman must be interrogated to obtain more information about the perpetrators. Other syndicates pointed out that such an interrogation is not a task that a squad of soldiers is trained to do. Further, she had already volunteered information about the perpetrators and there is sufficient information available to track and apprehend them.

(b) What is the basis for action according to the mandate and RoE:

Some syndicates felt that by virtue of being the first and the lone responder on the scene, they had a clear mandate to take action in this scenario. The other syndicates felt that RoE did not provide clear guidance about whether or not they could detain perpetrators. They were unclear whether the perpetrators constituted an “imminent threat” and were therefore unclear about whether or not they could use force to apprehend the perpetrators.

(c) What should the patrol commander do if the perpetrators are members of:

(i) An armed rebel group, local security or military forces:

Most suggested that if the perpetrators were members of an armed rebel group, they must be immediately arrested. However, if they belonged to local security or military forces, they should be cordoned off and an attempt should be made to disarm them. One syndicate expressed reservations about this course of action and was of the view that they could simply be detained until further instructions were received from the HQs.

At this stage, an ICRC expert stepped in to say that UN peacekeeping forces are not deployed to enforce peace. The situation at hand was now essentially a law

enforcement operation. He resorted to an analogy asking if such a crime was committed in Delhi, how acceptable would it be to have armed soldiers running through the streets to apprehend the perpetrators.

(ii) What can the unit do to prevent sexual violence in areas where there is no local law enforcement to protect women:

All the syndicates suggested that patrolling should be intensified, quick impact programmes be focused upon and specialised help be called for.

CONCLUDING SESSION

A discussion was held on a real-life inspired scenario during the session. The participants were told to consider a scenario in which rebels threw down their arms and came to the UN camp and asked if they would now be civilians. Next, if these very same participants subsequently attacked government forces and then the government forces came to the UN camp, would these individuals be civilians or not. Further, if these government forces counter-attacked and came back to the UN camp, would these individuals be civilians or combatants.

In the midst of these discussions, an Indian officer previously deployed as part of MONUSCO shared his experiences from Mirki. Following indeterminate skirmishes between rival rebel groups, one group fled and the other entered a civilian habitation. The Indian commander received orders from higher HQs to use lethal force to eliminate the 200 rebels who were firing indiscriminately inside the civilian habitation. As the UN forces moved into the village, the rebels occupied a church. The commander of the UN forces was mindful of the implication of the death of the 200 rebels, such as, collateral damage and desecration of a religious place of local importance. He employed his IFV (Infantry Fighting Vehicles) in a show of force and initiated negotiations with the rebel cadres. The rebels agreed to vacate the church and over the subsequent days the locals were sensitised, extensive day and night area domination patrols were carried out. Further, interactions were also held with the youth, the locals and a meeting was called with the governor's special representative and notables in the area. A series of surrenders from the local rebel cadres followed shortly thereafter.



Participants attending a breakout session during the workshop



The workshop was attended by participants from 23 countries



Participants at the workshop attending a presentation



Participants engaging in a scenario-based group exercise



A participant presents her team's findings at the end of a scenario-based group exercise



Participants attending a breakout session during the workshop



Jacques Lemay, ICRC speaks at a breakout session during the workshop



A participant from Kenya shares his views with fellow participants of the workshop

THURSDAY 19 DECEMBER 2018

INTRODUCTION TO CONFLICT RELATED SEXUAL VIOLENCE (CRSV)

Lieutenant Colonel Aparna Bisen

Indian Army

Lt Col Aparna Bisen began by describing the impact of sexual violence on different groups of people in the society and the various obligations incumbent upon members of peacekeeping forces to address the same. She explained that systematic CRSV has become widespread in modern-day conflict and the likelihood of UN peacekeepers being confronted with this type of violence is common. In 2015, over 44,000 cases of CRSV were reported from ten conflict-ridden countries. However, these numbers do not represent the actual number of cases since it is estimated that for each case of rape which is reported in connection with a conflict, as many as ten to 20 cases go unreported.

Absence of reports of sexual violence does not mean such incidents do not take place. Sexual violence in conflict settings is often invisible, but rarely non-existent. In 2016, the UN Secretary General reported CRSV in 19 countries including: Afghanistan, CAR, Colombia, DRC, Iraq, Libya, Mali, Myanmar, Somalia, South Sudan, Sudan (Darfur), Syria, Yemen, etc. Currently, ongoing armed conflicts in Iraq, Syria, Somalia, Nigeria and Mali are witnessing a “catastrophic” new trend of extremist groups using sexual violence as a tactic of terror.

She explained the concept of gender perspective with the following points:

- I. Owing to gender differences between men and women, it is important to apply a gender perspective to the scenario at hand as a peacekeeper;
- II. To have a gender perspective is to take into account the whole population: men, women, boys and girls and to have the ability to detect if and when men, women, boys and girls, and anyone else is being affected differently by a situation due to their gender. Peacekeepers need to be alive to these differences, since differing needs require tailored responses; and
- III. An UN peacekeeper needs to integrate concerns and experiences of women and men into their work decisions so that women and men benefit equally and inequality is not perpetuated.

