

# Legal Responsibilities Of UN Peacekeepers



# Main Teaching Points (MTP)

- UN Peacekeeping and Rule of Law
- International Laws applicable to PKO
- Responsibilities of Peacekeepers



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## What is Rule of Law?

“The **rule of law** is a principle of governance in which all persons, institutions and entities, public and private, including the State itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights norms and standards”.

*(Guidance Note Of The Secretary-General, “UN Approach To Rule Of Law Assistance”- Apr, 08)*

# UN Peacekeeping and Rule of Law

## Requirements for Rule of Law:

- Supremacy of the law
- Equality before the law
- Accountability to the law
- Fairness in the application of the law
- Avoidance of arbitrariness
- Procedural and legal transparency
- Separation of powers

# UN Peacekeeping and Rule of Law

## Categories of Rule of Law Indicators

- Activity/programme-based
- Institutional-based
- Strategic/sector-based



# UN Peacekeeping and Rule of Law

## Rule of Law Indicators

Purpose (To)	Objective	Indicators
Increase safety and security	Reduced Incidents of armed violence	Decreased reporting rate of violent crime in 6 months period
		Decrease in the percentage of people who feel unsafe
	Reduced burden of armed violence against women and girls (VAW/G)	Reduced reporting rates of violence against women in 6 month period
		Decrease in the percentage of women who feel unsafe.
		Treatment of all forms of violence against women as serious offences.

# UN Peacekeeping and Rule of Law

## Rule of Law Indicators

Purpose (To)	Objective	Indicators
Increase safety and security	Increased institutional integrity of the justice and security sector	Decrease in percentage of respondents who believe that justice and security institutions discriminate in the prosecution of their duties
		Increased confidence in law enforcement officials.
		Reduction in the perception that prosecutors, judge, police are corrupt
		Improvement in diversity of professional staff of justice and security sector





# UN Peacekeeping and Rule of Law

## Rule of Law Indicators

Purpose (To)	Objective	Indicators
Increase capacity of ROL institutions to address armed violence	Increased capacity to address VAW/G	Increase in percentage of women that feel satisfied with policing mechanisms
		Improved rate of convictions of violent crime by prosecutors in 12 month period
	Reduced burden of armed VAW/G	Improved police-population ratio
		Reduction in the time of filing and first hearing court cases
		Increase in percentage of respondents who believe the courts contribute to community safety

# UN Peacekeeping and Rule of Law

## Rule of Law Indicators

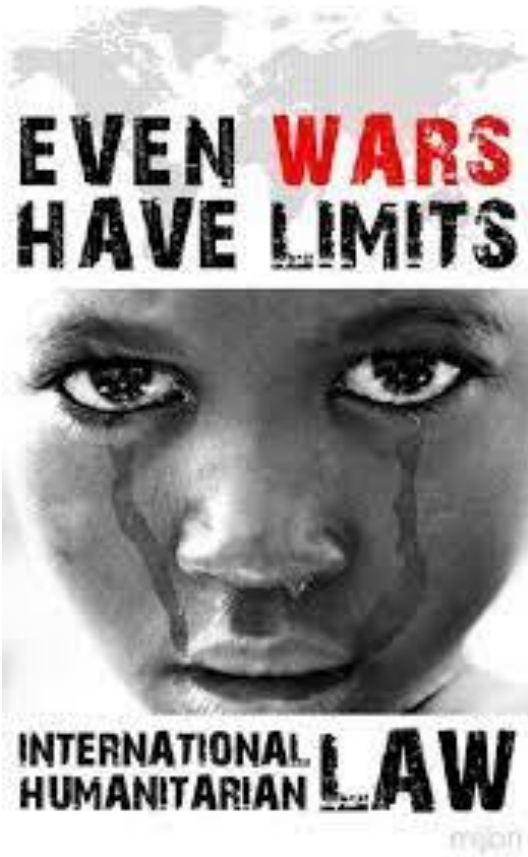
Purpose (To)	Objective	Indicators
Increase capacity of ROL institutions to address armed violence	Increased capacity of justice and security institutions to address armed violence	Increase in rates of investigation, prosecution and conviction of all forms of violence against women and girls in 12 month period
		Increase in percentage of women who believe that justice system is able and willing to investigate, prosecute and convict all forms of violence against women and girls
		Increase in percentage of respondents that feel satisfied with policing mechanisms

