

REPORT

REGIONAL WORKSHOP ON

**INTEGRATED PROTECTION OF CIVILIANS
IN UN PEACEKEEPING OPERATIONS**

12-16 December 2016
Manekshaw Centre, New Delhi, India

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



ICRC

“The views and opinions expressed in this publication do not necessarily represent those of The International Committee of the Red Cross (ICRC)”

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MONDAY 12 DECEMBER 2016

The session began at 0930 hrs

PRESENTATION 1 WELCOME ADDRESS

Maj Gen Sandeep Sharma, VSM, ADG SD Indian Army

In his welcome address, Maj Gen Sandeep Sharma expressed appreciation for the contribution by all the participants and to the governments for responding to the invitation of the organizers. He noted that the event not only brings together three important issues i.e. Protection of Civilians (PoC), Conflict Related Sexual Violence and Child Protection, but also deals with them in a comprehensive manner.

Gen. Sharma drew the attention of participants to the fact that today, nine out of sixteen on-going UN missions have a PoC mandate and the importance of PoC and its correct understanding and implementation can therefore not be over-emphasized. In his view, it therefore becomes extremely important for peacekeepers to be trained on these issues, affirming that this was exactly what the workshop intended to achieve.

On the quality of participation, Gen Sharma stated that he was encouraged to see that forty-one serving military officers with diverse experience, expertise and cultures and coming from five different continents were participating in the workshop. He welcomed representatives of the ICRC who would be acting as facilitators and encouraged participants to share views and experiences and to take advantage of the resources available during the workshop.

PRESENTATION 2 OPENING REMARKS AND SETTING THE CONTEXT

Jeremy England, Head of Regional Delegation, ICRC New Delhi

Mr. Jeremy England began his address by welcoming everyone and acknowledging the collaboration the ICRC enjoys with the Centre for United Nations Peacekeeping (CUNPK) which spans over a decade. He mentioned the regional seminar on International Humanitarian Law (IHL) and peacekeeping that was jointly conducted in September 2015 and noted that peacekeeping

and humanitarian operations are complementary. He praised the current initiative that has brought peacekeepers serving in various far flung UN Missions together, pointing out that the Indian Armed Forces, other Troop Contributing Countries (TCC), and the ICRC will all benefit immensely from this workshop.

Going further, Jeremy explained that the work of the Regional Delegation of the ICRC in India since it opened in 1982 has consistently prioritised two functions - protection and assistance to persons affected by armed conflict and other situations of humanitarian concern; and the promotion of, and respect for IHL, as well as other international legal norms and standards which fall below that of an armed conflict. He acknowledged the strong partnership with the Indian Armed Forces which has helped the ICRC improve its support on IHL and IHRL training to the Indian Armed and Security Forces, including the police and the Central Armed Police Forces.

He also identified other areas of collaboration to include the promotion of various humanitarian policy debates on the use of force in armed conflicts, the interplay between the conduct of hostilities and law enforcement paradigms, the application of new technologies in modern warfare, IHL and challenges of terrorism or the law of armed conflict at sea with military and foreign affairs Think-Tanks, (such as IDSA, USI or ORF). He also recalled with pleasure the rich partnership with the Indian Red Cross Society. On the workshop, Jeremy said that there is a moral obligation on each one of us to strive harder to protect civilians who are caught up in the horrors of conflict. He stressed that it is paramount that all parties to armed conflict take responsibility for making sure that the civilian population is protected by complying with IHL and promoting accountability for violations of IHL, allowing humanitarian aid to reach the recipient civilian populations, and paying special attention to vulnerable groups such as women and children.

According to Jeremy, peacekeeping forces have the responsibility to ensure the safety of civilians and a secure environment for humanitarian assistance. To help in making this possible, he assured that the ICRC is there to assist through training, monitoring, policy dialogue and the successful implementation of its own programmes. Thanking all the participants for attending the workshop, he expressed the hope that the deliberations and discussions at the workshop will lead to actionable measures and new or novel approaches to help prevent and respond to violations of international humanitarian and human rights law and ensure that the protection of civilians receives the attention it deserves.

PRESENTATION 3 REMARKS

Dr. Helen Durham, Director for International Law and Policy, ICRC, Geneva

Giving her opening remarks, Dr. Helen Durham expressed her utmost pleasure and profound thanks to the Centre for United Nations Peacekeeping in India (CUNPK), all participating countries, representatives of UN Stabilisation Mission in the Congo (MONUSCO), and DPKO, retired and serving officers of the Indian Armed Forces and the Police and all participants generally for the opportunity to address the inaugural session of the Workshop on the work of the ICRC with Peace Operations worldwide. She noted that this aspect of what the ICRC does is complex and involves many nations, agencies and encompasses civilian, military and police components, the organizations responsible for the deployments (UN, AU etc.), and other stakeholders.

On the ICRC's work with peacekeepers, she said this is at strategic, operational, and tactical levels, and the organisation understands that peacekeepers have to execute in the field, the mandate negotiated at political and geopolitical levels which has its own operational challenges. She reminded the peacekeepers that as professional military and police officers, their mandates, missions, and rules of engagement in peacekeeping operations define the scope of their responsibilities and actions where civilian lives may be at risk, leaving little space for error, and placing them in the cross-hairs of danger when things go wrong. She cited recent challenging events that have put to test even the strongest soldier or most upright police officer, adding that the mission accomplishment is often won under the strain of conflict, respecting the rule of law, and with limited resources. She reiterated the neutrality and independence of the ICRC, noting that today's missions are not only getting longer and dangerous, but also having complex mandates; emphasising that the role of a peacekeeper has therefore become increasingly intertwined with those involved in humanitarian action, in security sector reform, in development, in the maintenance of the rule of law, in countering or preventing violent extremism, and possibly, even in counterterrorism.

Describing the concept of protection of civilians, she stated that for the ICRC, it requires above all, respect for the law, and a commitment to preserve human safety and dignity at all times, beyond humanitarian and peacekeeping operations. She averred that for armed and police forces, it means respecting and ensuring respect for International Humanitarian Law, both treaty and custom, under all circumstances, with the implications that all TCCs remain bound by relevant legal obligations of their home State, including international human rights law obligations.

She further added that as peacekeepers, this means both ensuring respect by contingents and police units at all times and taking all feasible actions in the protection of the civilian population from others who may be parties to the conflict. This encompasses both a negative obligation that prohibits encouraging or facilitating violations by others, and the positive obligation to exert influence to the degree possible and to take appropriate measures according to the prevailing circumstances and resources available.

To underscore the importance of the concept of protection of civilians (PoC), she quoted Peter Maurer, the ICRC President, who, during a debate on the Protection of Civilians in the Security Council, said that ‘any form of violence, including sexual violence, perpetrated by any component of a peacekeeping operation undoubtedly undermines and jeopardises the mission.’ This affirms zero tolerance for sexual violence anywhere in a peace operation. Dr. Durham also referred to the address of the Indian Prime Minister Mr. Narendra Modi at the UN Summit on Peacekeeping in September 2015, where he said that “over 180,000 Indian troops have participated in UN peacekeeping missions...” including the “161 (who) have made the supreme sacrifice while serving.” She further added that the ICRC knows that as of August 2016, countries represented at the workshop collectively contributed 47.5% of the troops for the world’s peacekeeping mission.

She ended her presentation by calling upon all the participants to deliberate freely on protecting civilians and particularly on how to integrate all aspects of the PoC into peacekeeping operations.

Strategic Perspective on PoC (ICRC) – Jamie Williamson, ICRC Geneva

In his presentation, Jamie Williamson addressed the issue of PoC from the point of view of the ICRC and its strategy, leveraging on his experience while on mission in Rwanda during the genocide. Speaking specifically about the mandate of the ICRC, he said it should not be compared to a non-government organisation, and that even though it is often present in the field with the UN, the ICRC is absolutely independent. He explained that the ICRC predominantly functions through the lens of IHL, but it works with other organisations in a law enforcement paradigm, since today’s environment is as different as are the issues. These ultimately have a direct impact on the PoC.

For the ICRC, PoC means getting help to the affected civilian population and ensuring that hostilities have minimum effect on their lives. Today’s conflict trends are a lot more complex and there are ebbs and flows. He cited South Sudan as one such example because of the multiplicity of actors, the complexity

of the conflict, and the repeated fall back into crisis. He also told participants that today's battlefield has evolved, and is significantly marked by such factors as technology, the social media, connectivity between different groups, the capacity to deploy weapons remotely, and the growing capacity of non-state armed groups (NSAGs) — all these being indices that have combined to change the face of conflict. Naturally, these have an immediate impact on peacekeeping, hence the need for the ICRC to have an understanding of these developments and the need for it to provide repeated trainings.

Jamie also made a special mention of the increasing security threat to humanitarian workers today saying that while UN peacekeepers can carry weapons, ICRC personnel do not, and the only defence they have remains their adherence to the fundamental principles of the Red Cross and Red Crescent Movement.