She pointed out that while sex is a universal constant, gender is decided on socially constructed norms which bind us into performing stereotypical roles. This has a direct impact on vulnerability, especially in areas affected by conflict.

We start making assumptions about members of our own or opposite sex and this is generally disempowering for both men and women because stereotypes reinforce gendered ideas and expectations.

She further stated that sexual violence is used as a tool of terror during conflicts. The aim of CRSV is to instill fear and to humiliate. CRSV affects women, girls, men and boys alike and its victims are stigmatised and isolated. Gender sensitisation is important in order to protect these victims from physical, psychological and socio-economic consequences. Perpetrators of CRSV can be members of rebel groups as well as military forces and are usually in positions of power. Consequently, attention must be paid to both state and non-state actors when addressing CRSV. Of the 14,200 cases of rape, reported in the DRC, in a certain time frame, action was initiated only against 2% of the perpetrators. Men too find themselves victimised but because of intense stigma, reporting rates are even lower. In many cases, where the perpetrator belongs to the peacekeeping forces, the atrocities go unreported.

She stated that IHL, IHRL, national laws and special mission mandates are focused on CRSV. In 2008, CRSV was recognised as a tactic of war by the UNSC Resolution 1820. Measures such as hotspot mapping, early warning indicators, conducting gender analysis and deployment of women protection advisors (WPA) help prevent CRSV. The focus of peacekeeping forces must be on preventing CRSV as providing curative support after the atrocities have already been committed can be impractical.

She then described the comprehensive framework of the UN to combat CRSV:

- I. A mission structure has three mission components: Military, Police and Civilian. These components work towards a common goal and operate under the same mandate and the work of each component affects the activities of the other components.
- II. The UN also expects peacekeeping personnel to work with the UN country team, with national and external partners, particularly humanitarian actors.
- III. Military observers act as the “eyes and ears” of the mission. They can collect valuable information to be shared with other components. For example, when military peacekeepers report about a case of sexual violence against a female child, WPA and child protection advisors (CPA) can then step in.
- IV. Preventing and responding to CRSV is a mission-wide responsibility. The following are the civilian units which work on CRSV issues with whom peacekeeping forces must be coordinate:

- WPA;
 - Gender Advisory Unit or Team (Gender Unit); and
 - CPA.
- V. It is crucial to collect and report early warning data on CRSV to the Joint Mission Analysis Centre (JMAC). This body compiles information from internal and external sources, monitors emerging security threats, identifies security gaps and uses “hot-spot” assessments. The joint operations centre (JOC) and JMAC are central to the successful prevention of CRSV.
- VI. All UN offices, agencies, funds and programmes in a country work together to form the UN country team (UNCT). UN partners are active in conflict prevention, recovery and development, immediately after a conflict. Their presence in a country is usually continuous. The UNCT is important because it provides a valuable resource to any peacekeeping operation.
- VII. The UN provides certain services to victims of CRSV. The Force Commander and the Force HQ Staff are expected to liaise with the elements of the UNCT and coordinate functions, security and information. Mission WPAs, substantive experts/advisors and representatives of military and police components at the HQ and regional/provincial levels take part in coordination meetings on CRSV with country-level lead agencies such as UNHCR, OHCHR and UNICEF.
- VIII. Another important factor is establishing and maintaining effective contact and communication with national partners which include state actors, armed groups and non-state actors.

Peacekeepers must encourage national and local leaders, including religious leaders to play a more active role in sensitising communities about sexual violence, so as to avoid the marginalisation and stigmatisation of the survivors and to assist with their social reintegration. She concluded by emphasising upon the need to adopt a gender sensitive and survivor centric approach whenever conducting CRSV training.

COMMENTS

The participants enquired about the measures adopted by the Indian Army to prevent CRSV. She informed the participant about the various training modules, the opportunity for going on deputation and regular sensitisation of troops that is undertaken by the Indian Army.

CRSV – ICRC APPROACH

Pierre Gentile

Head of Protection Division, ICRC, Geneva

Pierre Gentile commenced by stating that sexual violence is a silent crime, driven by strong cultural influences. It leads to the invisibility of victims and has a lasting effect on the community. He emphasised on the disparity between the number of CRSV crimes and cases which are actually reported. In the case of male victims of sexual violence, 96% of the incidents go unreported. It is important for UN peacekeeping forces to understand why such victims do not come forward with their grievances.

