

MODULE 5: PREVENTION AND RESPONSE TO CONFLICT-RELATED SEXUAL VIOLENCE

Preparatory Notes to Instructors

AIM

To familiarize peacekeeping personnel with:

- An understanding of the nature of sexual violence in armed conflict, thereby enabling them to consider and implement protection tasks at the strategic, operational, and tactical level.
- The Analytical Inventory of Peacekeeping Practice on Prevention of and Response to Sexual Violence.
- Military command measures associated with the protection of civilians under imminent threat of violence, in particular sexual violence.

AUDIENCE

This module was designed for potential and current senior military officers commanding units, sub-units, and contingents in UN peacekeeping missions.

LEARNING OUTCOMES

On completion of Module 5, participants will be able to:

1. Have a better understanding of the challenges and dilemmas facing military and civilian decision-makers in the field, as well as best practices aimed at preventing or responding to sexual violence.
2. Understand the requirements for preparation of (contingency) plans for military operations/actions contributing to short and longer term protection of civilians against sexual violence; and be able to identify the range of available military options in this regard.
3. Have a better understanding of the integrated approach required to plan and address sexual violence.

4. Be able to evaluate situations from an operational and tactical point of view, and formulate courses of action using scenario-based classroom and field exercises.
5. Understand the need for cooperation between the military and all other components, both internal and external to the mission area, required to effectively address the issue of sexual violence.
6. Understand the role, tasks, capabilities and limitations of the various military elements in a peacekeeping mission in the context of addressing sexual violence.
7. Understand the application of rules of engagement.
8. Appreciate the effect of use of force on the consent and legitimacy of a UN mission.

DURATION

Module 5	Lecture/Presentation and Questions/Discussion	Scenario-based exercise
Timing	50-60 min.	2 hours

METHODOLOGY

- Through scenario-based training exercises in classroom and in the field, participants will evaluate and address hypothetical situations in which civilians are at risk or the victim of sexual violence, and formulate courses of action in the context of a particular mission's mandate and rules of engagement.
- Training takes approximately 3 hours in total.
- This module will include a lecture followed by group questions/discussion and scenario-based learning activities.

Part 1: Presentations using the provided PowerPoint slides

Part 2: Informal question and answer period (as determined by instructor)

Part 3: Scenario-based training (group work and plenary)

INSTRUCTOR PROFILE

An experienced UN officer from DPKO's Office of Military Affairs, or a current or retired senior UN military commander with knowledge of the issue and good instructional skills.

INSTRUCTOR PREPARATIONS

Required Readings:

- Charter of the United Nations
- United Nations Peacekeeping Operations Principles and Guidelines (also known as the Capstone Doctrine)
- OCHA/DPKO Study on the Protection of Civilians in the Context of UN Peacekeeping Operations: Successes, Setbacks and Remaining Challenges (2009)
- DPKO/DFS Operational Concept on the Protection of Civilians in United Nations Peacekeeping Operations
- DPKO/DFS (Draft) Framework for Drafting Mission-wide Protection of Civilians (POC) Strategies in UN Peacekeeping Operations
- OCHA Aide Memoire for the Consideration of Issues Pertaining to the Protection of Civilians
- DPKO/DFS Lessons Learned Note on the Protection of Civilians in UN Peacekeeping Operations
- DPKO/DFS Guidelines for Integrating a Gender Perspective Into the Work of the United Nations Military in Peacekeeping Operations
- Provisional Guidance Note on the Implementation of Resolution 1960 (UN Action against Sexual Violence in Conflict, Office of the SRSG – Sexual Violence in Conflict) (2011)
- DPKO/DFS Policy on Mainstreaming the Protection, Rights and Well-being of Children Affected by Armed Conflict within UN Peacekeeping Operations
- Child Protection in UN Peacekeeping: Vol 1 – Q&A on Child Protection

- Analytical and Conceptual Framing of Conflict Related Sexual Violence (UN Action Against Sexual Violence in Conflict)
- Secretary General's Bulletin on the Observance by United Nations forces of International Humanitarian Law
- Addressing Conflict-Related Sexual Violence: An Analytical Inventory of Peacekeeping Practice (DPKO/UN Women/UN Action Against Sexual Violence in Conflict).
- Prevention and Response to Conflict-Related Sexual Violence: Scenario-Based Training For Military Peacekeepers (DPKO/UN Women/UN Action Against Sexual Violence in Conflict).

Equipment

- Computer and provided session slides
- Projector and screen for slides and video, and sound equipment

Materials

- Copies of *Addressing Conflict-Related Sexual Violence: An Analytical Inventory of Peacekeeping Practice* (DPKO/UN Women/UN Action Against Sexual Violence in Conflict).
- Scenario-based training materials: relevant excerpts from MONUSCO's Mandate and Rules of Engagement (students should be provided with copies of these well in advance of PoC training), handouts with the MONUSCO-based scenarios, and video clip for viewing in plenary.

PARTICIPANT PREPARATIONS

All participants must have a strong familiarity with the following:

- POC Pre-Deployment Training: Participant Handbook
- *Addressing Conflict-Related Sexual Violence: An Analytical Inventory of Peacekeeping Practice* (DPKO/UN Women/UN Action Against Sexual Violence in Conflict).

- Relevant excerpts from MONUSCO's Mandate and Rules of Engagement provided in advance for scenario-based training exercise.

ADDITIONAL RESOURCES

Security Council Resolutions (please download from <http://www.un.org/en/documents/>):

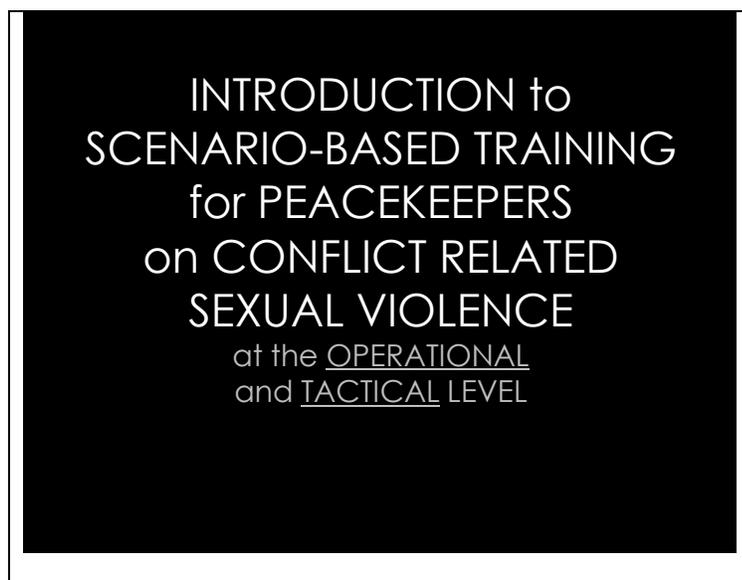
- Concerning Children and Armed Conflict, (S/RES/1612), 2005
- Protection of Civilians in Armed Conflict, (S/RES/1674), 2006
- Protection of Civilians in Armed Conflict, (S/RES/1894), 2009
- Women and Peace and Security, (S/RES/1325), 2000
- Women and Peace and Security (S/RES/1820), 2008
- Women and Peace and Security (S/RES/1888), 2009
- Women and Peace and Security, (S/RES/1960), 2010