Focusing on prevention, he stated that capacity building is necessary since most of the current missions are about law enforcement. Destruction of safe environment for children, the rise of new actors and the attacks on health care personnel and medical facilities have emerged as some new challenges which should be adequately addressed he suggested.

Finally, he emphasized that commanders have a big role to play to ensure compliance and good conduct while leading their troops.

INAUGURAL ADDRESS

Lt Gen Satish Nambiar (Retd), Padma Bhushan, PVSM, AVSM, VrC

Gen Nambiar said it was an honour and privilege for him to give the inaugural address at the workshop. He noted that with his experience in service and on retirement, he is convinced that the issue being discussed at the workshop is important and would benefit from the experience of all participants. According to him, the UN first added PoC as a thematic issue in 1999 because civilians had suffered disproportionately in many conflicts and PoC was thus seen as a key element to be included in UN peacekeeping mandates. He said further that the UNSC has remained engaged on the issue ever since.

Notwithstanding this commendable move, Gen. Nambiar said that the fundamental fault lines continue to bedevil the UN's efforts in responding comprehensively to PoC. According to him, the strategic interest of some veto-wielding members continue to dog the effort of the UNSC, whose impact

on PoC has been marginal. Displacement, sexual violence, etc. continue to occur despite noble efforts. Gen Nambiar further added that the protection of this category of persons is made difficult by the insistence of the UNSC that host governments (who are often accused of targeting civilians themselves) have the mandate to protect civilians. He observed that Peacekeeping forces lack the right mandates and are often not properly equipped and led, thereby limiting their ability to offer any protection. He offered his best wishes for a productive workshop and encouraged participants to benefit from each other's experiences.

Strategic Perspective on PoC (UN) – Lt Gen Sanjiv Langer (Retd), PVSM, AVSM

Gen Langer informed participants that he was going to address the subject-matter from the strategic and operational perspective. In doing so, he examined the principles of international law, stating that this law will prevail against national law, and that troops and officials of the civilian components have individual liability if they fall short of expectations. He went on to discuss the draft operational concept on PoC in UNPKOs from some paradigms, one of which was ensuring that civilians are free from physical harm. He listed activities relevant for the protection of civilians and argued that key events that occurred between 1992-94 influenced the UN's thinking on PoCs. He identified events in Somalia in March 1992 and averred that it led to the adoption of Resolution 751 which established Military Observers (MILOBS) and Resolution 775 of 28 August 1992 which expanded UN troop strength following attacks on humanitarian convoys in Somalia.

In analysing the situation in Somalia, where there were multiple “state players” (not non-state actors), he suggested that with other similar challenges elsewhere, UNPKOs have struggled and have been unable to protect the civilian population from terror and criminality. He submitted therefore that PoC has always been and will remain a critical element of UN missions.

INDIA'S CONTRIBUTION TO UN AND ROLE OF CUNPK

Col. Rohit Sehgal, Director CUNPK

Col. Sehgal noted that India has 65 years of UN peacekeeping experience, beginning its participation with the first mission in 1950 in Korea and that she has so far participated in 49 UN missions, out of a total of sixty-nine. He also said that it is instructive to note that India has so far 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). He stressed that the country's troops have suffered fatalities as well, in its quest to ensure global peace through these missions.

According to him, India is presently the second largest troop contributing country (TCC) in the world, whose peacekeepers – including Formed Police Units (FPU) – are deployed on 13 peacekeeping missions. Today, there are 7,471 Indian troops deployed for service with MONUSCO, UNMISS, UNIFIL, UNDOF, UNOCI, UNISFA, UNAMI, MINURSO and at the DPKO in UN headquarters.

Col. Sehgal then gave the under listed as some important mission on which Indian troops and FPU's are deployed:

Lebanon (UNIFIL) – Indian contingent deployed since December 1998 comprises an Infantry Battalion Group, Level II Hospital and 23 Staff Officers.

Golan Heights (UNDOF) – Indian contingent deployed since February 2006 comprises a Logistics Battalion.

Liberia (UNMIL) - Indian contingent deployed since April 2007 comprises one FPU MILOBs and Staff Officers. All women FPU de-inducted in 2015.

Haiti (MINUSTAH) – Indian contingent deployed since December 1997 comprises four FPU.

DRC (MONUC/ MONUSCO) – Indian contingent deployed since January 2005 comprises an Infantry Brigade Group (four Infantry Battalions), Level III Hospital, Signal Company, two FPU, MILOBs and Staff Officers.

Sudan/South Sudan (UNMIS/SS) - Indian contingent deployed since April 2005 comprises two Infantry Battalions, Level II Hospital, Engineer Company, Signal Company, PET Platoon, MILOBs and Staff Officers.

Missions with minor Indian representation – UNFICYP (Cyprus) – Police Personnel, UNOCI (Cote d'Ivoire) – Military Staff Officers, UNISFA (Abyei) – Military Staff Officers, UNAMA (Kabul) – Police Officer.

On the Centre for UN Peacekeeping (CUNPK), he informed participants that it was established in September 2000 as a joint venture of the MoD, MEA and Service Headquarters under the aegis of United Service Institution of India (USI). It is the nodal agency for imparting pre-deployment training to peacekeepers (Military & CAPF) and officers from friendly foreign countries.

It has also represented India at the International Association of Peacekeeping Training Centres (IAPTC) since 2005.

He explained that its role is to provide integrated training in UNPKO to Military Contingent Officers / Military Observers, Staff Officers & CAPF; to provide similar training facilities to personnel from friendly foreign countries; to train the trainers and then monitor pre-induction training of contingents through Commanding Officers; and to foster intellectual exchange by organizing international seminars / workshops.

Furthermore, he said the CUNPK conducts 10 UN pre-deployment courses, 6 ToT for Contingents and 7 international courses every year. It also conducts national and international seminars on UNPKOs, discussions with foreign delegations on UNPKOs, command post exercises (CPX) and field training exercises (FTX).

Concluding, Col. Sehgal explained that the contingent training includes the orientation, pre-induction and in-mission modules. So far he said, the CUNPK has trained 6,667 Indian officers and 980 foreign officers from 92 countries. The on-site assessment of UN Military Observers course is conducted by ITS/DPKO and officers get certified for four years. The special female military officers course (SFMOC) on violence against women, girls, men and boys is also being conducted by the Centre. Which also conducts training exchange programmes to include student exchange, instructor exchange, mobile training teams, field training exercises/command post exercises, visit of delegations, and conferences/symposiums/seminars.



Maj Gen Sandeep Sharma, VSM, ADG SD, Indian Army delivering his welcome address



A glimpse of the inaugural session in progress



Lt Gen Sanjiv Langer, PVSM, AVSM giving a presentation on UN's strategic perspective on the protection of civilians



Officers listening to one of the presentations during the inaugural session



Lt Gen Satish Nambiar (Retd) Padma Bhushan, PVSM, AVSM, VrC delivering his inaugural address



Jamie Williamson from the unit for relations with armed and security forces at the ICRC Headquarters giving his presentation



From L to R : Dr Helen Durham, Director, International Law and Policy, ICRC Geneva; Maj Gen Sandeep Sharma, ADG, SD; Lt Gen Vijay Singh, DG SD; Mr Jeremy England, Head of Regional Delegation, ICRC New Delhi after the inaugural session



Stephen Kilpatrick of the ICRC briefing the syndicate on the scenario based group exercise

TUESDAY 13 DECEMBER 2016

The session began at 0830 Hrs

PRESENTATION 1 INTRODUCTION TO PoC: THE ENVIRONMENT

Maj Gen. Patrick Cammaert (Retd)

Maj Gen Patrick Cammaert began by stating the objectives of the training. These were a review of UN Peacekeeping Missions since 1999, examination of threats in today's operational environment, the review of strategic, operational and tactical consequences to a successful UN mission with a mandate to protect civilians, an examination of the evolution of peacekeeping as a result of changes in the operational environment, and lastly, to analyze the trends in mission environments. He stated that a total of sixteen peacekeeping operations were presently ongoing, the latest being in the Central African Republic (CAR). According to the General, the key features of traditional peacekeeping are its involvement in an interstate conflict, where the State still functions and is in control of the government infrastructure, the military, police and the judicial system. He pointed to the shift in the nature of conflict from that between States to one largely occurring within the territory of one State, which has led to the transition from traditional peacekeeping to multidimensional peacekeeping operations. He went on to classify and expatiate on the range of PoC activities as follows – Tier I: protection through the political process; Tier II: protection from physical violence; and Tier III: establishing a protective environment. Generally, he observed that Tier I and II are more successful than Tier III.