Gentile explained the many factors which prevent a survivor from accessing care. These are:

- I. Lack of awareness:** Survivors are often unaware of the potential health consequences of sexual violence and about the availability of medical services and structures in their area.
- II. Social repercussions and subsequent security concerns:** There exists fear that identification will lead to retaliation, stigmatisation, rejection, isolation and even re-victimisation. Prevalence of victim-blaming attitude creates a sense of shame in the survivor.
- III. Logistical barriers:** Safety risks exist as healthcare centres are far from where the civilians reside. An insecure environment due to harassment at checkpoints, coupled with the absence of transportation facilities also makes survivors reluctant to seek aid.
- IV. Criminalisation/ legal considerations:** Lack of recognition of survivors within legal structures often has grave consequences, especially for men and boys. It must be noted that irregular migration status leads to lack of access to justice in the first place. Furthermore, anti-homosexuality laws impact male survivors adversely. On the other hand, female survivors of sexual violence are commonly accused of adultery (“zina”). In any event the risk of administrative detention is always there. Lastly, there also exists laws that exonerate perpetrators who marry survivor.

Gentile emphasised that understanding survivors of sexual violence requires the relevant authority to be respectful towards them ensuring consent and not be provocative or harmful. Members of armed forces need to understand that sexual violence, which amounts to serious violations, entails individual criminal responsibility. In both international & non-international armed

conflicts, rape and sexual violence constitute a war crime and may also qualify as a “Crime against Humanity” or “Genocide”.

In his recommendations, he focused on the need to ensure unimpeded movement and constant access to survivors. He explained that this is possible only if the peacekeepers are alert and are patrolling areas which are risky for civilians. He also emphasised the importance of creating awareness against discrimination and preventing access to health care services.

Finally, Gentile elaborated on ‘removal of burden of proof’. Until recently, cases of CRSV were not recorded if there was no proof, which was often the case when survivors refused to come forward. However, now the ICRC has adopted a multidisciplinary and holistic approach. As per the ‘removal of burden of proof’ concept, an authority that denies either the need for the search and rescue of survivors or conducting an investigation into cases of CRSV, must prove the credibility of such a denial beforehand.

Policies should focus on the needs of the individual, the community, and the environment with access to integrated care, for example, hospital care, economic security and protection. He concluded his presentation by ensuring the audience that prevention of CRSV is feasible and not impractical.

COMMENTS

Gentile enquired of the participants about the measures that can be taken by UN peacekeepers to reduce sexual violence in camps. The participants talked about basic awareness and education whereby people are taught to respect women and made aware that sexual violence is a crime. Some participants highlighted the importance of setting examples which emphasises UN’s zero-tolerance policy for sexual exploitation and abuse. Others were of the opinion that training and informing families about who can enter and leave the premises is necessary. Everyone acknowledged that being alert and not leaving civilians alone is also an important measure for preventing sexual violence.

A participant asked Gentile to speak about the public outcry against sexual exploitation and abuse in the United States. Gentile drew attention to the aspect of perception and explained that owing to the ‘#Metoo’ movement, women have been able to speak out against abusers without fear of being socially ostracised.

Another participant cited the example of DRC where it was the national police which had committed acts of sexual violence. Similarly, another participant

enquired about measures to reduce sexual violence which is perpetrated by the UN forces. Gentile said that support for the perpetrator by the TCC lay at the root of the problem and regaining the trust of the community that they had been deployed to protect becomes the foremost task in such a situation. He advised the participants to talk to civilians in a respectful manner whenever there is a suspicion of something being amiss.

PREVENTION & RESPONSE TO CONFLICT RELATED SEXUAL VIOLENCE: SCENARIO-BASED TRAINING FOR MILITARY PEACEKEEPERS

SCENARIO 1

A weekly market is regularly threatened by armed groups, who are looting, killing, abducting women and girls and are raping women on their way to their homes in the hills and to the market. The police is incapable of taking action. In the past, the commander of the local security forces has refused to take action when called upon by MONUSCO. Two young girls are raped in the village, abducted and taken to the forest. On the same day, a group of four women are raped on their way to the market, while another manages to escape. She knows where the perpetrators live and reports the incident to the village elder, who passes the information on to the UN forces deployed in the area and asks the company commander to help rescue the other two girls.

SOLUTIONS BY SYNDICATES

The first syndicate noted that the UN enjoys faith if the local community in this scenario as the village elder has approached the UN peacekeeping forces. They state that this trust should not be squandered by delaying necessary action. Another syndicate agreed that while coordination with higher HQs is important, the immediate focus should be on negotiation with, or even disarming the rebels. Another syndicate stated that after informing certain NGOs like Human Rights Watch, the victims must be evacuated to the nearest UN base. The syndicates also spoke about the importance of psychological assistance to the survivors as well as their family members. The syndicates proposed that gender analysis and hotspot mapping of vulnerable areas should be conducted and merging that with intensified patrolling and better communication between villages. This will help in the prevention of similar cases in the future.