# Main Teaching Points (MTP)

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- **International Laws applicable to PKO**
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## International Humanitarian Law ( IHL)



- What is IHL?
- Essential rules of International Humanitarian Law
- Who is protected by, and who is bound by international human rights law and international humanitarian law

# What is International Humanitarian Law



- Is law that applies in times of armed conflict
- Aims to limit the negative impact of armed conflict, especially on civilians
- Protects persons who are not (or are no longer) participating in the hostilities
- Also restricts the means and methods of warfare



# Essential Rules of IHL

1. Civilian targets cannot be attacked. Attacks only against military objectives.
2. Civilians and anyone no longer taking part in hostilities must be respected and treated humanely.
3. Anyone who surrenders or stops fighting (e.g., wounded) cannot be killed
4. Torture is prohibited at all times and in all circumstances



# Essential Rules of IHL

5. Captured combatants and civilians must be respected and protected.
6. It's forbidden to use weapons or methods of warfare that are likely to cause excessive injury or unnecessary suffering.
7. Wounded and sick must be collected and cared for.



# Essential Rules of IHL

8. Medical personnel and medical establishments, transports and equipment must be respected and protected.
9. The Red Cross and Red Crescent emblems are signs of protection and must be respected.





# Who is Bound by International Humanitarian Law?

- States and organized groups are bound by international humanitarian law.
- The rules and principles of international humanitarian law also apply to UN peacekeeping forces.
- UN military personnel who violate international humanitarian law are subject to prosecution in their national courts.