SYMBOLS LEGEND

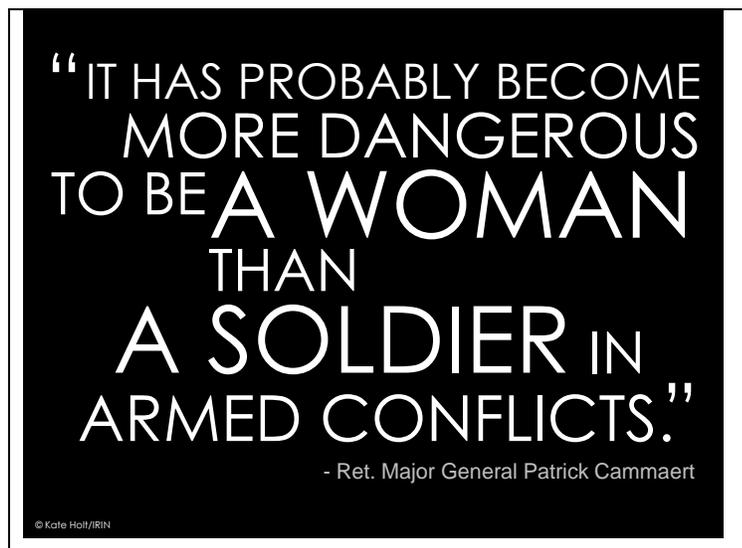
	Note to the Instructor (Some background information for consideration and mention)
	Speaking Points (The main points to cover on the topic. Ideally the speaking points are presented in the instructor's own words versus being read to participants. Please note, text in the slides is highlighted in bold, blue fonts in the associated speaking points.)
	Mission Specific (A point where the session will benefit from mission specific information)
	Example (Stories that illustrate a point or key message)
	Sample questions (A list of potential questions to pose to participants)
	Handout (Indicates a handout is provided to participants at this point)
	Film (A film that is suggested as either a core or optional activity)
	Core Learning Activity (An activity that is strongly recommended for inclusion)
	Optional Learning Activity (An activity that can be used if there is time and it is appropriate for the participant group. Guidelines for these activities are provided at the end of the unit or part – as indicated in the text)
	Key summary points (Key messages that are worth repeating at the end of the session. Alternatively, the instructor can ask participants what are the main messages they are taking from the session. Instructors can then fill in any points that have been missed.)

Session Notes

1. INTRODUCTION



Slide 1



Slide 2

- 🗨️ In today's wars, civilians are not only random, incidental victims of conflict, but frequently the targets of it. Given the changing nature of warfare, UN peacekeeping missions are increasingly expected to protect civilians, fight impunity and strengthen national judicial systems. In contemporary conflict, characterized by an increased civilian-combatant interface, sexual violence is not a side-effect but a front-line consideration. Women are frequently the focus of armed violence –waged for the control of populations, as much as territory. In the last decades, we have witnessed a rise in the strategic use of brutal forms of sexualized violence against civilian populations to serve specific purposes. Provided with a robust mandate, peacekeepers can play an important role in protecting civilians from sexual violence during armed conflict.
- 🗨️ In 2008, a high-level conference at Wilton Park in the UK was held to discuss the role military peacekeepers could play to protect women targeted or affected by armed conflict. The debate continued at the Annual Heads of Military Components Conference, prompting the United Nations Development Fund for Women (UNIFEM, now UN Women) and the UN's Department of Peacekeeping Operations (DPKO) to further examine how peacekeeping missions may address the problem of sexual violence. It is recognized that, generally, such efforts contribute to building trust and confidence among the civilian population and improving situational awareness, thereby advancing broader mission objectives. The UN Women/DPKO findings were subsequently field-tested, and the result is the Analytical Inventory of Peacekeeping Practice on sexual violence in armed conflict, which takes stock of tasks and tactics that have been used by military peacekeepers to address conflict-related sexual violence and aims at stimulating reflection on creative, practical solutions that can advance women's protection and overall mission success.

👉 **Note to Instructor:** *Introduce the session by letting participants know the aims of the module and intended learning outcomes*

CIVILIANS are **FREQUENTLY TARGETS** of **VIOLENCE**.

UN peacekeeping missions are increasingly expected to:

- **PROTECT CIVILIANS**;
- **FIGHT IMPUNITY**; and
- **STRENGTHEN NATIONAL JUDICIAL SYSTEMS**.

Peacekeepers can play an important role in protecting civilians from sexual violence during armed conflict.

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Slide 3

UN Women and the **United Nations Department of Peacekeeping Operations (DPKO)**

BUILDING TRUST and **CONFIDENCE** among the civilian population and improved situational awareness.

Turn **BEST PRACTICE** into **STANDARD PRACTICE**.

Slide 4

AIM

- Providing participants at Staff College, unit and sub-unit command-level with an understanding of measures that contribute to the protection of civilians under threat of violence, in particular sexual violence.

Slide 5

Topics to be discussed:

- NATURE and MANDATES of PEACEKEEPING OPERATIONS
- RULES of ENGAGEMENT
- IMPARTIALITY v. NEUTRALITY
- CIVIL-MILITARY RELATIONS
- PREVENTIVE MEASURES
- LEADERSHIP
- PRE-DEPLOYMENT TRAINING

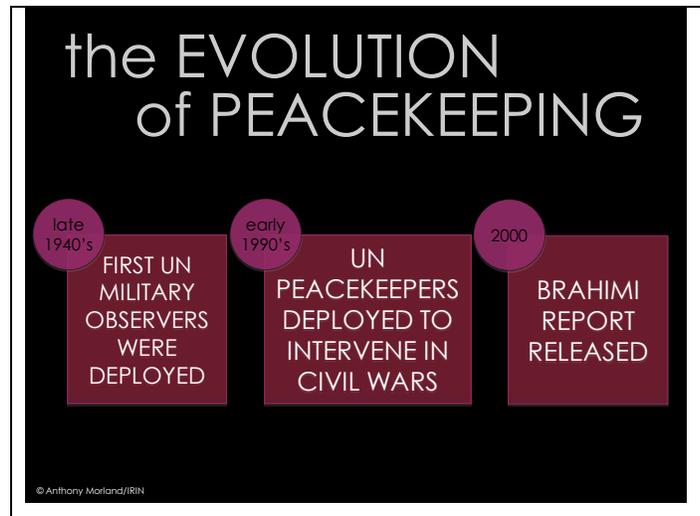
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- This presentation is aimed at providing participants at unit and sub-unit command-level (during pre-deployment training) with an understanding of military command measures that contribute to the protection of civilians under imminent threat of violence, in particular sexual violence. A number of topics will be discussed, including the nature and mandates of today's peacekeeping operations, rules of engagement (ROEs), impartiality versus neutrality, civil-military relations, preventive measures, leadership, and pre-deployment training.

2. THE EVOLUTION OF PEACEKEEPING

- The first UN military observers were deployed in the late 1940s. Over the next four decades, peacekeepers were deployed in a number of operations with the primary aim of acting as a buffer or interposition force between states, monitoring and verifying compliance with ceasefires. In the early 1990s, however, UN peacekeepers were deployed to intervene in civil wars, entirely changing the nature of peacekeeping. After the ill-fated experiences in Rwanda, Somalia and Bosnia, a number of reports set the pace for change. The most important was perhaps the so-called Brahimi report of

2000, named after the chairman of the committee that produced it, the Algerian diplomat and UN trouble-shooter Lakhdar Brahimi. Following a thorough review of the UN's peace and security activities, the report presented a set of specific, concrete and practical recommendations to increase the impact of these activities in the future. The Brahimi report highlighted the need for peacekeeping missions to be multi-dimensional, and for the various components (including military, police, political and civil affairs, rule of law, human rights, child protection, gender, administration, and public information) to work in an integrated manner.



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3. MANDATES OF TODAY'S MISSIONS



**MANDATES of
TODAY'S MISSIONS**

The Security Council articulated the link between sexual violence and the restoration of peace and security in resolutions 1820 (2008) and 1888 (2009) and 1960 (2010).

UN Photo/Mark Garten

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**MANDATES of
TODAY'S MISSIONS**

These complement:

- SCRs 1325 (2000) and 1889 (2009) on Women, Peace and Security;
- SCRs 1612 (2005) and 1882 (2009) on Children and Armed Conflict;
- SCRs 1674 (2006) and 1894 (2009) on the Protection of Civilians in Armed Conflict.

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MANDATES of TODAY'S MISSIONS

Most mandates of operations now contain provisions for peacekeepers to PROTECT CIVILIANS and, most recently, to address SEXUAL VIOLENCE.