SCENARIO 2

The Forces Democratiques de Liberation du Rwanda (FDLR), the primary remnant Rwandan rebel group in eastern DRC has been involved in fighting

the DRC forces since its formation in 2000, and is composed almost entirely of ethnic Hutus opposed to Tutsi rule and their influence in the region. In this scenario, a group of approximately 50 FDLR fighters enter a village in the evening. While most of the men manage to flee, 47 women and girls are held and brutally raped. Following the mass rape, the FDLR fighters lock the women and girls inside their huts and burn them alive. The rebels leave and disappear into the bush. When the men return to the burned down village, they alert the local police and the closest MONUSCO company location. They claim to know where the FDLR camp is located. FARDC units in the area are not unified, still in the process of reorganising, and poorly equipped.

SOLUTIONS BY SYNDICATES

The syndicates drew attention to the size of the FDLR group (50 fighters) and stated that this was a potent enough force to constitute an imminent threat. Consequently, capturing the belligerents and securing the area should be the foremost priority for the UN forces. It was a commonly agreed upon that while higher HQs should be informed by the company commander, the company commander must seize the initiative to take prompt action. Given the clear quantitative and qualitative superiority of the UN forces in the region, there was no reason why the company commander should not act decisively. Should the perpetrators be captured, it was agreed that the UN forces could keep them in detention, till such a time, that the local authorities were able to organise themselves properly.

In order to prevent such events from recurring in the future, it was agreed that measures would have to be taken at every level and not just by the UN forces, but also by all other actors including the humanitarian actors. One syndicate focused extensively on both the need to inculcate respect for the laws of the war and for UN forces to pay particular attention to “Presence, Posture and Profile”, to influence the actions of the target audiences. The identification of easy targets and teaching residents to make noise in any possible manner (be it through torches or telephones) would help future UN responses in being faster and focused.

FRIDAY, 21 DECEMBER 2018

INTRODUCTION TO CHILD PROTECTION (CP)

Lieutenant Colonel Manoj Kumar

Indian Army

Lt Col Manoj Kumar informed the participants that children are at a greater risk than adults in an armed conflict. They are particularly susceptible to forced labour, sexual abuse, trafficking and forced recruitment into state and non-state armed groups. He stated that the Graca Machel report, “The Impact of Armed Conflict on Children”, (1996) documented the impact of war on children and drew attention to the many UNSC resolutions which have conferred responsibilities on peacekeeping forces for child protection:

- I. UNSC Resolution 1261 (1999): The first resolution to pay dedicated attention to the phenomenon of child soldiers. All peacekeepers were to be trained on child protection.
- II. UNSC Resolution 1612 (2005): This called upon the UN Secretary General to implement the monitoring and reporting mechanism on the use of child soldiers.
- III. UNSC Resolution 1882 (2009): This expanded the list of activities which were included in the UN Secretary General’s reports on children in armed conflict. Killing, maiming and rape and/or sexual violence were included in this list.
- IV. UNSC Resolution 1998 (2011): This declared schools and hospitals off limits for military activities. Attacks on schools or hospitals were henceforth to be included in the UN Secretary General’s reports on children in armed conflict.
- V. UNSC Resolution 2143 (2014): This reaffirmed the urgency of child protection and monitoring and reporting in peacekeeping missions and emphasised the importance of providing military, police and civilian peacekeepers with adequate pre-deployment and in-mission training on mission specific child protection issues.

He also drew the participants’ attention to Article 1 of the UN Convention on the Rights of the Child (CRC) which states that a child is “every human being below the age of 18 years”. He further informed that DPKO and DFS have a policy on the prohibition of child labour in UNPKO. This policy states that children below the age of 18 may not be employed as labour or to tender any kind of service

to UN peacekeepers. Children are not allowed on any UN premises, camps or facilities for such purposes.

For UN peacekeepers, sexual activity with any child is not permitted even if deemed consensual. Further, misconduct will result in disciplinary action which might include termination, repatriation, criminal proceedings and financial liability.

He discussed the process of interrogating children and photographing them. He explained that interrogating children who are victims of trauma is not a recommended course of action. He stated that while photography is permitted, in general, photographs with the victims who are children are not allowed as they may be misused. Further, any information relating to child protection needs to be conveyed to senior officers immediately. CPAs have been trained to communicate and interact with children and are the first point of contact for such purposes.

He recounted the six grave violations:

- I. Killing and maiming;
- II. Abductions;
- III. Rape and sexual violence;
- IV. Recruitment and use of child soldiers;
- V. Attacks against schools and hospitals; and
- VI. Denial of humanitarian access.

Following this, he provided an overview of the international framework for the protection of children in armed conflicts:

i. International Legal Framework

- International Human Rights & Humanitarian Laws;
- Treaties related to child protection; and
- Conventions related to child protection.

ii. Security Council Framework

- Resolutions on children and armed conflict; and
- Child protection provisions in peacekeeping mission mandates.

iii. DPKO/DFS Framework

- Policies related to child protection; and
- Prohibition of SEA and child labour.