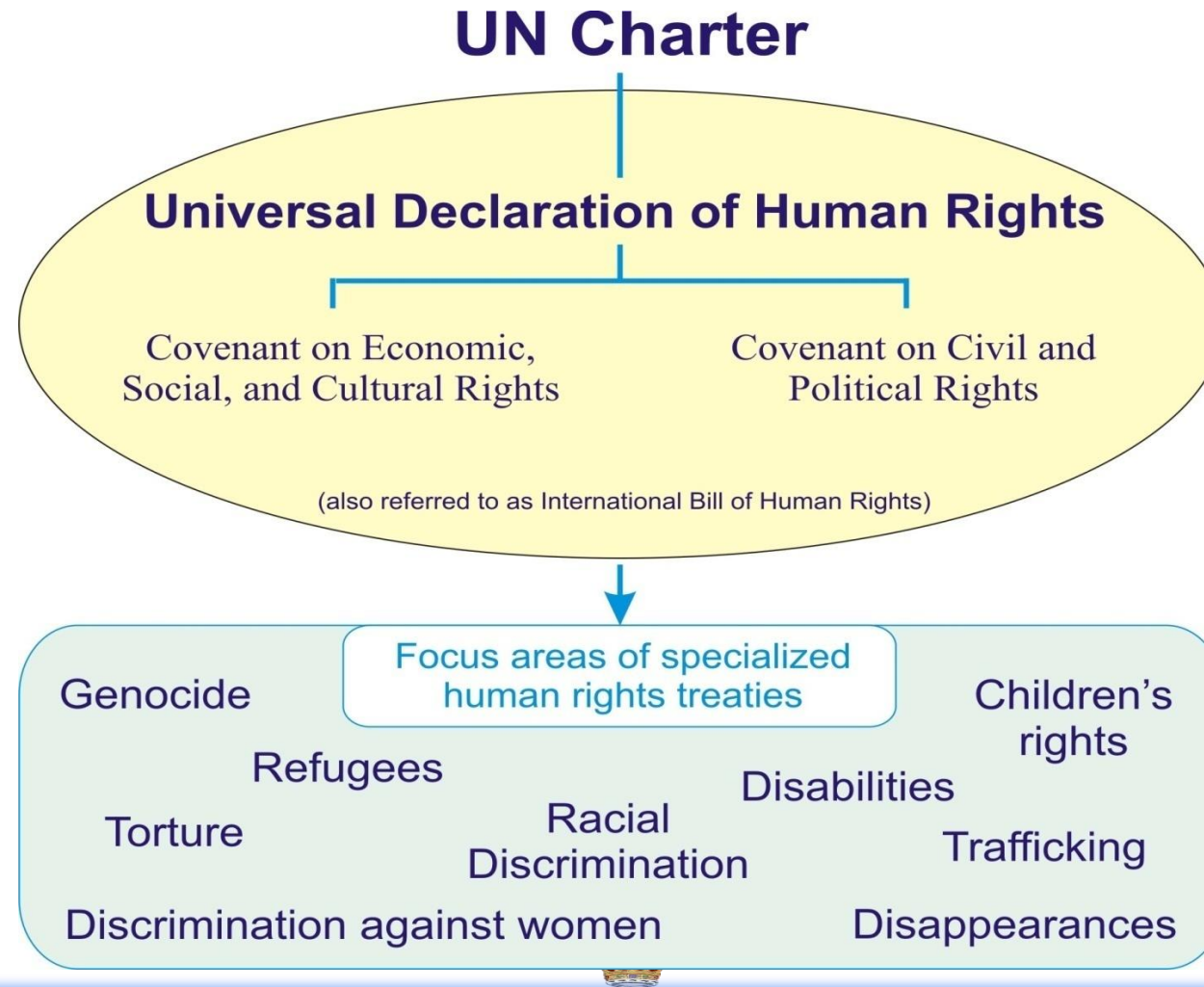


# How Do We Define Human Rights?

- Human rights apply in both war and peace to all human beings
- Human rights are universal
- No one can take away a person's human rights
- Human rights are interdependent and equally important
- Human rights are legal and internationally guaranteed



# The UN Charter



# Legal Basis for UN Peacekeeping

## UN Charter:

**Chapter I:** Maintenance of international peace and security (Arts 1 & 2)

**Chapter VI:** Pacific Settlement of Disputes (Arts 33-38)

**Chapter VII:** Action with Respect to the Peace, Breaches of the Peace and Acts of Aggression (Arts 39-51)

**Chapter VIII:** The involvement of regional arrangements and agencies (Arts 52-54)



# Refugee Law & Guiding Principles on IDPs

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



# Main Teaching Points ( MTP)

- UN Peacekeeping and Rule of Law
- International Laws applicable to PKO
- **Responsibilities of Peacekeepers**



# Responsibilities of UN Peacekeepers

Uphold and respect the principles set out in the **Charter**

Uphold the highest standards of **professionalism, competence and integrity**

Do not accept any honour, decoration, favour, gift or remuneration from any government





# Responsibilities of UN Peacekeepers

Neither seek nor accept **instructions** from any government or from any other source external to the organization

Personal views and convictions, like political and religious convictions, shall not adversely affect **official duties** or interests of the UN





# Responsibilities of UN Peacekeepers

Do not use office or knowledge gained from official functions for **private gains**

The property and **assets** of the Organization shall only be used for **official purposes** and with reasonable care



# Responsibilities of UN Peacekeepers

- **Respond** fully to **requests** for information from staff members and other officials authorized to investigate the possible misuse of funds, waste or abuse
- Must comply with **local laws**



# Responsibilities of UN Peacekeepers

## Specific Instances of Prohibited Conduct (1/2)

Any form of **discrimination** or **harassment**, including sexual or gender harassment, as well as physical or verbal abuse

Intentionally **misrepresenting functions**, official title or nature of duties to any entities or persons external to the United Nations



# Responsibilities of UN Peacekeepers

## Specific Instances of Prohibited Conduct (2/2)

Intentionally altering, destroying, misplacing or rendering useless, any **official document**, record or file

Offering or **promising any personal benefit to another staff member** or to any third party with a view to influencing the performance of any official act and vice versa



# Summary

- Be aware of **legal Responsibilities**
- This lecture is **not** intended to **turn you into legal experts** in United Nations PKO
- Do consult the mission's **Legal Officers** in all major legal matters or when in doubt.