Maj Gen Cammaert stated that many UN Missions are dangerous and it is only by preparing the troops well during the pre-deployment training, by being well equipped, by being alert throughout a deployment, and showing a robust and decisive posture is it possible to mitigate these risks. He stressed that the assessment of threats for the mission, peacekeepers, the UN family and the local population is an ongoing exercise and that assessments and risk analyses are constantly shared with UN headquarters in New York and the Security Council.

In his opinion, the change in the environment as well as in the nature of peacekeeping brings peacekeepers face to face with a very different reality today. He further averred that non-state actors have become common in today's conflicts, and they may or may not be part of a cease-fire or peace

agreement such as in DRC, Darfur, Mali and CAR. He also said that the world increasingly sees more complex power systems involving local leaders, militias, criminal elements, corrupt government officials, etc. Politics and crime have thus become blurred in these situations. Increasingly, there are threats that go beyond the capacity of a peacekeeping operation therefore, there is no black and white answer of when and how to use force.

Bringing organizations like the ICRC, MSF and other organizations into the picture, the General stated that people in uniform have a lot to gain from engaging with humanitarian organizations in the field as they very often have a grasp of the ground realities of conflict scenarios. However, he spoke of the increasing risks for such organizations giving examples of situations where humanitarian aid personnel have been targeted. Speaking about the need for coordination, he stressed on the need for partnership with not just humanitarian organizations, but also the EU and NATO. A lack of coordination only results in the further suffering of civilians and there are many examples from history to illustrate this he affirmed. Though the involvement of organizations adds to the complexity of planning missions, the chances of success are higher if UNPOL, the local police, international and local media, armed opposition groups and humanitarian organizations are involved

In conclusion, Maj Gen Cammaert highlighted the fact that as UN Missions are often deployed in volatile environments, peacekeepers must be prepared for this during their pre-deployment training. They must be able to find the “hotspots” where violence might occur, be pro-active and take preventive action. He recommended that there must be as many female military and police officers in any mission as possible. He emphasized the vitality of preventive diplomacy and preventive action. He quoted Kofi Annan who once said that “*Never walk into an environment and assume you understand it better than the people who reside there*”. Most importantly, he stressed on the requirement of decisive and courageous leadership. He noted that the UN Security Council, governments and local populations all have high expectations from peacekeepers and the latter have to make sure that they do not disappoint them.

PRESENTATION 2 MANDATES, PROTECTION OF CIVILIANS, RoE AND THE USE OF FORCE

Maj Gen Patrick Cammaert (Retd)

The second presentation was also given by Maj Gen Cammaert and began by emphasizing that the root cause of conflict is usually political and hence it

requires political solutions. The UN can however play a very important role in the peace building process as according to him, peacekeeping activities depend on political intent.

He explained that in the perception of the local populations, and to a certain extent the international community, the UN military and police are deployed to protect civilians when the Government of host countries are unable or unwilling to do so. Therefore, local populations fleeing violence tend to seek refuge in or close to UN premises. He further explained that they are generally not aware of the specifics of a mission's mandate as they are just trying to survive. He also pointed out that lives are at stake if the UN fails to act and the result is a potential loss of credibility *vis-à-vis* the local population and the international community.

The General spoke of three significant challenges in UN Peacekeeping Operations- the first relates to an insufficient knowledge by the majority of military contingents of Mandates, Rules of Engagement (RoE) and the use of force; and second, confusion on the implementation of the mission objective of "*protection of civilians*". He then explained all the three challenges with the help of suitable examples. Referring to paragraph 83 of the High Level Independent Panel on Peace Operations (HIPPO) report, he pointed out that the prime responsibility for PoC lies with their governments. To explain the ambit of peacekeepers mandate, he referred to the UN Security Council resolutions mandating peacekeeping missions with the protection of civilians and said that Mandates could be seen either as ceilings or floors. According to him, correct interpretation of the mandate should be in line with the objective of the UN Security Council, i.e. to protect civilians through peacekeeping mandates. He also clarified that such mandates are usually authorized under Chapter VII of the UN Charter, which allows the use of force beyond self-defense, suggesting that the mandate is only as strong as the will of the leadership.

Going further, the General advised that alongside the mandates, peacekeepers should also follow the RoE which are developed by the Department of Peacekeeping Operations, the mission leadership and the UN's Office of Legal Affairs. He stressed that RoE is developed with the aim to ensure that use of force is undertaken in accordance with mandate purpose and principles of IHL. He then stated that force can be used beyond self-defence in three situations. First, to ensure the security and freedom of movement of UN personnel; second, to ensure the protection of UN personnel, facilities, installations and equipment; and finally, to protect civilians under imminent threat. He then said that 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: first, *capability and preparedness of the threat*;

second, *evidence of the intention to attack*; and third, *historical precedent within the area of operation*. With the help of examples, he also said that peacekeepers should never lose their credibility by returning to base if they face problems. Referring to the Force Intervention Brigade in MONUSCO mandate (2013), he said that there is a change in the view regarding the use of force.

Maj Gen Cammaert further discussed challenges and dilemmas in relation to the use of force. According to him, many specific technological tools can and should be introduced into the field. He said that working with surveillance and civilian colleagues in the mission is a challenge. He was of the opinion that coordination comes to the forefront when working with actors from humanitarian aid agencies. He also said that in present-day peacekeeping, intelligence forms a vital part of the operational planning to prevent, and stop violence against the local population and hence intelligence must be improved. He listed some other challenges and dilemmas which such operations face to include force protection, mobility, pre-deployment training, and conflict related sexual violence and leadership.

In conclusion, he said that sometimes mere presence is not enough and at times UN Peacekeepers have to show their skill and will to (physically) fight to protect civilians under imminent threat and from sexual violence. He stated that exercises involving the application of RoE should be undertaken all of the time at all levels, and that commanders should not be afraid to use force if the situation requires it.

QUESTION AND ANSWER

One participant asked about the mandates of the non-military personnel, like aid agencies in conflict zones. In reply to this question, Maj Gen Cammaert said that one should not care about the mandate when a crime is being committed. According to him, if institutions like the ICRC come across a crime being committed, they can report the same to the military personnel.

A participant asked about the approach one should adopt in case of collateral damage. In reply the General said that one should find an alternative way of executing an order in order to avoid such collateral damage. In reply to a question related to complying with a given mandate, Maj Gen Cammaert said that in principle, people might be sanctioned if they don't perform or underperform.

Another question was on what could be done in a situation where peacekeepers have the mandate but executing such mandate could upset the host country. Maj-Gen agreed that such a situation might arise which can lead to the

withdrawal of consent, it is a balancing act. Peacekeepers can lose credibility in the eyes of the civilian population if they do not act, at the same time they might lose the consent of the host Government if they did.

Another participant asked about the UN's efforts to safeguard the people in uniform, in case a mistake is committed by them during such peace operations. According to Maj Gen Cammaert, the UN realizes that mistakes can be made in really challenging circumstances and will protect those who have a case. In reply to another question relating to the control over peacekeepers, Maj Gen Cammaert said that if peacekeepers underperform on the instruction of their national command, host states can inform the UN HQ and appropriate action would be taken.

PRESENTATION 1 PoC – ICRC APPROACH

Dr. Can Akdogan, ICRC, Delhi

Dr. Can Akdogan commenced his presentation by stating the mission statement of the ICRC. He also explained that IHL consists of rules which in times of armed conflict seek to protect persons who are not, or are no longer taking part in hostilities and to restrict the methods and means of warfare employed. He said that the ICRC draws from its mandate to protect the civilians and that its protection efforts are intended to benefit two categories of persons in particular: firstly, those who have been captured and / or arrested and are being detained, particularly within the framework of an armed conflict or other situations of violence; and secondly, civilians who are not participating in hostilities and violent confrontations. Special attention is paid to groups exposed to specific risks, such as children, women, the elderly, persons with disabilities, and displaced persons. He stated that the definition of 'protection' includes ensuring full respect for the rights of individuals and of the obligations of the authorities/ arms bearers in accordance with the letter and the spirit of the relevant bodies of law. Protection also includes activities undertaken to preserve people's safety, integrity and dignity and the activities aimed at preventing or putting an end to, and / or avoiding the recurrence of violations of their obligations or the rights of individuals by authorities or arms carriers.

Discussing the IHL framework for prevention of displacement, Dr. Akdogan suggested that peacekeepers should have access to gender and age disaggregated data for refugees and IDPs. He highlighted the difference between the Geneva Conventions (where the minimum age for recruitment or participation in armed conflict is 15 years) and the Convention on the Rights of the Child (CRC) under which a child is defined as any person under the age of 18. Dr. Akdogan said that children are prone to attacks on their lives, dignity and physical integrity, and also face threats when separated from their parents.

Furthermore, attacks on educational structures affect the right to education of children, their health is impacted when hospitals are targeted and they also suffer from sexual exploitation during times of conflict. Peacekeepers, in his opinion, must be observant to the needs of children and always look into their best interests and must stay in contact with, and share information with the Child Protection Officer during missions.