UN Photo/Mark Garten

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MANDATES of TODAY'S MISSIONS

EXAMPLE: Security Council resolutions mandating peacekeeping missions with the protection of civilians use the following language:

Decides thatis authorized to take the necessary action (sometimes "all necessary action"), in the areas of deployment of its forces and as it deems within its capabilities, (...) and without prejudice to the responsibility of the Government of, to protect civilians under imminent threat of physical violence including all forms of sexual and gender-based violence.

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**MANDATES of
TODAY'S MISSIONS**

Such mandates are usually authorized under CHAPTER VII OF THE UN CHARTER, which allows the use of force beyond self defence.

But the mandate is only as STRONG as the WILL of the LEADERSHIP to IMPLEMENT IT.

MANDATED TASKS, ACCOMPANYING ROEs, and OTHER DIRECTIVES on the use of force provide accurate and useful guidance.

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**MANDATES of
TODAY'S MISSIONS**

UN presence comes with OBLIGATIONS and creates EXPECTATIONS locally and internationally.

MANDATES provide the basis for legitimate use of force.

ROEs determine how force will be used within parameters of the MANDATE.

Peacekeepers can also work to stop sexual violence by VERBALLY CONFRONTING perpetrators.

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- The surge in peacekeeping over the past decade has brought to light the scope and nature of sexual violence committed against women and girls, but also men and boys. As a result, the Security Council has articulated the link between sexual violence and the restoration of peace and security in resolutions 1820 (2008) and 1888 (2009). These complement SCRs 1325 (2000) and 1889 (2009) on Women, Peace and Security SCRs 1612 (2005) and 1882 (2009) on Children and Armed Conflict; and SCRs 1674 (2006) and 1894 (2009) on the Protection of Civilians in Armed Conflict). Together they provide an ambitious platform for confronting a present-day emergency

affecting millions of women and children, and require security actors, including military peacekeepers, to respond to sexual violence with as much determination as they would to any other atrocity, and with specifically designed tasks and tactics to deal with the specific nature and consequences of this type of violence.

- Most of the mandates of today's operations contain provisions for the peacekeepers to protect civilians and, more recently, to address the issue of sexual violence. For example, Security Council resolution 1925 (2010) concerning the situation in the Democratic Republic of the Congo (DRC) reads: *“Emphasizing that the protection of civilians must be given priority, the Council authorized MONUSCO to use all necessary means to carry out its protection mandate, including the effective protection of civilians, humanitarian personnel and human rights defenders under imminent threat of physical violence, as well as the protection of United Nations personnel, facilities, installations and equipment. The Mission would also support Government efforts to fight impunity and ensure the protection of civilians from violations of international human rights and humanitarian law, including all forms of sexual and gender-based violence.”*
- Such mandates are usually authorized under Chapter VII of the UN Charter, which allows the use of force beyond self defence. (Operations authorized under Chapter VI of the Charter are allowed to use force in self defence only.) In other words, the rules of engagement of most contemporary UN missions allow military personnel to use deadly (pre-emptive) force, within their capacity and in areas where they are deployed, to carry out their mandated tasks, not least with regard to the protection of civilians.
- However, the mandate is only as strong as the willingness of the leadership to implement it.
- Conservative, risk-averse UN officials or commanders (often with the support of their governments) will interpret the mandate as a “ceiling” and be reluctant to take any action that is not explicitly authorized in the resolution. By contrast, creative and

decisive commanders will read the mandate as a “floor”, breaking it down in operational goals and using all their capabilities to implement the “intent” of the mandate.

- In assessing the nature of a peacekeeping operation and the capabilities required to implement its mandate, police and troop contributors should be guided by the tasks outlined in the resolution, the accompanying ROEs, and other directives pertaining to the use of force, which provide accurate and useful guidance. At the same time, all actors involved in peacekeeping should be aware that any UN presence comes with obligations and creates certain expectations among the host population and the wider international community.
- Irrespective of the Chapter under which it is authorized, an appropriately worded mandate provides the basis for the legitimate use of force by personnel serving in a UN peacekeeping operation. The ROEs determine how force is to be used within the parameters of the mandate. Even when operating under a mandate that allows the use of force only in self defence, peacekeepers can take effective action to stop sexual violence, including by verbally confronting perpetrators. In case they are threatened in response, force may be used in self defence.

4. UNDERSTANDING THE TERMINOLOGY

UNDERSTANDING the TERMINOLOGY

NECESSARY ACTION

The mission has 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. Effective prevention and pre-emption activities do not necessarily require the use of force.

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UNDERSTANDING the TERMINOLOGY

IN THE AREAS OF DEPLOYMENT OF ITS FORCES

Acknowledges that no force can be omnipotent, and not all military resources can be devoted to civilian protection.

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UNDERSTANDING the TERMINOLOGY

WITHIN ITS CAPABILITIES

No peacekeeping force will be able to address all protection threats at all times. But if needed, peacekeepers take action itself ensuring civilians protection. However, many tasks related to the protection of civilians can be accomplished by sound military practice, such as a rapid concentration of force, deployment of reserves, and the effective use of force multipliers.

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UNDERSTANDING the TERMINOLOGY

WITHOUT PREJUDICE to the RESPONSIBILITY of the HOST GOVERNMENT

Governments are primarily responsible for the security of their civilians. But if needed, peacekeepers themselves can take action to ensure civilians protection.

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UNDERSTANDING the TERMINOLOGY

UNDER IMMINENT THREAT

"Imminent" does not imply that violence is guaranteed to happen in the immediate future. A threat to civilians may exist if a potential aggressor is believed to have the intent to inflict physical violence. A threat of violence against civilians is imminent from the time it is identified until such time that the mission can determine that the threat no longer exists.

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- In authorizing the use of force by peacekeeping operations, the Security Council employs a number of terms and expressions that deserve clarification. Fully understanding the scope of such phrases is essential to the successful implementation of the mandates. The following are some of the most frequently used:
- **“Necessary action”**: Mandate language that authorizes the mission to take “necessary action” (or, as with some mandates, to “use all necessary means” or “all necessary measures”) gives the mission authority to take all steps, up to and including the use of deadly force (as a last resort) to protect civilians under “imminent threat.” “Necessary actions” are not only military actions. They include a full range of civilian, police and military actions. As such, the range of “necessary actions” may include any preventive, pre-emptive, and responsive actions taken to avert, mitigate or respond to a known threat. Effective prevention and pre-emption activities do not necessarily require the use of force. However, credible deterrence –including visible patrolling; preventive tactical redeployments; conduct of visible military exercises; regular monitoring of hotspot areas, etc- is based on the readiness to use force.
- **“In the areas of deployment of its forces”**: This phrase acknowledges the reality that peacekeeping mission assets, both human and material, are limited and cannot be in all places and at all times. The statement implies that expectations should be managed when peacekeepers are deployed across large areas, and cannot necessarily be expected to respond to threats in areas where they are not present.
- **“Within capabilities”**: This language acknowledges that resource constraints and operational challenges associated with the area of operations mean that no peacekeeping force will be able to address all protection threats at all times. It should be noted, however, that many tasks related to the protection of civilians, which may at first seem beyond the capability of the force, can be accomplished by sound military practice, such as a rapid concentration of force, deployment of reserves, and the effective use of force multipliers. “There will never be enough resources... this is why, for example, we are trying to understand the communities better... We need to recognize that protection is more than just having military boots on the ground. It’s about how you use them, and how you can connect with your civilian staff.” (Former

SRSG MONUC Alan Doss). Peacekeepers need to employ accurate threat and vulnerability analyses, and coherent operational planning, to identify and prioritize protection threats and to determine exactly what protection activities are possible and which will be the most effective use of scarce mission resources. Where protection efforts are deemed to be beyond the capabilities of the peacekeeping mission, the capability gap should be brought to the attention of senior mission leadership. Where the gap cannot be addressed within existing mission resources, senior leadership should notify DPKO/DFS headquarters. Some of the tasks described in the inventory are mission-level tasks that cannot be conducted by the military independently, but may require military support. Uniformed peacekeepers have a distinct contribution to make to this agenda, for instance, because victims of conflict-related rape are often located in remote areas that can only be reached by well-equipped patrols.