IHL applies in both the times of war and peace and to all human beings. IHL, by contrast, applies only during the times of armed conflict. It aims to limit the negative impact of armed conflict, especially on civilians and those who are no longer participating in hostilities. It also restricts the means and methods of warfare. International instruments in which child protection rights are codified are:

- I. The UN Convention on the Rights of the Child (1989);
- II. The Optional Protocol on Children and Armed Conflict (2000): This prohibits the compulsory recruitment of persons under the age of 18 into national armed forces;
- III. The GCs (1949) and Additional Protocols (1977) explicitly provide for protection of children. These provisions state that:
 - Children should not be the objects of attack;
 - Children are entitled to special protection, care and aid;
 - Children must be evacuated from besieged or encircled areas;
 - If detained or interned, children must be held in separate quarters from adults; and
 - prohibits child recruitment, child participation in hostilities and the death penalty on children under 18 years of age.
- IV. The International Labour Organization (ILO) Convention 182 of 1999, prohibits and eliminates the worst forms of child labour including forced and compulsory recruitment for use in hostilities; and
- V. The Mine Ban Treaty of 1997 and the Convention on Cluster Munitions of 2008 ban the use of mines and cluster munitions, respectively. They offer specific provisions for risk education, and gender and age appropriate survivor assistance for affected individuals (children) and communities.

CHILD PROTECTION – ICRC APPROACH

Supriya Rao

Legal Adviser, ICRC, New Delhi

Supriya Rao explained that in 1999, the UN Secretary General bulletin clarified that the fundamental principles and rules of IHL are applicable to UN forces are actively engaged as combatants in situations of armed conflict and they are also applicable in peacekeeping operations. The UNSC Resolution 1379 (2001), called for inclusion of child protection provisions in the mandates of UN peace operations and the deployment of CPAs. The DPKO Policy on Child Protection, 2017 states that peace operations personnel shall implement and respect the international norms and standards for protecting children in an armed conflict.

The Vancouver Principles, 2017 contain commitments endorsed by 70 states and address child protection provisions in all UN peacekeeping mandates in line with applicable IHRL and IHL.

She addressed the following issues:

1. Use and recruitment of children in armed conflict as per the disarmament, demobilization, and reintegration (DDR) processes;
2. Prosecution and detention of children associated with armed forces/armed groups; and
3. Children's access to education in armed conflict (the Safe Schools Declaration).

She stated that around 300,000 children, all over the world, under the age of 18 are used in combat, as well as in supportive roles and gave an overview of the pertinent international legal framework:

- I. Article 77(2) of the Additional Protocol to the GC, 1949 relating to the Protection of Victims of International Armed Conflicts (Protocol I) (1977):** "The Parties to the conflict shall take all feasible measures in order that children who have not attained the age of 15 years do not take a direct part in hostilities and, in particular, they shall refrain from recruiting them into their armed forces. In recruiting among those persons who have attained the age of 15 years but who have not attained the age of 18 years, the Parties to the conflict shall endeavour to give priority to those who are oldest."
- II. Article 4(3)(c) of the Additional Protocol to the GC, 1949 relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II) (1977):** "Children who have not attained the age of 15 years shall neither be recruited in armed forces or groups nor allowed to take part in hostilities."
- III. Article 38 of the CRC:** State parties shall take all feasible measures to ensure that persons who have not attained the age of 15 years do not take a direct part in hostilities.
- IV. Article 8 (2)(b) and Article 8(2)(e) of the Rome Statute:** Conscribing or enlisting children under the age of 15 years into the national armed forces or using them to participate actively in hostilities as a war crime.
- V. ILO Convention No. 182 on the Worst Forms of Child Labour (1999):** This applies to all individuals below the age of 18. Article 3 states that for the purposes of the Convention, the term 'the worst forms of child labour' comprises (...) forced or compulsory labour, including forced or compulsory

recruitment of children for use in armed conflict. Article 7(1) provides that, “Each Member shall take all necessary measures to ensure the effective implementation and enforcement of the provisions giving effect to this Convention including the provision and application of penal sanctions or, as appropriate, other sanctions.”

VI. The Optional Protocol to the CRC on the involvement of children in armed conflict (2000): State parties must take all feasible measures to ensure that the members of their armed forces who have not attained the age of 18 years, do not take a direct part in hostilities. Article 2 requires State parties to ensure that persons who have not attained the age of 18 years are not compulsorily recruited into their armed forces. As per Article 3(3), State parties which permit voluntary recruitment into their national armed forces of those under the age of 18 years, shall maintain safeguards to ensure, as a minimum, that:

- a. Such recruitment is genuinely voluntary;
- b. Such recruitment is carried out with the informed consent of the person’s parents or legal guardians;
- c. Such persons are fully informed of the duties involved in such military service; and
- d. Such persons provide reliable proof of age prior to acceptance into national military service.