Moving on to the vulnerability of women during and after armed conflict, he said that women are highly prone to sexual violence and attack on their lives, dignity and physical integrity and to alleviate their suffering therefore, peacekeepers can provide information to the mission leader about particular cases that need attention. He also advocated for higher numbers of female peacekeepers in missions and that peacekeepers should be aware of local medical systems in place where survivors can be referred to.

Dr. Akdogan noted that just like rules of IHL apply to States and organized groups, they also apply to UN peacekeepers. He added that any UN military personnel who violates IHL is bound to be prosecuted by national courts. On the various challenges in enforcing IHL, he suggested that the issue of accountability of non-state actors is one, while the issue of monitoring and enforcement of compliance, proper application of IHL, the changing nature of armed conflict, the enforcement of IHL at national level and the lack of knowledge of IHL are some of the others.

Explaining the role of the ICRC, he said that the organization visits persons deprived of their freedom, restores contact between separated persons, provides information on missing family members to their loved ones, and provides assistance to persons affected by armed conflict. The ICRC helps in promoting knowledge and respect of IHL and provides technical support to States to enable them incorporate IHL into domestic legislation. Finally, it promotes measures to restrict the use of weapons that cause unnecessary suffering and superfluous injury.

Concluding his presentation, he maintained that the ICRC is not under the umbrella of the UN, is exclusively humanitarian in character, and stands committed to cooperating with others working to provide protection to civilians.

QUESTION AND ANSWER

In response to a question about IDPs going missing, Dr. Akdogan stressed the importance of getting IDPs registered for better protection.

Prevention & Response to Conflict Related Sexual Violence: Scenario-Based Training for Military Peacekeepers

Introduction of Scenario I: Maj Gen Patrick Cammaert (Retd)

As an introduction to Scenario I, a video highlighting the plight of the victims of rape in a particular mission area was screened. Maj Gen Cammaert introduced the methodology for the preparation of solutions of situations under Scenario I to the participants. Syndicates were asked to answer the questions relating to each situation. The participants were divided into five syndicates for the said purpose. They separately discussed Situation 1 & 2 of Scenario I, with the help of two moderators assigned to each syndicate.

Presentation of Solutions by Syndicates and Central Discussion:

Maj Gen Cammaert presented Situation 1, where a foot patrol 30 peacekeepers, at last light, encountered a 13 year old girl who had allegedly been raped by four uniformed and armed persons at a nearby checkpoint just five minutes away from the base of the peacekeeping troops. According to the given situation, she was in a bad state but was able to accurately describe the perpetrators. Maj Gen Cammaert asked Syndicate 2 to present the solution. In response to the question relating to the action the patrol commander should take, the representative of Syndicate 2 said that the commander should investigate the incident and provide lifesaving first aid. He also said that the forensic evidence should be protected and the information about the situation should be passed to the base. During the discussion, one participant pointed out that the girl should be extracted to a safe location, perhaps to the nearest clinic, and subsequently handed over to the PoC site. Participants also discussed whether the commander should move to the checkpoint to investigate and take robust action. The representative of Syndicate 2 also mentioned that the decisions to take such action would be based on the mandate of the Peacekeeping Force and relevant provisions of Annex A of the RoE. In response to another question, it was pointed out that the commander of Government Forces should be asked to confirm the incident and if he does, then they should be asked to take appropriate legal action. Another aspect which was highlighted was that if the Government Forces do not confirm, then a separate investigation should be carried out to verify the allegation. He also said that the details of personnel at checkpoint should be collected so that later they may be confirmed through

the victims. In response to another question, it was pointed out that in case the perpetrators belonged to an armed opposition group, the patrol commander should apprehend members of the said groups and hand them over to the local law enforcement agencies. Post-exposure prophylaxis (PEP) kit should be used and proper medical care should be given to the girl. Another dimension was highlighted with regard to the consultation with the village elders to avoid a reoccurrence of the incident. Other participants added that the help of the Women Protection Advisor should be sought, and that the disclosure of the girl's identity might not be beneficial for her; hence, it should be protected.

Maj Gen Cammaert then moderated the discussion which took place during the presentation. Syndicate 1 to present situation 2, in which 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, while another managed to escape and knew where the perpetrators lived. She reports the incident to the village elders, who pass the information to Peacekeeping Forces and asks the commander to help rescue the abducted girls.

Syndicate 1 stated that the Company commander should establish contact with the armed opposition group through key leadership engagement and then negotiate for the release of the girls. Depending on the success or failure of the negotiation, the commander should go for military operation while continuously reading the situation. One representative found this action defensive and said the commander should go for robust action instead. The representative of Syndicate 1 replied that using force might jeopardize the security of the abducted girls and may lead to collateral damage as well. Interjecting, the General pointed out that the Company commander should also contact village elders to gather information about the armed opposition groups, since they were the ones who brought the information regarding the abduction of the girls. According to the representative of Syndicate 1, the action of the commander should be based on rules 1.7, 1.13 and 1.16 of the Rules of Engagement and terms of the mandate. He also said that the victim should be assisted by providing lifesaving first aid, PEP kit and handing her over to humanitarian agencies. He specifically pointed out that the whole incident should be kept confidential to protect the survivors from stigma. Responding to another question, he suggested that the UN should enhance its presence and curtail the activities of the armed opposition groups. In order to check such incidents, temporary operation base (TOB) should be established and patrols increased. He stated that joint training involving civilians and humanitarian agencies should be undertaken to engage with the armed opposition groups, as these do not work in isolation and have connection with civilians.

The programme came to a close at approximately 1630 Hrs.



Officers listening to one of the presentations during the inaugural session



Maj Gen Patrick Cammaert (Retd) preparing participants for an exercise



The workshop was attended by serving as well as retired military officers and government representatives from over 30 countries



Participants engaged in a scenario based group exercise

THURSDAY 15 DECEMBER 2016

The session began at 0835 hrs

PRESENTATION 1 INTRODUCTION TO CONFLICT-RELATED SEXUAL VIOLENCE

Maj Gen. Patrick Cammaert (Retd)

Maj Gen Patrick Cammaert started the presentation by referring to one of the statements made by the UN Secretary General as follows: “In no other area is our collective failure to ensure effective protection of civilians more apparent – and by its very nature more shameful – than in terms of the masses of women and girls, but also boys and men, whose lives are destroyed each year by sexual violence perpetrated in conflict.” Going further, Maj Gen Cammaert stated that it has probably become more dangerous to be a woman than a soldier in armed conflict. He pointed out that in some societies, social, political and religious norms often identify women and girls as the property of men or as sexual objects and violence against women is often considered as an attack against a society’s values or honour, making it a particularly potent tool of war. According to him, the dehumanization of women can have a devastating effect on an entire community, and that gender based violence is often the result of the climate of impunity that exists in most conflict and post conflict contexts. Elaborating further, he suggested that when perpetrators are not held responsible, sexual violence is likely to de-generate into a widespread or systematic crime. In this regard, he mentioned the example of a particular mission area where both Government Forces and non-State armed groups allegedly committed sexual violence against both women and men. He added that for men and boys, this stigma is greater because of the social role they play in all societies, Maj Gen Cammaert cited some important UN Security Council Resolutions (SCR) on conflict related sexual violence and noted that the Council established a link between sexual violence and the restoration of peace and security in resolutions 1820 (2008) and 1888 (2009). Similarly, most operational mandates viz. SCRs 2242(2015), 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 now contain provisions requiring peacekeepers to protect civilians and also to address sexual violence.

Moving forward, he focussed on the role of the UN military in prevention and response to conflict related sexual violence. In this regard he pointed out that constructive engagement & advocacy to prevent conflict related sexual

violence is needed. According to him, the UN military should identify, analyse and record threats (hotspot mapping) apart from conducting gender-sensitive monitoring and surveillance for early-warning signs. He stressed that ongoing, potential and impending incidents of conflict related sexual violence should always be reported, while UN military personnel should assist in the identification, detention and prosecution of perpetrators, in addition to protecting designated civilians. Maj Gen Cammaert asserted that the willingness and deploying the wherewithal to patrol and operate in unconventional spaces in response to unconventional and often invisible threats is imperative. To reduce the risk of violence, he went on, routes must be chosen carefully, while IDP communities and humanitarian actors must always be involved in the planning as the UN military should be seen to be making an effective contribution to inspiring a sense of security.

While informing participants that the Department of Peacekeeping Operations (DPKO) and UN Women started a best practices inventory in 2008, he stressed the need to have female presence within the military and police components (female community police, military liaison officers, female medical doctors, nurses, female interpreters and language assistants). According to him, peacekeeping missions must contain a critical mass of women to obtain the confidence of local communities. The reason being that local women who already live in fear of men due to repeated sexual violence, often committed by men in uniform, are more likely to communicate and open up to other women.