# Explain Rules of Engagement & Directives on the Use of Force



# Main Teaching Points

- Rules of Engagement (ROE)
- Directive on Use of Force (DUF)
- General Provisions
- Basic Principles in the Use of Force



# Use of Force in Military Operations

## Learning Activity

- Think about how your country uses force on operations.
  - Domestically
  - Internationally
- How is force applied legally in your country?
- Is there a difference with UN Peacekeeping Operations?



# Use of Force

- Appropriately worded Security Council mandate provides true basis for legitimate use of force by personnel serving in UN peacekeeping operation
- Authority to **use force** in certain situations is also guided by:
  - **Rules of Engagement (ROE)**
  - **Directive on the Use of Force (DUF)**

# What Are ROEs

- United Nations Rules of Engagement (ROEs) provide the parameters within which armed military personnel assigned to UN PKOs may use force
- ROEs ensure that the use of force by UN armed military personnel is undertaken in accordance with:
  - the purpose of the Charter of the UN
  - the Security Council mandate
  - the relevant principles of International Law, including the Laws of Armed Conflict



# ROE AND DUF

- Guidance in accordance with mandate, UN Charter, international law
- Guide Use of Force
  - ROE for military personnel
  - DUF for police personnel
- Do not limit the Right to Self Defence



# ROE Structure

## Main Body

- Explains the requirement for ROE
- Contains ROE planning process and instructions to implement change
- Outlines the mandate which applies to the relevant UNPKO



# ROE Structure

## Annex A – List of Numbered ROE

- ROEs applicable to the specific UNPKO pursuant to its mandate
  - as outlined in Security Council resolution(s)
  - as drawn from UN Master list of Numbered ROE

## Annex B – Definitions

- To ensure cohesion of command and control during use of ROEs

# ROE Structure

## Annex C - Supporting Directions and Procedures

- Direction and procedures to be followed by United Nations Armed Military Personnel under certain duties

## Annex D – Weapons States

- Identifies various weapons states that may be authorized by Force Commander without recourse to UNHQ

## Annex E – Aide-Memoire or Soldiers Card

# Importance of ROEs

- Use of force is specific to mission and its mandate
- Differs from National Legal restrictions
- Some Troop Contributing Countries will issue separate National ROE
- Robust for volatile and potentially dangerous environments



# Responsibilities

- All armed peacekeeping personnel must know ROEs and DUF because use of force is specific to the mission's mandate, may be robust and may be different from national legal restrictions
- UN military and police commanders are responsible for all personnel under their command knowing the ROE or DUF
- **National law of the host country:** Peacekeeping personnel must respect and follow the national laws of the host country, as well as local customs and culture





# Summary

- UN ROEs provide the parameters within which armed military personnel assigned to United Nations Peacekeeping Operations may use force
- All armed peacekeeping personnel must know their ROEs and DUF because the use of force is specific to each mission's mandate
- UN military and police commanders are responsible for all personnel under their command knowing the ROE or DUF
- **National law of the host country:** Peacekeeping personnel must respect and follow the national laws of the host country, as well as local customs and culture





# Questions?



National  
Defence

Défense  
nationale

CANADIAN ARMY  
COMMAND AND STAFF COLLEGE



COLLÈGE DE COMMANDEMENT ET  
D'ÉTAT-MAJOR DE L'ARMÉE CANADIENNE



Directorate of Military Training and Cooperation – Canada  
Direction de l'instruction et de la coopération militaire – Canada