Article 4 requires that armed groups that are distinct from the armed forces of a State, to not, under any circumstances, recruit or use persons under the age of 18 years in hostilities.

ICC Trial Chamber I, Situation in the Democratic Republic of the Congo, *Prosecutor v. Thomas Lubanga Dyilo*, clarified that the term ‘*use to participate actively in hostilities*’ was defined to include “a wide range of activities, from the children on the front line through those involved in myriad roles that support the combatants.” The decisive factor in determining if an ‘indirect’ role is to be treated as active participation in hostilities is whether the support provided by the child to the combatants exposed him or her to real danger as a potential target.” These combined factors – the child’s support and the level of consequential risk – means that, although absent from the immediate scene of the hostilities, the individual was nonetheless actively involved in them.

The Special Court for Sierra Leone Trial Chamber II, *Prosecutor v. Charles Ghankay Taylor* said that ‘*using children to participate actively in hostilities*’, “encompasses putting their lives directly at risk in combat, but may also

include participation in activities linked to combat”. The Trial Chamber further added, “Whether a child is actively participating in hostilities in such situations will be assessed on a case-by-case basis.”

Rao referred to the legal basis for DDR, which can be found in Article 39 of the CRC, Article 7 OPAC, and is also mentioned in Article 12 of the Vancouver Principles. She discussed how community-based approaches reduce the risk of recruitment, including re-recruitment, and also reduce stigmatisation on return. She further told the participants that girls represent approximately 40 per cent of the children recruited by armed forces/armed groups. Yet, a much smaller percentage actually pass through DDR programmes.

With respect to children associated with armed forces/armed groups who are facing prosecution, the most important point to bear in mind is that children should be regarded primarily as victims and not perpetrators. As provided in Article 6(5) of Additional Protocol II, States should refrain from prosecuting children for mere association and consider giving them amnesty. If a child is accused of an IHL violation, he shall be prosecuted according to internationally recognised standards of juvenile justice. States shall fix the minimum age of criminal responsibility, but this should not be less than 12. It is prohibited to sentence children to death {Article 37(a) of the CRC and Article 6(5) of the International Covenant on Civil and Political Rights (ICCPR)} or to life imprisonment without the possibility of release.

Children temporarily detained by peace keeping operations are to be treated in a manner consistent with international norms. These include:

- I. Detention only as a measure of last resort and for the shortest time possible as per Article 37 (b) and (d), CRC;
- II. Prohibition of torture/cruel, inhuman or degrading treatment as per Common Article 3 and other IHRL instruments;
- III. Solitary confinement prohibited by the GCs and General Recommendation 10;
- IV. Maintaining family links as per Article 9(3) CRC; and
- V. Children should be separated from adult detainees, except where families are accommodated as family units.

She stated that in 22 countries affected by conflict, nearly 24 million children are currently out-of-school. Education is a “lifesaving” factor and 99% of children in crisis situations see education as a priority. Parents, caregivers and communities also consider education as an essential need that should be provided alongside safety, food, shelter and water. The protective character of

education leads to decreased risk of harmful coping strategies such as child labour, early marriages. In this regard, IHL aims to ensure the continuance of education through the course of armed conflict through the following structures:

- I. International Armed Conflict (IAC);
 - All children under 15, orphaned or separated as a result of war (Article 24 of GC IV)
 - Occupation (Article 50 of GC IV)
 - Civilian internment (Art 94, 108)
 - Evacuation of children (Art 78 of Additional Protocol I)
 - Obligation to provide ICRC permission to access all facilities for visiting internees and prisoners of war, including to distribute material intended for educational purposes (Article 142 GC IV, Article 125 GC III)
- II. Non-International Armed Conflict (NIAC);
 - Children must receive an education (Art 4.3(a) APII)
- III. Customary IHL (IAC/NIAC); and
 - Children entitled to special respect and protection, which can include access to education (Rule 135 CIHL, Art. 14 GC IV, and Art. 4.3 Additional Protocol II)
- IV. Military use of schools not prohibited as such under IHL, however, there are restrictions which derive from IHL.

Rao briefed the participants on the 'safe schools' process which is an external initiative of the Global Coalition to Protect Education from Attack. Although the ICRC is not a part of this Global Coalition, it has helped in drafting the guidelines for the process. The safe schools guidelines state:

- I. Guideline 1:** Functioning schools and universities should not be used for military purposes;
- II. Guideline 2:** Abandoned schools and universities should not be used for military purposes, except in extenuating circumstances where no other options are available;
- III. Guideline 3:** Schools and universities must never be destroyed with the intention to deprive opposing parties to use them in the future;
- IV. Guideline 4:** While schools or universities used for military purposes may constitute a military objective, parties should consider all alternative measures before attacking them;

- V. Guideline 5:** Fighting forces should not be employed to provide security for schools and universities; and
- VI. Guideline 6:** All parties to armed conflict should incorporate these Guidelines into their doctrine, military manuals, rules of engagement, operational orders and other means.