Highlighting the importance of pre-deployment training, he added that it is vital that commanders and troops are properly prepared for the violence, in particular sexual violence, they may likely encounter whilst deployed. He also pointed out that while scenario-based training is likely to have the greatest impact on a trainee, commanders have to demonstrate effective leadership over their troops to enhance discipline. He noted that UN Women and DPKO have worked together to identify tactics and best practices in addressing sexual violence and specifically warned that troops should never engage in sexual exploitation and abuse.

PRESENTATION 2

WOMEN PROTECTION IN UN PEACEKEEPING MISSIONS

Dr. Lotte Vermeij

Dr. Vermeij initiated a discussion on the components of peacekeeping mission pointing out that the military, police and civilian population are

three components of any peacekeeping mission. She explained the work of Women Protection Advisors (WPA), saying that they focus on the prevention and response to conflict related sexual violence, in addition to supporting the military, police and civilian components of peacekeeping missions. She added that the work of the WPA depends on the personnel patrolling at the ground level as it is a team effort and therefore, peacekeepers should reach out, share information, coordinate and collaborate with external partners (such as national authorities, UN agencies, ICRC, NGOs and civil society) to fulfil the PoC mandate as a team.

She stated that the consent of the survivors is really important while providing them support. She explained that there are societies which consider rape as a stigma; therefore survivors might not want to reveal their identity. One participant asked a question about bringing perpetrators to justice without information from the survivor to which Dr. Vermeij replied that the choice of the survivor should come first. In response to another question, she said that bringing perpetrators to justice is one of the main challenges, along with providing quality healthcare.

With the help of two case studies, she highlighted the issue of sexual violence committed by the national armed forces and the complexities faced by the WPA personnel in providing healthcare facility to the victims and bringing perpetrators to justice. She noted that many a times, unfriendly geographical conditions hamper assistance programmes but the creativity of WPA often comes to the rescue. In response to another question, she noted that there should be coordination between the agencies working in the area saying that efforts should be directed towards providing not just medical assistance, but also social, legal and socio-economic support.

PRESENTATION 3 CONFLICT RELATED SEXUAL VIOLENCE – ICRC APPROACH

Mr. David Maizlish, ICRC, Geneva

Mr. Maizlish opened his presentation by informing participants of the larger movement that the ICRC is a part of and includes the National Red Cross and Red Crescent Societies worldwide. He noted that this is the largest network of humanitarian actors in the world.

Explaining the difference between neutrality and impartiality, he noted that the ICRC is a neutral organization, and that being neutral therefore, the ICRC does not take sides with any of the parties to the conflict and does not concern

itself with the reasons for that conflict. He asserted that the ICRC's effort is aimed at giving assistance to those affected by the consequences of hostilities regardless of which side of the conflict they belonged. He pointed out that the principle of neutrality often puts the ICRC in a strange relationship with peacekeepers who are mandated to, perhaps on a political level, support the host state.

Responding to a question on a possible conflict of interest, Mr. Maizlish stated that peacekeepers and the ICRC share one common ideal- neutrality. At the same time, he pointed out that in the view of the ICRC – impartiality is very difficult to achieve in absence of neutrality, not only in practice but also in perception. Therefore, in his view, the ICRC can coordinate with the peacekeepers but cannot collaborate with them as they are not neutral. He further explained that the ICRC cannot be too close to one side because that may lead to a negative perception.

On the mandate of the ICRC (which is given by States), he emphasized that it is specific to situations of armed conflict, other situations of violence and detention settings. The States that have issued this mandate are all signatories to the Geneva Conventions and this body of law recognizes that the ICRC acts as a neutral, impartial and independent agency. He also clarified that the ICRC does not use the term 'gender based violence,' rather, it prefers 'sexual violence,' and unless otherwise determined, the ICRC assumes the existence of sexual violence in armed conflicts. Such a presumption does away with a whole set of operational requirements he affirmed.

On the specific action taken by the ICRC for survivors of sexual violence, Mr. Maizlish informed participants that all vital assistance and care is forwarded and the ICRC refers them to medical officers and psycho-social counsellors' services for appropriate care. It also provides support to national medical structures and personnel conducting community-based awareness raising sessions on the subject.

According to Mr. Maizlish, the ICRC documents patterns of sexual abuse, their causes and circumstances through a broad range of sources. Further, the organization engages in confidential dialogue with authorities, armed forces and other weapon bearers to improve protection for civilians. The ICRC provides economic support to survivors to assist them in rebuilding their lives by providing food, household items, assisting with transport costs to access medical and psychological care, and ensures that communities at risk adopt measures to increase safety by reducing exposure to sexual violence. A participant commented that the figures put by ICRC on its website have the potential to influence opinions. Mr. Maizlish pointed out that figures act as a reality check but confidentiality is always taken into account by the ICRC.

Mr. Maizlish further informed participants that activities undertaken by the ICRC to minimize or eliminate violations of IHL include dialogues with authorities and armed groups, dissemination of IHL and IHRL, and the integration of IHL in national law. According to him, when it comes to communicating on sexual violence, the approach depends on the context and he cited examples from three countries to explain this.

A demo video representing a complex PoC scenario (and which was in the process of being finalized) was screened for the participants who were then asked to provide a feedback. The video, when completed would be used for similar training in future.

PRESENTATION 4 EARLY WARNING SIGNS, THREAT ANALYSIS AND INFORMATION GATHERING

Maj Gen Patrick Cammaert (Retd)

Opening his presentation on this topic, Maj Gen Cammaert noted that early warning, threat analysis and information gathering are salient because they are an operational necessity and are important for the credibility and legitimacy of UN missions. He affirmed that peacekeepers should know the institutions operating in the area and quick reaction forces, joint protection teams, mobile courts, joint investigation teams, etc. can be formed as part of the threat assessment process in PoC strategies.

Speaking about actors that would be relevant for responding to sexual violence, he referred to the WPAs and other civilian staff, like children advisers and spoke about their role in monitoring, reporting, and analysing arrangements in instances of conflict related sexual violence. Referring to other actors on ground, he stated that UN agencies, inter-agency mechanisms, and humanitarian partners play an important role in such situations. He also mentioned the importance of local actors like government actors, non-governmental organizations, service providers, community, etc.

In concluding this particular presentation, General Cammaert touched on the basic principles of gathering information about sexual violence. According to him, ethical and safety considerations are of crucial importance. He clarified further that security, confidentiality, anonymity, informed consent, safety, and protection of the data itself, are attributes of ethical and safety considerations. He affirmed the necessity of understanding the role of the military component

in investigation and verification, and made a passing reference to MONUSCO PoC handbook to illustrate the above points.

Presentation of Solutions by Syndicates

Moderator: Maj Gen Cammaert (Retd.)

Syndicate No. 4 was requested to start the discussion by providing the solution for “NGO needs help”. In this problem, a person from an NGO requested help to evacuate him and two local employees of the compound of the Peacekeeping Forces when violence occurred in a small town. The person had made three different requests for evacuation while the fighting was going on but was denied assistance on all three occasions. During the violence, one of the local employees got killed, whilst the NGO staff was wounded and bled heavily outside the front gate of the facility.

A representative of Syndicate No. 4 said that if he was the Head of the Peacekeeping Mission, he would not have made the same decision on each of the three occasions when the request for evacuation was made. Referring to the relevant rules of the mandate and the rules of exchange, he said that the commander is legally allowed to take action to save the lives of the person from the NGO and the two local employees. According to him, he would have used the available means to rescue the three people as they were under imminent threat. Following which he would have reported the action to the headquarters and in the light of the fact that the fight was coming to the compound of the Mission, he would have asked for reinforcement.

In response to another question on what actions you would have taken when violence got closer to your town before street fighting began, the representative of Syndicate No. 4 said that if he was the commander in such a situation, he would report the situation to headquarters. In addition, he would establish a PoC site outside the compound as he was unaware of the number of civilians who might come to take refuge and there may not be enough space for all of them inside the compound.

One participant asked about injured persons. In response, the representative of Syndicate No. 4 said that since he intended to save the three persons before violence got to the town, the question of injury to them did not arise. Another participant was of the belief that the approach of Syndicate No. 4 was defensive in nature, since he did not say anything about the possible measures to prevent the fighting breaking out on the street. The representative of Syndicate No. 4 argued that there were other priorities than to stop the fight. According to him, these priorities included protection of civilians and establishment of a

PoC site. Another participant suggested that the assistance of the locals should also be taken during the process, while a suggestion was made in favor of preventing the fight with the help of APCs at the disposal of the force. However, one participant objected on the grounds that engaging in a firefight might put the APCs at risk. Syndicate No. 5 was tasked with providing the solution to Situation 2 of Scenario 5. According to the given situation, a patrol discovers a pregnant woman lying on the road leading to the village. She appears to be beaten and bleeding from her vagina. She explained that suspected members of an armed opposition group from a neighboring country had accused her father of being a traitor. She also said that she and her two sisters were gang raped and beaten in front of their parents.