- 🗨️ **“Without prejudice to the responsibility of the host government”**: Sovereign governments hold the primary responsibility to protect civilians inside their borders. However, in conflict and post-conflict situations the capacity of governments to live up to this responsibility may be limited, and in some cases elements of government forces may themselves pose a threat to civilians. In practical terms, this phrase stipulates that the military component should allow state authorities to take appropriate action whenever they demonstrate the intent and are capable of doing so. UN peacekeepers are responsible for undertaking protection activities in support of or in parallel with government actors. In the absence of an effective host government effort peacekeepers may act independently to protect civilians within the mission’s area of operations. Bearing in mind that missions operate within the principles of peacekeeping, missions are authorized to use force against elements of government forces where such forces are themselves engaged in physical violence against civilians.
- 🗨️ **“Under imminent threat”**: “Imminent” does not imply that violence is guaranteed to happen in the immediate future. A threat to civilians may exist if a potential aggressor is believed to have the intent to inflict physical violence. A threat of violence against civilians is imminent from the time it is identified until such time that the mission can determine that the threat no longer exists. Peacekeepers with a POC mandate are

authorized to use force in any circumstance in which they believe that an imminent threat of violence against civilians exists.

- **“Civilians”**: The protection of civilians in armed conflict has a universally recognised legal basis in international humanitarian law (IHL). Under IHL, civilians are “protected persons,” meaning that they cannot be targeted and their life and dignity must be respected. Civilians are presumed not to directly participate in the hostilities and are therefore entitled to full protection from attack. Civilians lose this protection only if, and for as long as, they “directly participate in hostilities.” IHL prohibits combatants from posing as civilians and provides special protection for vulnerable populations such as children.

5. RULES OF ENGAGEMENT (ROE)



RULES of ENGAGEMENT (ROEs)

ROEs:

- are developed by the DEPARTMENT of PEACEKEEPING OPERATIONS along with MISSION LEADERSHIP and the UN's OFFICE of LEGAL AFFAIRS;
- provide parameters within which peacekeepers may use different levels of force; and
- ensure that use of force is undertaken in accordance with mandate purpose and principles of international humanitarian law.

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RULES of ENGAGEMENT (ROEs)

Commanders must also ensure that those under their command **UNDERSTAND** the ROEs. ROEs training should be conducted on a **REGULAR BASIS**.

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RULES of ENGAGEMENT (ROEs)

The following are some important points contained in the ROEs of some existing missions:

WARNING PROCEDURES

- Use of force is a **LAST RESORT**
- **GRADUAL RESPONSE**
- Firing a **WARNING SHOT**

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RULES of ENGAGEMENT (ROEs)

DUTY to USE MINIMUM and PROPORTIONAL FORCE

- Only the minimum force necessary to meet the threat should be used.
- This does not prevent the immediate use of deadly force if the threat to life is imminent and there is no alternative to remove that threat.
- The use of force should be commensurate with the level of the threat. However, the level of response may have to be higher in order to minimize UN and civilian casualties.

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RULES of ENGAGEMENT (ROEs)

AVOIDING COLLATERAL DAMAGE

- ALL FEASIBLE PRECAUTIONS are to be taken in order to avoid or minimize collateral damage.
- Winning the hearts and minds of the local population is difficult and takes time. By causing collateral damage, TRUST and CONFIDENCE in UN peacekeepers will be lost very quickly.

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RULES of ENGAGEMENT (ROEs)

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RULES of ENGAGEMENT (ROEs)

HOSTILE INTENT and IMMINENT THREAT

Determining whether there is hostile intent or imminent threat should be based on one or a combination of THREE FACTORS, to be considered by the on-scene commander:

- CAPABILITY and PREPAREDNESS of the threat;
- EVIDENCE of the INTENTION to attack; and
- HISTORICAL PRECEDENT within the area of operation.

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- Keeping in line with the political strategy developed for each mission, the ROEs are developed by the Department of Peacekeeping Operations, in consultation with the mission leadership and close coordination with the UN's Office of Legal Affairs. ROEs provide the parameters within which armed military peacekeepers may use different levels of force, and ensure that the use of force is undertaken in accordance with the purpose of the mandate and the relevant principles of international humanitarian law. All commanders should seek clarification if they consider the authorized ROEs to be unclear or inappropriate for the military situation they are facing. It is the responsibility of the contingent commanders to ensure that all those under their command understand the ROEs. Before deployment, the ROEs must be translated in a clear and

concise manner into the language of the troop-contributing country, and every soldier should be given an ROE Aide-Memoir (Blue Card). Training in the application of ROEs is the responsibility of commanders at all levels, and should be conducted on a regular basis. The following are some important points contained in the ROEs of a number of existing missions:

- 🗨️ Warning procedures: Use of force is a last resort in reaction to a hostile act or intent. Application of a gradual response is intended to provide the potential adversary with a warning. A hostile situation may be resolved by firing a warning shot convincing people to stop threatening actions.
- 🗨️ Duty to use minimum and proportional force: When possible, use of force should be gradual, and only the minimum force necessary to meet the threat should be used. This does not prevent the immediate use of deadly force if the threat to life is imminent and there is no alternative to remove that threat. In principle, the use of force should be commensurate with the level of the threat. However, the level of response may have to be higher in order to minimize UN and civilian casualties.
- 🗨️ Use of force beyond self defence may only be used to ensure the security and freedom of movement of UN personnel, the protection of UN personnel, facilities, installations and equipment, and civilians under imminent threat.
- 🗨️ Avoiding collateral damage: When force is used, all feasible precautions are to be taken in order to avoid or minimize collateral damage. Winning the hearts and minds of the local population is difficult and takes time. By causing collateral damage, trust and confidence in UN peacekeepers will be lost very quickly.
- 🗨️ Hostile intent and imminent threat: Determining whether there is hostile intent or imminent threat should be based on one or a combination of three factors, to be considered by the on-scene commander: a) capability and preparedness of the threat, b) evidence of the intention to attack, and c) historical precedent within the area of operation.

6. IMPARTIALITY AS OPPOSED TO NEUTRALITY

**IMPARTIALITY as OPPOSED
to NEUTRALITY**

IMPARTIALITY is often confused
with NEUTRALITY.

NEUTRALITY is a static notion with no strongly
marked characteristics, reflecting an attitude
of DISENGAGEMENT.

IMPARTIALITY literally means "TO GIVE A SHARE
OF" something. In a dispute, impartiality is to
"GIVE TO EACH DISPUTANT FAIRLY."

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**IMPARTIALITY as OPPOSED
to NEUTRALITY**

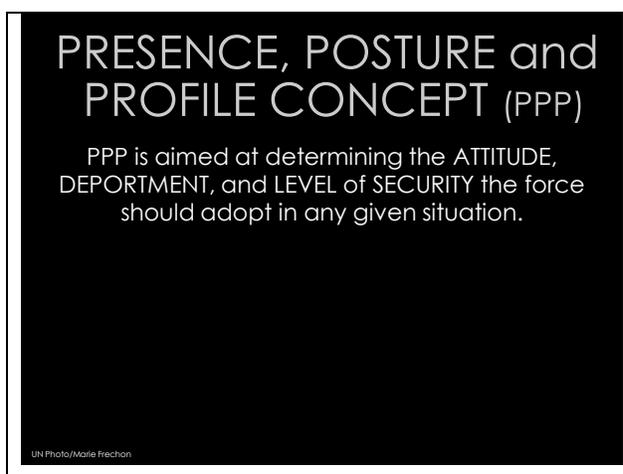
Missions must be IMPARTIAL rather
than NEUTRAL.