PRESENTATION OF SOLUTIONS BY SYNDICATES

SNAP SITUATION I

A patrol on its way to meet their commander encounters a checkpoint with ten host government soldiers. It is apparent that two of these soldiers are children. How is the patrol to react?

Some participants were of the view that photographs be taken, with one of them even suggesting that a selfie be taken. Other participants pointed out that such an action might result in the children having to face certain consequences. Finally, it was suggested that if the children were to be photographed, then it must be done discreetly. Participants also suggested that the onus of taking action does not lie with the UN forces and the matter should be handed over to UNICEF. Concluding, the moderator commented on the importance of having a best possible combination for patrolling. It was pointed out that, it is not feasible that only an interpreter and a medic are taken on as extra members.

SNAP SITUATION II

A patrol encounters four child soldiers from a known rebel faction guarding a checkpoint. These child soldiers refuse the patrol its freedom of movement by insisting that the patrol pay a road tax. They seem to be intoxicated.

Participants stated that the patrol should obtain the details of the children, inform the HQs and use force, if they become violent. Others stated that it is generally not feasible to call in the police in such an environment. Some suggested that the soldiers manning the checkpoint would simply back down on seeing the strength of the patrol while other stated that the patrol should attempt to negotiate and a lady officer to conduct negotiations can be particularly useful in situations such as this. Sharing experiences from Africa, one participant recounted that while patrolling, an area controlled by a particular faction, they would always patrol with a representative from that faction.

Concluding, the moderator stated that the patrol would not pay road tax to anyone. He reminded the participants that SOFA encompasses freedom of movement. All patrolling plans are submitted to the local government and forces at least 72 hours beforehand. Within the area of operations, peacekeeping forces have complete freedom of movement. If the rebels are unarmed, then an attempt should be made to speak to the soldiers at the checkpoint in the local language. If required, they should be detained. If they are unwilling to do so, then the patrol must wait for the other agencies in that location to arrive. If they are armed, then the basic tactical drills must be followed. The patrol members should take cover and speak to the rebels in a language that they understand. The patrol should contact the local authorities. If this does not yield the desired result, then the faction leaders should be contacted. If nothing else works, the rebels should be overpowered.

SNAP SITUATION III

A child is moving aggressively towards a patrol. What should be the response of the patrol?

Without exception, the participants stated that they would do a combination of the following: fire immediately, give a warning and open fire, take cover and then fire warning shots before shooting to kill. The moderators pointed out that the child could very well be intoxicated or he/she could even be escaping or seeking safety. Till the time that the child soldier does not open fire, the patrol must not fire back. Even then, the response must be gradual and the firing should be done with the aim of injuring and not killing the child. Where the child's rifle is located, would also be a pertinent fact in determining whether or not the child constitutes an imminent threat. If the child is running with the rifle to his/her side, then he might not constitute an imminent threat. If, however, he/she were to draw his/her weapon, that would constitute an imminent threat.

SNAP SITUATION IV

As a participant is walking around the unit compound, they notice a UN officer talking to two teenage girls after giving them boxes of food. After a while, the participant sees them leave together. How would the participant respond?

One participant said that he would immediately task the Quick Reaction Team with intercepting the said officer. He would try to save the girls and then hand over the UN officer to the authorities. Another participant disagreed and said that he would first try to talk to the individual and ascertain his intentions. Most of the other participants stated that they would take down his car

description, check with the police in the area or report him immediately. One of the participants also said that, irrespective of what his intentions are, as a UN peacekeeping official, he is not supposed to take civilians in his car which is why he must be reported promptly.

OPEN HOUSE DISCUSSION

Questions relating to interpersonal interactions by peacekeepers were raised. The participants were informed that it is permitted for peacekeepers to have friends, but they must meet them outside their place of work. Meeting friends at their houses is not recommended. For a UN officer to be seen as fraternising with one section of the local populace has obvious implications for the impartial image of the mission.

A video by Ban Ki Moon on the importance of PoC was also the subject of discussions. It was well acknowledged that PoC is a host State responsibility. However, exactly what constituted imminent threat with respect to the UN forces capabilities and area of deployment became a subject of much discussion. The UN's role is geared towards creating conditions that will allow them to leave. To this end, a strategic framework and a mission wide protection strategy is imperative. Those deployed on peacekeeping operations have to understand who is vulnerable and why, who is threatening the civilians and why, how are the civilians vulnerable and what are the capabilities of the threatening group. The cluster system, which exists to improve coordination between UN agencies involved in helping with the humanitarian efforts, was also discussed.