In response to the question, a representative of Syndicate No. 5 said that the patrol commander should provide assurance to the victims that their family will be secured, while at the same time providing medical assistance (first aid and PEP kits) to her. The patrol commander should secure the area and move towards the house (which is some 500m away from where they found the woman). The representative of the Syndicate further said that the patrol commander should assess the situation and accordingly, request for reinforcements if needed.

Furthermore, he said that the patrol commander should involve humanitarian agencies to help the women. He believed that in order to prevent foreign groups from terrorizing the local population, patrols should be increased. He pointed out that surveillance with the help of technology should be increased and / or adopted. He also noted that NGOs, other humanitarian agencies and village elders should be consulted. One participant pointed out that the patrol commander should talk to the mission leader in the neighboring country and should act in cooperation with them. He said that such cooperation may help in checking such cross-border security incidents. Another participant pointed out that the local population can also provide vital information about the group and therefore, they should be consulted.

The programme came to a close at 1620 hrs.



A participant engaged in a scenario based group exercise



Participants taking notes during presentations



A syndicate studying the scenario given in the group exercise



Another group of participants engaged in a scenario based exercise



Participants involved in one of the sessions



Another group of officers in one of the sessions



A group preparing a solution for one of the scenarios



Can Akdogan of the ICRC giving a presentation at the workshop

DAY 4 FRIDAY 16 2016

The session began at 0830 Hrs

PRESENTATION 1 CHILDREN IN CONFLICT: DR. LOTTE VERMEIJ

Dr. Lotte Vermeij's presentation opened with a definition of a child, and an explanation of who a child is as well as why children are most at risk during armed conflict. The presentation focused on ensuring that participants are familiar with the framework of protection of children and develop their understanding of the Six Grave Violations. Further, it examined the roles of the military in protecting children and promoting their rights as well as recognizing the fact that protecting children in armed conflict is a shared, mission wide responsibility. The presentation also explored the key guiding principles of dealing with children in a mission area.

Dr. Vermeij delved into a discussion with the participants about their understanding of who a child is and the threats they are exposed to during an armed conflict. Clarifying the issue of age, Dr. Vermeij said that consistent with Article 1 of the UN Convention on the Rights of the Child, a child is "every human being below the age of 18 years", so for all peacekeepers and other UN personnel, a child is any person under the age of 18 years. The forms of exploitation faced by them include sexual exploitation, abuse and trafficking, separation from family and recruitment in armed forces. Speaking about the devastating impact of war on children, Dr. Vermeij said that it has two components; peace and security impacts and humanitarian and development issues. The Six Grave Violations come under peace and security impacts. While humanitarian and development issues include lack of access to food and water, displacement and separation, loss of education, training and loss of opportunity.

Distinguishing between two logo-types viz. black and blue, Dr. Vermeij explained that a black logo is used by peacekeepers whose primary job is to look into peace and security issues; while the blue logo is used by UNICEF, WHO etc. who look into humanitarian and development issues. Referring to the different instruments which protect the rights of children, she mentioned the various Security Council Resolutions on Children and Armed Conflict, such as SCR 1261(1999), SCR 1612(2005), SCR 1882(2009), SCR 1998(2011) etc. and also international human rights and humanitarian law under which children are entitled to special protection and care. She mentioned the Geneva Conventions and the Additional Protocols, Convention on the Rights of the

Child, Optional Protocol on Children and Armed Conflict, Rome Statute of the ICC, ILO Convention 182, Mine Ban Treaty and Convention on Cluster Munitions adding that in case of conflict, international norms supersede national norms. Quoting Ms. Graca Machel, Dr. Vermeij said that war violates every right of a child – the right to life, the right to be with family and community, the right to health, the right to the development of the personality and the right to be nurtured and protected.

Elaborating on the six grave breaches, Dr. Vermeij stated that after broad consultations within the UN, its peacekeeping missions, Member States and non-governmental organizations, the UN Security Council identified six categories of violations that warrant priority attention. These six categories of violations include killing and maiming, recruitment and use of child soldiers, abduction, rape and sexual violence, attacks against schools and hospitals and the denial of humanitarian access. When conducted by armed forces or groups in an armed conflict, these six categories come to be known as the Six Grave Violations. She further added that these grave violations against children during armed conflict were selected as these can be monitored and quantified due to their nature and the severity of the consequences on the lives of children.

Explaining ‘killing and maiming’, she said it is any action that results in the death or serious injury of one or more children. It can be by way of shelling, crossfire, cluster munitions, landmines, unexploded ordnances and suicide bombs. ‘Abduction’ is the unlawful removal, seizure, capture, apprehension, taking or enforced disappearance of a child either temporarily or permanently for the purpose of any form of exploitation of the child. It can be by way of recruitment, information gathering, forced labour or sexual exploitation and abuse. ‘Rape and sexual violence’ is a violent act of a sexual nature to a child. It can be rape, sexual slavery, forced prostitution, forced pregnancy, or enforced abortion. Girls are especially vulnerable during wartime, but boys are also prone to be subjected to it. Going further, she said that ‘Attacks against Schools and Hospitals’ refers to physical attacks and threat of attacks on buildings as targeted/indiscriminate attacks in form of attacks or threats against school children, attacks or threats on personnel, doctors, nurses or teachers (killing, maiming, harassment, coercion, abduction), looting and wanton destruction of buildings, military use of schools and hospitals. ‘Denial of humanitarian access’ means blocking free passage or timely delivery of humanitarian assistance to persons in need (including children—an estimated 80 million children are denied humanitarian assistance), attacks against humanitarian workers, looting of humanitarian aid and denial of access for service delivery. Coming to the issue of ‘recruitment and use of child soldiers’, she pointed out that a ‘child soldier’ is defined as any child - boy or girl - under 18 years of age,

who is part of any kind of regular or irregular armed force or armed group in any capacity, including, but not limited to: cooks, porters, messengers, and anyone accompanying such groups other than family members. It includes girls and boys recruited for sexual purposes and/or forced marriage. The definition, therefore, does not only refer to a child who is carrying, or has carried weapons. She highlighted that there are 250,000 child soldiers worldwide, out of which 30-40 percent are girl child soldiers. The Six Grave Violations against children in armed conflict are heinous breaches of international law and may also constitute war crimes and crimes against humanity she averred. But the impact of armed conflict on children is not limited to just these six violations as she submitted that the displacement illegal arrest and detention and illegal trafficking of children are also violations faced by children during armed conflict.

Drawing from her experience, she narrated the tale of a child soldier who was abducted and forcibly conscripted by a particularly notorious armed opposition group. Even after being rescued, the child did not want to go back to her home, as her identity and loyalty had changed in the time she had spent with the group. After her return, an argument with her father resulted in her killing him, stating that “this is the way we solve conflicts.” Giving the rationale behind the recruitment of child soldiers, Dr. Vermeij noted that children are highly vulnerable, emotionally and physically immature, impressionable and too young to resist. She suggested that a lack of adult fighters leads to the recruitment of children. In extreme poverty, the hope for food and security or revenge for death of family or friends results in the recruitment of many children. Armed groups also target large families and ask the parents to either sell or give away one child.

On the issue of socialisation within armed groups, Dr. Vermeij differentiated between formal socialization which happens in training and boot camps, and informal socialization, which takes place in forms of rituals and welcome ceremony with the aim of initiating the child into the group. All these lead to the adoption of new behavioural norms and values which normalize extreme violence. She narrated another incident of a father and son who were abducted together by an armed group. According to her, the father told the son not to tell anybody about their relationship. Eventually, the armed group was made aware of the relationship and the son had to kill his father to show his allegiance to the group. The commander of the group instated himself as the boy’s father. Thus, armed groups become the new family, even for those who have been forcefully recruited. Referring to the normalization of extreme violence in these groups, Dr. Vermeij narrated an anecdote where two child soldiers killed a pregnant woman as a result of a bet between themselves to

find out the sex of the foetus. She admitted that such circumstances often complicate the categorization of victim and perpetrator.

Focussing on the Disarmament, Demobilization, and Reintegration (DDR) process, Dr. Vermeij displayed pictures drawn by former child soldiers depicting violent situations that they had witnessed or that they had been a part of. As part of re-socialization in the community, the child soldier must be taught how to live as a civilian without violence. They must relearn norms and values of their community and trust and hope must be restored in them. She referred to various psychological and physical challenges faced by them and spoke about an 8 year old girl in one particular country who was gang raped everyday by members of the armed group as a result of which she was facing serious medical issues. She needed surgery to recover but it was difficult as there were hundreds of such girls who needed the surgery. She could not go to school or get married or have kids. All this posed serious problems in her life.

She informed participants that there are important traditional rites that were performed to welcome these children back into society. Notwithstanding this, she maintained that it is difficult for child soldiers to get fully accepted back to normal life.