Confusing the two limits INITIATIVE and
FLEXIBILITY, promotes PASSIVITY,
and LIMITS the ENGAGEMENT
of a mission.

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- Impartiality is a key principle of UN peacekeeping. Unfortunately, impartiality is often confused with neutrality. Neutrality is a static notion with no strongly marked characteristics, reflecting an attitude of disengagement. By contrast, the word impartiality literally means “to give a share of” something. In a dispute, impartiality is to “give to each disputant fairly.” This is considerably more challenging than simply being neutral, mainly because it involves the repeated exercise of personal judgment and the application of fairness, requiring movement rather than rest.
- Impartiality is a quality used on the tip of your toe, neutrality on the heel of your foot. Neutrality cedes opportunity, initiative, and advantage to others; impartiality allows you to seize all three. Missions must be impartial rather than neutral. Confusing the two notions limits the ability to exercise initiative and flexibility, promotes passivity, and, as a consequence, limits the engagement of a mission.
- Impartiality is a state of mind that requires the exercise of personal judgment – you have to apply a set of principles, or the mandate given to you, or both, to a set of evolving difficult circumstances, often repeatedly. In the military, one speaks of “the commander’s intent,” which is in effect very similar to the idea of a mandate in the context of peacekeeping. This is the road, that is the destination or goal, now go forth and figure it out.

7. PRESENCE, POSTURE, AND PROFILE CONCEPT (PPP)



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- 🗨️ PPP is a drill aimed at determining the attitude, department, and level of security the force is supposed to adopt in any given situation. PPP is not staff-driven but command-driven.
- 🗨️ **Presence of forces:** The impact of mere presence cannot be underestimated. Deploying even a limited capability to the right place at the right time is likely to have a deterring effect and add substantial credibility to messages being delivered through other channels.
- 🗨️ **Posture** is the “body language” of the force, which should say: “one does not mess around with the UN.” The posture of troops on the ground can demonstrate both commitment and intent and should be considered and balanced with the requirement for force protection (e.g. wearing berets or helmets; soft skin vehicles or armoured personnel carriers). Posture can make a considerable difference to the perceptions of the force by both rebels/opponents and the local population.
- 🗨️ **Profile:** The public profile of commanders at all levels will also impact on perceptions. Their role must be carefully analyzed and opportunities used to transmit key messages. What the UN forces do, how regularly they patrol, whether they talk to civilians, profile is about their specific interactions with individuals and (armed) groups in the area of operations. The example set by peacekeepers in how they view and treat women is likely to be emulated. This allows the UN to serve as a model and example of the principles for which it stands.

8. CIVIL-MILITARY RELATIONS

CIVIL-MILITARY RELATIONS

A VITAL FACTOR for success in the protection of civilians is COMMUNICATION with all segments of the communities.

- Use (preferably female) LANGUAGE ASSISTANTS and INTERPRETERS.
- Stay with locals in villages and hamlets.
- Make the local population feel confident and encouraged to report emerging threats.
- There should be a greater sensitivity to EARLY WARNING INDICATORS
- Unit commanders should coordinate with all members of the UN Country Team.

Slide 30

- A vital factor for success in the protection of civilians is effective communication with all segments of the communities. Close links with the local population help ensure that the peacekeeping mission is in possession of information required to understand and map out vulnerabilities and direct military resources to areas of high incidence. Every effort must be made to use language assistants and interpreters to communicate with the local population. If possible, the mission needs to make an investment in identifying and employing female language assistants and interpreters to accompany male or female military and police and make them less intimidating for local women. This could help sexual violence survivors communicate more openly with them, as well as more easily coordinate the patrol schedule with the local women and their rhythms of water/fire collection or trips to the market, and be better able to explain the purpose of the patrols to women in the host community. Close links will also be established by staying with the local population in their villages and hamlets. By working, consulting and liaising with local authorities, traditional chiefs, female community groups, NGOs, and others, peacekeeping operations can prevent, not just react to, violence. The local population should feel confident and encouraged to come forward and report emerging threats. There should be a greater sensitivity to early warning indicators, including increases in cases of sexual violence. Coordination by unit commanders should include all members of the UN Country Team in order to ensure that efforts to address sexual violence are multi-dimensional and harness the full capacity of the UN system, rather than working in stovepipes. Joint protection teams, which include female civilian

and military personnel, reaching out to the local population have proved very effective in DRC.

9. PREVENTIVE MEASURES

PREVENTIVE MEASURES

The capacity to move quickly by AIR, VEHICLE or ON FOOT to areas of high incidence or potential flash points is crucial.

Units need appropriate equipment, such as NIGHT VISION DEVICES, INFRA-RED SENSORS, and a RAPID REACTION CAPACITY.

A number of practices also deserve special mention.

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PREVENTIVE MEASURES

LONG-RANGE MULTIPLE DAY PATROLS
Should be used during dark hours, with interpreters, and from mobile operating bases (MOBs) based in villages or in the field.

OBSERVATION POSTS
Keeping areas in potential danger of gender-based violence or routes infiltrated by rebels under 24/7 surveillance can prove effective.

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PREVENTIVE MEASURES

THREAT ASSESSMENT
Threat assessment and analyses of risk for peacekeepers should be continuously reviewed and updated.

ADAPT and EVOLVE
Military component composition should be tailor-made for the operating environment and should fully implement the PPP concept.

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-  Mobility is crucial. In particular, the capacity to move quickly by air, vehicle, or even better, on foot, to areas of high incidence or potential flash points is key to preventing or responding to sexual violence. As the majority of cases of sexual violence occur during the dark hours, in unlit areas, units need appropriate equipment, such as night-vision devices, infra-red sensors, and a rapid reaction capacity. The “Inventory” provides a compilation of measures aimed at directly or derivatively combating sexual violence. However, a few practices deserve special mention.
-  Long-range multiple day patrols should be used, in particular during the dark hours and accompanied by interpreters, operating from mobile operating bases (MOB) based in villages or hamlets or in the open in the field. Using patrol harbour techniques, with a willingness and wherewithal to patrol in unconventional spaces and unconventional ways, in proximity to villages, compounds, camps, forests and fields, is the best response to an unconventional and often “invisible” threat.
-  Observation posts: There is no reason why UN peacekeeping forces should not conduct day and night surveillance operations. Keeping under 24/7 surveillance areas in potential danger of gender-based violence or routes infiltrated by rebels may prove effective in preventing violence, and may also contribute to force protection.
-  Threat assessment and analyses of risk for peacekeepers should be continuously reviewed and updated. Operating from armoured personnel carriers (APC) may not always be the right answer to a volatile situation. The terrain and the opponents to a peace process may dictate that operating on foot is a better solution for making contact with the local population, not upsetting a town/or village, overcoming or making better use of the terrain.
-  The composition of the military component should be tailor-made for the operating environment. It should also be configured for soft soldiering and be mentally and physically capable of quickly changing to using force according to the ROEs, which may require engineering support, reconnaissance, and sniper capability. It should be fully willing and capable of implementing the PPP (presence, posture and profile) concept.

10. LEADERSHIP

LEADERSHIP

A mission will only succeed in protecting civilians and addressing sexual violence if the leadership, including the SRSG, the FORCE COMMANDER and SUB-ORDINATE COMMANDERS demonstrate commitment and determination.

EFFECTIVE RESPONSE to sexual violence requires:

- DECISION-MAKING
- ACCOUNTABILITY for ACTION or LACK THEREOF
- ABILITY to ACCEPT RESPONSIBILITY

UN Photo/Marlene Penel

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LEADERSHIP

A KEY PRINCIPLE of peacekeeping is CONSENT of the main parties to the conflict. However, some will try to derail the peace process.