The role played by humanitarian actors was also the subject of intense exchange during the course of the workshop. Some humanitarian actors are limited in terms of the information that they can share. For example, the ICRC. The organisation is compelled to act in this manner so that it can continue to be seen as independent and neutral by all the involved parties.

EVALUATION AND FEEDBACK

Many participants expressed their appreciation for the presence of the ICRC, which they felt had been very helpful and educational. It was expressed that an increased focus on child related issues would be beneficial for the participants. The varying ranks of the participants at the workshop was due to the diversity of armed forces around the world. The organisers selected candidates based on their functional responsibilities.

CLOSING REMARKS

Brigadier A Sengupta, YSM

DDG SD (A), Indian Army

Brig Sengupta highlighted that PoC missions have grown since 2000 and are now a crucial part of peacekeeping missions. He stated that the various plenary sessions and syndicate scenarios of this workshop aimed to generate clarity about the many facets of PoC mission. It was meant to acquaint the participants with the many legal issues inherent in PoC missions and to familiarise them with the practical aspects of real-world challenges.

REMARKS BY THE ICRC

Yves Heller

Deputy Head of Regional Delegation, ICRC New Delhi

Yves Heller thanked all the participants. Highlighting the different facets of ICRC's work with peacekeeping missions, he stated that maintaining neutrality was essential to ensuring that it continued to act as the guardians of the Geneva Convention.

VOTE OF THANKS

Major General Sajiv Jetley (Retd.)

Head of Department (Armed and Security Forces) ICRC New Delhi

Major General Jetley applauded the commendable contribution of the participants and stated that the thought-provoking deliberations had added to the learning process of all those present through the week. He thanked CUNPK and ICRC for organising the workshop.

Glossary

CIHL	Customary International Humanitarian Law
CP	Child Protection
CRSV	Conflict Related Sexual Violence
CPX	Command Post Exercise
CRC	Convention on the Rights of the Child
CUNPK	Centre for United Nations Peacekeeping
DDR	Disarmament, Demobilisation, and Reintegration
DFS	Department of Field Support
DPKO	Department of Peacekeeping Operations
FTX	Field Training Exercises
GC	Geneva Conventions
HQ	Headquarters
IAPTC	International Association of Peacekeeping Training Centres
IAC	International Armed Conflict
ICRC	International Committee of the Red Cross
IDP	Internally Displaced Persons
IED	Improvised Explosive Device
IHL	International Humanitarian Law
IHRL	International Human Rights Law
INDBATT	Indian Army Infantry Battalion Group
INDRBB	Indian Rapid Deployment Battalion
ICCPR	International Covenant on Civil and Political Rights
ILO	International Labour Organization
ISR	Intelligence Surveillance and Reconnaissance
JMAC	Joint Mission Analysis Centre
JOC	Joint Operations Centre
MINUSMA	United Nations Multi-dimensional Integrated Stabilization Mission in Mali
MNJTF	Multinational Joint Task Force

Glossary

NGO	Non-Governmental Organisation
NIAC	Non-International Armed Conflict
MARA	Monitoring, Analysis and Reporting Arrangements
MONUSCO	United Nations Organization Stabilization Mission in the Democratic Republic of the Congo
MRM	Monitoring and Reporting Mechanism
MoU	Memorandum of Understanding
OHCHR	Office of the United Nations High Commissioner for Human Rights
OPAC	Optional Protocol on the Involvement of Children in Armed Conflict
PEP	Post Exposure Prophylactic Kit
PoC	Protection of Civilians
RoE	Rules of Engagement
SEA	Sexual Exploitation and Abuse
SOFA	Status of Forces Agreement
SRSG	Special Representative of the Secretary General
TTX	Table Top Exercises
UN	United Nations
UNCT	UN Country Team
UNDOF	United Nations Disengagement Observer Force
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations International Children's Emergency Fund
UNIFEM	United Nations Development Fund for Women
UNIFIL	United Nations Interim Force in Lebanon
UNMISS	United Nations Mission in South Sudan
UNSC	United Nations Security Council
UNPKO	United Nations Peacekeeping Operations
WPA	Women Protection Advisors

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NOTES

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The International Committee of the Red Cross (ICRC) is an independent and non-political organisation with a large scope of strictly humanitarian activities which it undertakes through its presence in over 80 countries around the world. It has a universally recognised responsibility to promote international humanitarian law (IHL) and to respond to the needs of people affected by situations of humanitarian concern, in particular armed conflict and violence.

Working in partnership with National Red Cross and Red Crescent Societies, local authorities and others, the ICRC provides humanitarian aid and expertise in areas such as: international humanitarian law, emergency response, health and rehabilitative services, water and habitat, livelihood support, humanitarian forensics, detention management and the restoration of family links.

The ICRC has a proven record and long history in Asia and works by engaging with all parties concerned through a unique approach based on confidential dialogue, transparent activities, sharing of expertise and partnerships in order to be able to reach and meet the needs of vulnerable persons.

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