In conclusion, Dr. Vermeij emphasised that DDR must have a holistic approach as there remains a high risk of re-recruitment of child soldiers by armed groups. She further added that the focus must also be on the entire community as helping only child soldiers can lead to tensions in the community.

QUESTION AND ANSWER

Sharing his experience, a participant spoke about children who were armed in the favelas and his struggle to control them because they are children but also a danger to the themselves and their community. Thanking the participant for his story, Dr. Vermeij agreed that such situations pose a moral dilemma but one must be prepared to deal with such situations and must always remember the basic principles on use of force in peacekeeping operations and the RoE must be thoroughly understood by all. She reminded all the participants that while for an adult soldier it is important to surrender with a weapon, a child soldier can surrender without his or her weapon. She suggested that that if a child soldier approached the UN Base for purposes of surrendering, then he or she must be immediately taken inside without waiting for a formal DDR process to begin. The Child Protection Officer must be called in and all assistance provided to the child.

PRESENTATION 2

CHILDREN IN CONFLICT: DR. LOTTE VERMEIJ

Dr. Vermeij's second presentation was on the protection of children. Emphasising that all sections have a role to play in child protection, she explained that the key roles that the human rights components play are to monitor, report and investigate crimes committed against children in the context of armed conflict, and to monitor the illegal arrest of children. Referring to the political affairs, she noted that a key support to child protection is in the form of adopting a child-conscious approach for all political processes. For example, during engagement with parties to the conflict to end grave violations of child rights, further in cease-fire arrangements and peace agreements, a female specialist in the mediation team should address the needs of children. The role of civil affairs in a mission makes them a strong partner in the child protection cell, which can support child protection through advocacy, raising awareness within the local population and authorities, and the collection and sharing of information. Also, since they are closely involved with civil and community assistance programmes, they can assist, by facilitating quick impact projects for war-affected children. Referring to mission support, she said that this mission component can play a vital role in child protection by providing necessary logistical support, including resources, personnel, training and budget for all child protection-related activities. She further said that the police component of a UN Mission can assist on child protection issues by way of advocacy, mentoring, guidance and training the local police, including dealing with victims, witnesses and perpetrators. Dr. Vermeij said that each component of the mission has a role to play in protecting children and promoting their rights. While all peacekeepers have a responsibility to protect children, most peacekeeping missions have Child Protection Advisors (CPAs), who act as experts on this issue and advise the mission on the needs of children. They act as the key advisor to the SRSG/HOM. They monitor and report violations, negotiate agreements for the release of children associated with armed forces or armed groups, train peacekeeping personnel in the protection of children and advocate for the rights of children in the country. She stated that CPAs work closely with UNICEF Child Protection Specialists, UNCT and national / local authorities on these activities. According to her, the DPKO/DFS Policy on Child Protection, 2009, specifically requires that the CPA be responsible for ensuring mission reporting on child protection issues and activities undertaken by the peacekeeping operation in the mission area. The CPA contributes to the MRM Country Task Force's inputs to the Secretary-General's Annual Reports on Children and Armed Conflict to the Security Council; and where applicable, situation reports under Security Council Resolution (SCR) 1612 in coordination with the UN Country Task Force. She further added that in the absence of a Child Protection component, the

Human Rights component has a general mandate on human rights promotion and protection, and works on child protection and child rights. Regarding the Child Protection Responsibilities of the Military Component, Dr. Vermeij explained the functions of the Military Child Protection Officer, who, according to her, advises the Battalion Commander on all issues related to the protection of children. Besides this, they liaise between child protection actors and the battalion, establish an alert system to transmit information received on any of the Six Grave Violations through the command channel and to the child protection unit as well, and coordinate with Military Child Protection Officers at Mission HQ. The job of the Battalion Commander with regard to child protection is to establish and maintain links with all child protection actors. They must share information and establish and maintain situational awareness on all threats. Military Observers who establish and maintain links with child protection actors, mainstream child protection in their operations and ensure zero-tolerance on sexual exploitation and abuse and child labor. She advised that each mission should develop mission specific guidelines on child protection to reflect the mandate and the operational environment.

Referring to negotiations for the release of child soldiers, she felt strongly that a CPA should conduct the negotiation. If a child soldier seeks spontaneous demobilization in the field, they must always be accommodated, regardless of whether child protection personnel are present. The CPA must be informed immediately and the children should be handed over as soon as possible.

Focussing on understanding the operational environment, she noted that the peacekeepers must delve into the threats to children in their area of operation the efforts being made by the government and the community the efforts being made by the other parts of the mission including UN agencies, IOs/NGOs and local NGOs.

In her concluding remarks, she stressed that children face specific risks during armed conflict; protecting children is a priority and part of the mandate of the mission; military officers have specific responsibilities to reflect child protection provisions in the mandate, other Security Council Resolutions and DPKO policies. Additionally, child protection is a mission effort and the leadership will determine the main focus and detail what is required to be done; the overall aim is to reduce or mitigate vulnerabilities and / or threats against children.

QUESTION AND ANSWER

Following her invitation to participants to share their experiences, a question was raised about street children, to which Dr. Vermeij clarified that

peacekeepers have a limited mandate and they can address certain problems only. Focusing on requirement of coordination, she said that the issue of street children is the work of UNICEF. Similarly, to a question of giving food to children who beg, she strongly discouraged this practice as it increases the possibility of children being exploited.

Dr. Vermeij also highlighted the importance of maintaining confidentiality as the lack of it can lead to retaliation and the affected people can face rejection in the future. She also said that peacekeepers are not trained to conduct interviews with victims of sexual violence or child soldiers, hence protocol must be followed when such cases emerge.

Finally, David from ICRC informed the peacekeepers about the ICRC's tracing activities which helps reunite family members. He admitted that this function is the lesser understood side of what the ICRC does and all precautions must be taken while doing so.

SCENARIO III EXERCISES

After Scenario 3 had been introduced to all participants, they were split into five Syndicates with 2 mentors each. Syndicate 1, 3 and 5 were allotted Situation A, and Syndicate 2 and 4 were allotted Situation B.

In Situation A, the Team Leader of a Military Observer Unit in a particular mission area is aware of a number of raids by armed groups on villages in the southern part of the area under his control. Late one night, he/she receives an urgent phone call from the Commanding Officer (CO) of the PK battalion asking for advice.

The CO mentions that an armed group had raided a nearby village yesterday. In addition to food being stolen, some buildings, including the village school, were burned down and three young girls and a boy were abducted.

The CO also informs him that her unit has developed good relations with the local population and has gained their trust and confidence such that the people have been providing them with good information. She further added that she has information that a 15-year-old girl in the village knows where the armed group responsible for the carnage and abductions has its camp, and she can show the peacekeepers the route. The village leader has thus asked the CO to rescue the children as soon as possible.

The CO also mentions the fact that there is a Government Army infantry battalion nearby and they should be taking the lead.

Situation B: - While on patrol within its AOB, the MILOBS unit pass through a village and come across a group of Government soldiers. They inform the leader of the MILOBS team that they have captured and detained 12 members of an armed opposition group that has been terrorizing the village. The detainees have been locked up in a room for several days awaiting transfer to the provincial capital for interrogation. The patrol leader notices that three of the detainees are children, and one is female. Two of them have gunshot wounds.

On the basis of the situations described, participants working in each syndicate were required to discuss and analyze the given scenarios and prepare a presentation that should answer the following questions:

- What are the possible Child Rights / Human Rights / IHL violations in this situation?
- Explain the legal basis and any policy guidelines on child protection that should dictate the decision of the leader of the MILOB Team.
- Is this an imminent threat? What actions should the military tactical commander facing the situation on ground (team leader / patrol commander) taking into account their mandate and the ROE? Do you think that the military response should be different if the alleged perpetrators represent government forces or the armed opposition?
- What specific action should be taken with respect to the victim(s)?
- What are the key observations of the events that you would include in your report?
- Which mission components and external actors need to be informed of this event, and why? Also, explain how you would share information with stakeholders concerned.
- Recommend actions you would take to decrease threats to children and prevent similar violations against children in the future. Identify other CP actors and stakeholders that need to be involved and explain why.

All the respective Syndicates went into Breakout Groups to discuss and prepare their response to the questions.

PRESENTATION OF SOLUTIONS BY SYNDICATES AT PLENARY

On returning to plenary, Syndicate 3 was asked to present Situation A. On the first issue of the possible Child Rights / Human Rights / International Humanitarian Law violations, it said that the abductions and attack on the school constitute the Six Grave Violations apart from the violation of basic and fundamental human rights. Specifically, it stated that the attack on

civilian property is a violation of the national laws of the country in which the events took place, and hence, a serious violation. Explaining the legal basis and policy guidelines on child protection, the group members cited paragraph 2(a) (e) of the Mandate, Security Council Resolution 1906, The Fourth Geneva Conventions on PoC, the protection of civil installations structure, and the Rules of Engagement.