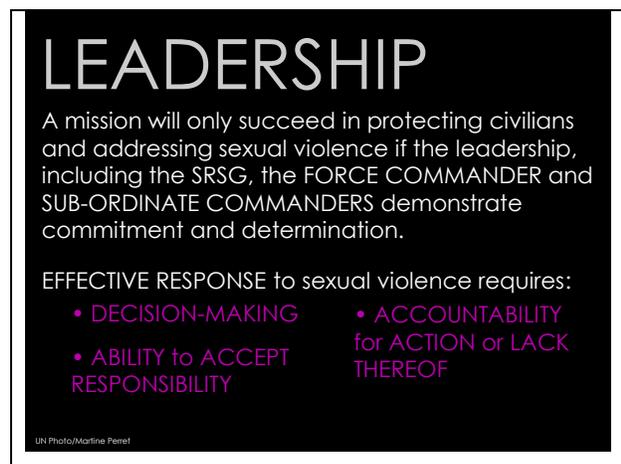
Commanders should carefully ASSESS, ANALYZE, WEIGH and MINIMIZE RISKS facing their troops by providing CLEAR ORDERS, ADEQUATE EQUIPMENT, TRAINING and WEAPONRY.

Slide 35

- A mission will only succeed in protecting civilians and addressing sexual violence if the leadership, including the SRSG, the Force Commander and sub-ordinate commanders (including patrol commanders), demonstrate commitment and determination. Effective response to sexual violence requires decision-making, accepting responsibility, and being accountable for action or lack thereof.
- Another key principle of peacekeeping is consent of the main parties to the conflict. However, in many situations “spoilers” will try to derail the peace process and, therefore, the implementation of the peacekeeping mandate. Commanders should carefully assess, analyze, weigh and minimize the various risks facing their troops by providing clear orders, adequate equipment, training and weaponry. However, being

true to the mandate may require a commander to take risks. Risk is a part of life, everywhere. It should not be allowed to paralyze a commander or an entire mission.

11. PRE-DEPLOYMENT TRAINING, INCLUDING SCENARIO-BASED TRAINING



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- Effective pre-deployment preparation of troops, as well as junior and senior commanders, is vital. Enhanced training and readiness standards are required to prepare the force to confront brutal sexual violence used as part of the arsenal of armed groups in contemporary conflicts. Rather than explaining various Security Council resolutions, the military component should receive practical scenario-based training. Training should start with the practical and then move to the conceptual, rather than the reverse. Instead of imparting normative or theoretical content about sex and gender, it should equip uniformed peacekeepers to meet these challenges in theatre. Training must help peacekeepers to respond appropriately to gender-based security threats, rather than being limited to cultivating awareness on the prevention of sexual exploitation and abuse and the UN Code of Personal Conduct for Blue Helmet, which are necessary but not oriented to prepare troops to address patterns of brutal sexual violence used as part of the arsenal of armed groups in contemporary conflict

settings. Responding to widespread or systematic sexual violence should be part of Mission Rehearsal Exercises, scenario-based training, and in-mission refresher courses.

-  **Note to Instructor:** *Outline the main points that have been covered during the session. On completion of the presentation, the audience should now understand the requirements for the preparation of (contingency) plans for military operations/actions that contribute to short- and longer-term protection of civilians against sexual violence; have a better understanding of the integrated approach required to address sexual violence; have a better understanding of the notion of “command” in relation to protection of civilians, including prevention of and response to sexual violence; be able, using scenario-based exercises, to evaluate situations from a tactical point of view and formulate appropriate courses of action.*
-  **Note to the Instructor:** *Allow time for questions and answers. The instructor may choose to probe the audience with questions about the presentation.*
-  **Note to the Instructor:** *Prepare the audience for the next session, which will consist of scenario-based exercises in break-out groups and plenary session and the viewing of video.*

Learning activity: Scenario-based training exercise

AIM

Evaluate and address hypothetical situations in which the local population is at risk or the victim of sexual violence, and formulate courses of action in the context of a particular mission's mandate and rules of engagement.

OBJECTIVES

- ✓ Provide the participants with an understanding of the nature of sexual violence in armed conflict, as well as the challenges and dilemmas facing military and civilian decision-makers in the field;
- ✓ Enable them to consider and implement protection tasks at the tactical level, including best practices aimed at preventing or responding to sexual violence;
- ✓ Ensure that they understand the roles that various mission components play in addressing human rights violations, including crimes related to sexual violence.



Note to the Instructor: *The trainees should have handouts that include the background copied below and four MONUSCO-based situations, as well as annexes with relevant excerpts from MONUSCO's mandate and rules of engagement. After reading the background, the trainees should view –in plenary session- a five minute video clip about the context. This video was produced for DPKO/UN Women/UN Action Against Sexual Violence in Conflict scenario-based training modules.*

BACKGROUND

The Democratic Republic of the Congo (DRC) is one of the largest countries in Africa –roughly the size of Western Europe – and has been plagued by civil war and insecurity for more than a decade. The long conflict has been characterized by the fight over natural resources, the meddling by neighbouring countries, and, not least, its toll on the civilian population, including the prevalence of sexual violence.

Since 2000, a multi-dimensional UN peacekeeping operation (now called MONUSCO) has been deployed to DRC, focusing on the eastern and most unstable part of the country. In addition to its civilian leadership and civilian and police components, MONUSCO consists of a close to 20,000-strong military component organized in brigade-size formations, with weaponry ranging from small personal arms to attack helicopters. A large number of utility helicopters are also available. The brigades are deployed in the eastern provinces of North and South Kivu, Province Orientale and Katanga, including a number of permanent bases (approximately 150 soldiers) as well as mobile operating bases (MOB) of approximately 50 soldiers each.

Eastern DRC is rich in minerals and covered with jungle and patches of grazing land. Foreign armed groups and local rebels are preying on the local population. State authorities have a weak or non-existent presence in many rural areas, and police are poorly trained, equipped and frequently not paid. The Congolese Army, FARDC, includes many ex-combatants from various rebel groups, and is struggling to provide sufficient training, equipment, discipline and leadership. Several commanders have economic ties to external groups, and members of the FARDC are frequently found to be the perpetrators of atrocities committed against the civilian population.

In this context, the rates of rape, killing, and property destruction endured by civilians are far higher than the number of military casualties since the beginning of the conflict. In particular, sexual violence directly or indirectly caused by the conflict has become one of the greatest threats to the security of civilians and a clear impediment to peace building and the success of peace operations. This is manifest in the use of sexual violence as a tactic of war against populations, the majority of whom are women and girls in contested territory; as part of widespread or systematic attacks against civilians; as part of patterns of predatory attacks against civilians in and around refugee and internally displaced persons camps; in connection with the illicit exploitation of natural resources; as an incentive for irregularly paid combatants; at checkpoints manned by abusive elements of the national army FARDC; perpetrated by former combatants reinserted into communities through the disarmament, demobilization, and reintegration (DDR) process; and by the ‘normalization’ amongst civilians of brutal forms of violence described as virtually unknown before the conflict, such as gang rapes, public rapes, forced incest and the rape of victims of all ages, from infants to elderly people. Sexual violence is also used as a form of punishment against populations and includes the rape of men and boys. Apart from the physical and mental consequences, a sexual survivor often faces a future of indigence and social exclusion for herself and her children. Most lose their health, livelihoods, husbands, families, and support networks, which in turn shatters the structures that anchor community values.

MONUSCO has a mandate to assist the DRC government in strengthening its military capacity, not least through the training of and jointly planned operations with the FARDC. At the same time, the Mission’s primary task is to ensure the effective protection of civilians under imminent threat of physical violence, including all forms of sexual and gender-based violence and the empowerment of women. Since members of the FARDC are responsible for acts of violence against civilians, MONUSCO often finds itself in a sensitive and politically challenging position, which requires a consistent response and strong leadership.

-  **Note to the Instructor:** *The instructor should now play the five-minute video clip included in DPKO/UN Women/UN Action’s scenario-based training for military peacekeepers on conflict-related sexual violence in the Democratic Republic of Congo.* 🗣️
-  **Note to the Instructor:** *After viewing the video, the instructor may choose to divide the trainees in several break-out groups. Depending on time available, he or she may choose to assign one situation to each break-out group, or ask all groups to work on all situations. After 50-60 minutes of group work, the trainees should convene in plenary session to discuss their answers with the instructor.*

SITUATION 1

The area of Wula in South Kivu is hilly, with bush and open agricultural land and small villages, most of them secluded. Legal and illegal mining is carried out in several places, much of it highly disputed. Local teachers, village elders, female groups, and priests play an important role in the communities. Infrastructure is very poor and the area is easily infiltrated. Negative forces, such as FDLR Interahamwe, Rasta, Mai Mai, dissident splinter groups and nonaligned bandits (henceforth referred to under one heading as “rebel groups”) are harassing the local population. The general situation is volatile, with frequent incidents of looting, extortion, abduction and sexual violence committed by rebel groups as well as members of the FARDC. The Force Commander of the UN mission has directed that, in order to accelerate decision making, all the rules 1 to 5 of the rules of engagement do apply and are authorized by him.

A UN patrol (30 soldiers) on foot, at last light, encounters a young girl (13 years) who has been raped by four uniformed and armed persons at a nearby checkpoint. She is in a bad state but is able to accurately describe the perpetrators. The checkpoint is only a five-minute walk away.



1. What should the patrol commander decide?
2. Indicate in detail on what documents he bases his decision.
3. In case the perpetrators are FARDC soldiers, what should the patrol commander do?
4. In case the perpetrators are members of a rebel group, what should the patrol commander do?
5. What should the patrol do with the girl?
6. What should the company commander (Coy Comdr) decide after learning about the incident?
7. What actions should the battalion/sector commander take after the latest incident?



Note to the Instructor: *The following are possible “discussion notes” for the instructor only, which may guide him/her in the plenary session when the break-out groups report back on their discussion.*

1. The patrol should report back to its Company Headquarters (Coy HQ). He quickly discusses the situation and indicates his intent to disarm the accused perpetrators if need be by force and detain them. He confirms he can use force according to ROE no 1.7 in Annex A. He should investigate the area and confront the four persons, who meet the description of the girl, at the checkpoint. The patrol should disarm the 4 uniformed persons if needed by force and detain them for follow on action.
2. All rules are authorized by FC, which provides for accelerated decision making. The following ROE apply in particular in this case:
 - a. Definitions of hostile act and hostile intent apply.
 - b. Roe 8 J (1) of main document use of force beyond self defence.
 - c. Rule 1.7 in annex A applies. This rule authorizes armed personnel serving in MONUSCO to use force, up to and including deadly force, “to protect civilians, including humanitarian workers, under imminent threat of physical

violence. If possible he should confirm with his Coy Comdr if not possible he should act based on rule no 1.7.

- d. Rule 1.13 in annex A applies. This rule authorizes armed personnel serving in MONUSCO to use force, up to and including deadly force, “to prevent or put a stop to the commission of a particularly serious crime that involves a grave threat to life or of serious bodily injury”.
 - e. Rule 4.1 and 4.3 in annex A apply.
3. Irrespective of the accused being rebels or FARDC soldiers they should be disarmed. In case the soldiers at the checkpoint are FARDC soldiers, the patrol commander should try to get in contact (via his own HQ) with the local FARDC commander. If that is not possible, he should take action to detain them in order to hand them over as soon as possible to the local authorities (i.e. the “auditeur-militaire”) for legal prosecution.
 4. In case they are rebels they should be handed over to the local authorities for further prosecution. However, if there are no local authorities, that might be force majeure and should never be reason to free perpetrators of grave human rights abuse.
 5. The patrol medic takes care of the girl, who should be transferred to a medical clinic and receive post-exposure prophylaxis (PEP) to prevent HIV infection as soon as possible. All should be aware of the extremely delicate and sensitive situation. No photographs or videos should be taken. Immediate evacuation, in consultation with the girl’s family and local community leaders including women, is the most appropriate solution.
 6. The company commander should discuss with the local military and police authorities the possible removal of (illegal) checkpoints where women are harassed or abused, and follow up with unannounced spot checks. He should report the incident to his higher formation, so that this is in turn reported to the highest FARDC authorities to take action and sensitize FARDC soldiers on sexual violence. It might be possible, in agreement with the local authorities, to declare the area a weapon-free zone. FARDC soldiers could then carry weapons while on duty, but not after duties.

7. The battalion/sector commander further should consider to maximize the use of night and helicopter patrols, quick reaction units, staying overnight in the area. Uniformed peacekeepers may work with humanitarian agencies, especially within the protection cluster, to establish referral networks for sexual violence victims to access medical and psychosocial support. He also should warn the FARDC region commander to take charge of his units since he is responsible for their discipline and their (mis)behaviour.
8. For discussion: How to manage the sometimes contradictory mandate to support FARDC but also protect civilians.
9. The mandate does not say that the mission is obliged to support FARDC. If they misbehave or do not cooperate the Mission should NOT support or withdraw support, as stated in MONUSCO's Conditionality paper.

SITUATION 2

Twice a week, there is market in the village of Muta in North Kivu. The market is regularly threatened by armed groups who are looting, killing, abducting women and girls, and raping women on their way from their homes in the hills to the market. Police are scared and incapable of taking action. The local FARDC commander is openly doing business with FDLR. In the past he has refused to take action when called upon by MONUSCO.

Two young girls were raped in the village, abducted and taken to the forest. On the same day, a group of four women were raped on their way to the market, while another managed to escape. She knows where the perpetrators live and reports the incident to the village elder, who passes the information on to UN forces deployed in the area and asks the company commander to help rescue the two girls from their kidnappers.



1. How should the company commander react to the request to rescue the girls from their kidnappers and what action should he take?
2. Which documents could be used as basis for possible action?
3. How can the victims be assisted?
4. What action should be taken by the UN at the sector and Mission level to prevent similar situations in the future?



Note to the Instructor: *The following are possible “discussion notes” for the instructor only, which may guide him/her in the plenary session when the break-out groups report back on their discussion.*

1. The local population has high expectations of the protection that the deployed UN unit might provide. The UN’s credibility is at stake. The company commander (Coy Comdr) should discuss first with the FARDC Commander what action he intends to take. He discusses the situation with his battalion commander and explains to him his intentions to take action. In case the local security forces are unable or unwilling to take action, the Coy Comdr should try to locate the abducted girls with the help of the village elders and disarm the perpetrators. They should be detained and handed over to the Congolese National Police (CNP). The girls should be brought to the hospital as soon as possible to receive treatment.
2. The protection mandate including sexual violence is clear. Consideration must be given on the hostile intent and the historical precedent within the Mission’s area of responsibility. The perpetrators are harassing the women and girls regularly and the Coy Comdr should have a reasonable belief that they will do it again. His attempt to find the perpetrators and freeing the abducted girls are based on the principle of the use of force beyond self defence, which applies in this situation, as well as rule no. 1.7, which stipulates that MONUSCO armed personnel are authorized to use force, up to and including deadly force, to protect civilians, including humanitarian workers, under imminent threat of physical violence. When and where possible, permission to use force should be sought from the immediate superior commander. Rule no 1.7
3. How to assist the victims is something to discuss with the village elders, local medical clinic and other applicable local dignitaries such as religious leaders, teachers, local women’s organisations, etc. UN Human Rights, Civil Affairs and Gender components and UN agencies with a protection mandate, such as UNICEF or UNHCR can provide further assistance. It is important in this respect to find ways to prevent this violence from happening in the first place.

4. The battalion/sector commander should discuss the security situation with the Head of Office and his/her team. They should consider ways to enhance safety around market places, including patrolling during trade hours, making it a, “weapons-free zone”, accompanying women to and from the market, rehabilitating transportation, etc. Market entrances may be sealed before sunrise and a patrol kept in the area for the duration of trade. Dismantling roadblocks or adding a peacekeeping presence and oversight role at checkpoints en route to market can reduce the risk of harassment and extortion. Rehabilitating transportation may permit women to travel with children, rather than leaving them unattended. UN force, should appear at market places unannounced and at irregular hours, move at night and secure the area. The battalion/sector commander should discuss possible measures with the Mission’s Human Rights Section, Child Protection, NGOs such as OXFAM, IRC, CARE, Save the Children, etc., and national civil society, including women’s organisations, in the province capital. He also should discuss the situation about the FARDC commander openly doing business with FDLR with the FARDC regional commander. This, should also be brought to the attention of the Mission in Kinshasa to discuss with Government.
5. For discussion: How to tackle situations in which the local population expects the UN Mission to play a law enforcement role in the absence of (strong) authorities.
6. The local population expects the UN to protect them. The mandate provides guidance on this issue: “To protect civilians.....without prejudice to the responsibility of the host government”. Governments hold the primary responsibility for ensuring the security of civilians on their territories. However, in conflict and post-conflict situations, the capacity of governments to live up to this responsibility may be limited. At times, the very government that is responsible for protecting the civilian population, including displaced people, may have caused the people to flee in the first place. In other cases, it has shown itself incapable of protecting its citizens from marauding rebel groups or sexual violence and persecution. In practical terms, this phrase stipulates that the military component should allow the authorities to take appropriate action whenever they demonstrate the intent and/or are capable of doing so. However, in case the response is insufficient, ineffective

or untimely, the UN peacekeeping operation has to urge the host governments to take more robust measures in order to ensure the protection of civilians or, if deemed necessary, intervene and take action itself.

SITUATION 3

The Forces Démocratiques de Libération du Rwanda (FDLR) is the primary remnant Rwandan Hutu Power rebel group in eastern DRC. It has been involved in fighting in DRC since its formation in 2000, and is composed almost entirely of ethnic Hutus opposed to Tutsi rule and influence in the region. Since December 2008, when DRC and Rwanda agreed to disband the FDLR, the FARDC has been pursuing FDLR fighters in eastern DRC, with assistance at various times from the Rwandan Patriotic Army (RPA). FDLR continues to be responsible for atrocities committed against the civilian population, including larger-scale attacks against villages in the Kivus.

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 lock the women/girls inside their huts and burn them alive. The FDLR 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 reorganizing, and poorly equipped.



1. What should the MONUSCO company commander decide and what are the subsequent actions the mission should undertake?
2. Why must MONUSCO take decisive action in cases such as this one?
3. What should be done with perpetrators if captured?
4. Which mission components might be involved in this situation?
5. What can be done to prevent similar atrocities from occurring in the future?
6. How can remote villages alert the UN Mission in case of attacks?



Note to the Instructor: The following are possible “discussion notes” for the instructor only, which may guide him/her in the plenary session when the break-out groups report back on their discussion.

1. The Coy Comdr immediately informs his higher HQ and the FARDC local commander. This is a grave case of human rights abuse that would seem to reach the threshold of war crime, as described in the Geneva Conventions and the Rome Statute of the International Criminal Court, among others. The SRSG/FC should be informed and the Mission Public Information Officer to address the issue with the media. UN HQ in NY should be informed immediately. SRSG and FC decide that immediate action should be taken to go after the perpetrators and try to disarm them. It is clear that FARDC is in no position to undertake action. Any joint operation is not a viable option. Quick planning as directed by the FC at sector level for decisive action should be undertaken.
2. The Mission's mandate is clear on Protection of Civilians (PoC), and the ROE authorize use of force beyond self-defence, as indicated in the previous situations. Considering the FDLR's record of committing atrocities in eastern DRC, there is reason to believe that they will attack other villages in the future. It is important to deter groups like the FDLR and establish UN's credibility with the local population and the international community.
3. Consider options for bringing perpetrators to justice once/if captured, including handing over to local judiciary authorities or temporary detention until a hand-over is possible.
4. Military action should be discussed with relevant Mission components, including human rights and rule of law, and possibly humanitarian agencies in view of possible repercussions against the population after military actions are completed.
5. Consider various deterrent tasks, including through visible presence, night patrols, Mobile Operating Bases (MOBs), and helicopter operations. Establish a presence of peacekeepers to prevent retaliation against local population and UN/NGO personnel.
6. Consider what alarm systems may be available to remote communities in volatile areas to alert the Mission of a possible attack, including the sounding of church bells, use of mobile phones or High Frequency (HF), alternative distress

call systems, or the setting up of village vigilance committees. The UN Force must link those systems to the use of quick reaction forces (QRF).

SITUATION 4

The area of Sisai and Kalu is considered particularly volatile, with regular reports of roaming FDLR Interahamwe and Mai Mai elements. In response to information that FDLR is building up its strength in the region, UN security officers have advised World Food Programme (WFP) and other agencies to suspend movement in the area. Given the insecurity, MONUSCO is carrying out regular escorts for women from the village of Hisha who attend the market day in the nearby town of Kobu.

The company commander of the UN operational base learns from a local health centre supported by the International Medical Corps that a mass rape has occurred in the village of Hisha a few days ago. Although a UN patrol escorted villagers to the market since the rape occurred, it was not told about the incident.



1. What action should the company commander take in response to the report about the mass rape?
2. What would be the Mission's response to the information received from the health center?
3. What may be the reason that the villagers did not inform the UN patrol about the mass rape?
4. What can the company commander and the UN patrols do to instill trust and confidence in MONUSCO among the local population?
5. What can MONUSCO do to prevent similar mass rapes within its area of operations?



Note to the Instructor: *The following are possible "discussion notes" for the instructor only, which may guide him/her in the plenary session when the break-out groups report back on their discussion.*

1. Report to the battalion HQ (Bat HQ) and plan quickly for a multiple-day strong patrol to the area to boost confidence among the local population and deter the perpetrators from further atrocities. Use helicopters for deception operations

(“dummy landings”) to keep potential perpetrators off balance. The patrol should collect as much information as possible about what might have happened.

2. Mission HQ should be informed by battalion/sector commander and Head of Office (HOO). SRSG/FC should send a human rights investigation team, a joint protection team, a sexual violence/ gender team and a mobile clinic to the area to support the sector commander, the HOO and the local authorities. Media should be addressed at Mission HQ level. Plan with Bat HQ and establish further UN military presence in the villages, including through foot patrols during the dark hours. Identify potential flash points and camps of rebel movements in close consultation and cooperation with the local population, UN agencies, and NGOs, including women’s groups.
3. Two main factors may have prevented the local population from informing the force about the incident or alerting them that an insecure situation was developing: lack of communication and trust or confidence, and absence of female personnel in the battalion. The force did not have female personnel to facilitate reaching out enough to the local population using interpreters/language assistants to find early warning signs.
4. Build up trust and confidence with the local population with Joint Protection Teams, community liaison duties, and the application of the Presence, Posture, and Profile concept. The example set by peacekeepers in how they view and treat women is likely to be emulated. This allows the UN to serve as a model and example of the principles for which it stands. Examples of trust and confidence building measures and community liaison in other missions can be found in the Analytical Inventory, such as the “Free Fridays” medical outreach programme in UNMIL, EUFOR’s collaboration with local women’s organizations to improve its response to sexual violence, and mission-specific refresher training on cultural awareness and gender roles and relations in the host society, so that peacekeepers are sensitive to the local gender dynamics.
5. A more pro-active attitude of all elements of the Mission should be taken in the future to prevent these types of incidents from happening. The Mission’s civilian components should address the issue of stigma associated with rape, and the need for effective community liaison mechanisms and tools, including regular

interaction and communication using language assistants/interpreters, use of female officers trained in sexual violence and protection issues, quick impact projects, support to women's role in community safety, etc.



Note to the Instructor: *The annexes referred to in the scenarios –mandate and ROEs- can be obtained from the package of materials prepared by UN Women, DPKO and UN Action on scenario-based training for military peacekeepers to prevent and respond to conflict-related sexual violence, and should be available to trainees beforehand.*