Regarding the presence of imminent threat, the group agreed that there was an imminent threat and suggested that the battalion commander should report to Sector HQs, beef up military presence, gather more information, and consider launching a joint operation led by Government Forces. In the opinion of the Syndicate, if the alleged perpetrators belonged to Government Forces, then its hierarchy will take appropriate steps, whereas if they were from the armed opposition, then they would be apprehended and handed over to the local police. On how they would report the incidents, the group members said that the number of abducted persons should be mentioned including their gender, the demolished structures should be mentioned and the place should be identified as a hot spot and regular patrols instituted. On the sixth question, the Syndicate submitted that the Police component; Child Protection component, Human Rights component and Gender Advisor should be informed of this incident. INGOs like Save the Children and an international humanitarian organisation such as the ICRC must also be involved and informed of the incident. Recommending actions to decrease threats to children and preventing similar violations in future, it suggested creating general awareness, establishment of an early warning system, change in deployment patterns (introducing preventive deployment) and enhancing the overall presence. It listed other child protection actors and stakeholders that need to be involved as UNICEF, UNHCR, UN Women, and local and government authorities.

In the discussion that followed, it was stressed that the peacekeepers could consider negotiating before launching the rescue operation. Also, it was noted that with respect to victims, first-aid should be administered and child and women protection components should be involved. It was suggested that should Government Forces be responsible for the abduction of the children, the ICRC can play a role in engaging and securing their release. It was noted that it provides an opportunity for the ICRC to engage as it is there to do complementary work.

In presenting Situation B, Syndicate 2 noted that on the first issue of the possible Child Rights / Human Rights / International Humanitarian Law violations, there is indeed a violation of child rights as the minors in the group require urgent medical attention. The Syndicate also affirmed that the detention did not follow the rules of gender segregation and brought forth the point that

abduction is one of the Six Grave Violations which has been committed in this case. The group cited SCR 1906 and several Security Council Resolution on CP, WP and PoC, Paragraph 2 (a) (c) (e) of the UN mandate, Rules 1.7 and Rules 1.13 of RoE and MIL Guidelines to give the legal basis and policy guidelines on child protection. Answering the third question, it was the view of the group that there was an imminent threat in the form of potential sexual violations and medical concerns in the case and that the tactical commander should report to the CPS/ HQ and focus on negotiation, separation and medical attention. Coming to the fourth issue, the Syndicate recommended that first aid be given to the victims, along with access to a PEP kit suggesting as well that a report be made to the Sector HQs and negotiation undertaken to effect separation of the detainees on the grounds of gender and age. The Syndicate further said that it would remain at the site until proper action is taken. On the fifth issue, the group said it would report the various violations in its report. On the sixth issue, it was the opinion of the Syndicate that the following would be informed of these issues: the Mission Component, CPS, HR office, Mission HQs., the UNHCR, the ICRC and other relevant external agencies. The host country, local NGOs, and the civil society would equally be informed as well. On the last issue, the Syndicate said that there should be increased deployment of MILOBS and more joint patrols led by Government Forces. Additionally, it recommended an emphasis on more engagement and dialogue at local, regional, country and global level on such things and the identification of other child protection actors, while calling for more inter-agency cooperation between UNICEF, NGOs and the Police.

In the discussion that followed, the need for co-ordination and judicial follow-up was stressed. Dr. Vermeij stressed that apart from abduction and maiming, the recruitment of child soldiers was also undertaken in Situation B which again was one of the Six Grave Violations earlier identified. An ICRC Delegate in the session offered a clarification to the effect that there is no prohibition on using force on a child soldier who is participating in an armed conflict. Another ICRC delegate said that the ICRC does not negotiate the release of detainees generally, as such is done only in extreme conditions and with the consent of all parties involved.

OPEN HOUSE DISCUSSION

Several issues were discussed, including whether it was right to allow IDPs into the bases or premises of peacekeeping / neutral troops. Responding, Maj Gen Cammaert stated that it is not a common practice but could be done in order to guarantee the protection of a large mass of civilians.

Another issue raised by a participant related to what type of training would be considered best for peacekeepers in order for them to be able to better execute an enforcement mandate. To this, Maj Gen Cammaert responded that peacekeeping is completely different from peace enforcement. He further added that the mandate for a peacekeeping operation is very clear, and cannot be more robust than what it is already. He reiterated the importance of having the right leadership both at a political level as well as at the humanitarian level. Responding to a question on the disarmament of armed groups he stressed that disarmament is often within the mandate and the peacekeepers are entitled to do so even if forcefully required.

EVALUATION AND FEEDBACK

A mock video representing a PoC scenario was screened and depicted a group of people approaching a Peacekeeping Force to complain about regular harassment faced by them from an armed group. Such acts of harassment included their having to pay to access drinking water, the sexual abuse of women and the abduction of children. A form was afterwards circulated to the participants that sought their response to the following questions:

- Is the draft exercise a credible representation of a complex PoC scenario, why or why not? What elements make it credible or what elements do not?
- With the appropriate guidance, can the exercise create substantive discussions about modern PoC challenges being faced in the field by Peacekeeping Forces?
- Can you point out any technical aspect that can be improved?

Another form containing the following questions was circulated:

- Your overall impression of the syllabus covered during the workshop on Integrated Protection of Civilians conducted from 12 December 2016 to 16 December 2016.
- What is your opinion of the concept of the training?
- What is your view of the breadth of subjects covered?
- What is your view of the depth of the material presented?
- Do you suggest any addition or deletion in the Syllabus?
- How was the overall pace of the course?
- Was the duration of the course appropriate to its intended objectives?
- Was the time allocated for discussion sufficient?

- How do you rate the support and assistance from the training staff during this training?
- Do you have any suggestions for improvement to the course?

VALEDICTORY SESSION

Major Gaurav Bhatia, CUNPK took over the floor after the evaluation and feedback process and anchored the Valedictory session. He invited Mr. Rene Boeckli, Deputy Head of Regional Delegation, ICRC, New Delhi to deliver his remarks.

Remarks by Mr Rene Boeckli, Deputy Head of Regional Delegation, ICRC, New Delhi

Mr. Rene Boeckli expressed his gratitude, on behalf of the ICRC Regional Delegation for India, Nepal, Bhutan and Maldives, to participants in the first Regional Workshop on Integrated Protection of Civilians in Peacekeeping Operations. Expressing his confidence in the fruitfulness of the programme he hoped that the workshop would have given the participants a better understanding of the challenges faced by UN peacekeepers across the globe. He pointed out that the objective of the workshop was to address the issue of Integrated Protection of Civilians in Peacekeeping Operations. He referred to various discussions on protection of civilians, conflict related sexual violence and child protection and expressed hope that the participants were able to learn from the expertise that was made available to them. He emphasized that he was positive that the participants would take note of the various actions for PoC during conflict which were highlighted through the various case studies discussed during the workshop. Conveying his best wishes to the participants, he hoped that the participants would carry fond memories of interactions in the workshop and also of their stay in Delhi and their visit to Agra. He warmly expressed gratitude to Maj Gen Sandeep Sharma, VSM, ADG SD, Director of CUNPK and his team, Maj Gen Patrick Cammaert, Dr. Lotte Vermeij, other facilitators and ICRC colleagues for their efforts in making the Workshop a success.

Remarks by course mentor - Maj Gen Patrick Cammaert (Retd)

In his remarks, Maj Gen Patrick Cammaert emphasized the importance of the task of protecting civilians. He praised the work of the ICRC across various conflict zones around the world. He hoped that when participants are deployed

on peacekeeping mission in future, they will put lessons learned and best practices shared at the Workshop into good use to enhance the effectiveness of such missions. He also expressed his hope that when issues of protection of civilians, sexual violence, sexual exploitation, child abuse etc. come to the desk of the participants then they will address these with integrity. Finally, he expressed his happiness at the successful conclusion of the workshop and hoped that next year the gender balance would be equal as that would add enormous value to the course.

VOTE OF THANKS

Maj-Gen Sandeep Sharma, VSM, ADG SD, Indian Army

Maj Gen Sandeep Sharma informed participants that he was offering the vote of thanks on behalf of DGSD, Vice Chief of the Army Staff and the Chief of the Army Staff. He expressed his appreciation to everyone for their participation and said he was sure that they would have gained a lot during the workshop. Expressing his views on the protection of civilians, he said that the issue was not very new as he recalled his own deployment with the UN Mission on the Iraq-Kuwait border where the task was to monitor the cease-fire line consistent with the provisions of the Border Demarcation Commission. He noted that at the time, the protection of civilians was not very pronounced but the inherent task of the force was nevertheless to provide such protection. However, over a period of time and with various atrocities being allegedly committed in various countries, he affirmed that this issue has today become a main cause for concern.

Referring to Maj Gen Patrick Cammaert's dialogue on Military Observers (MILOBS), he noted that the task of such MILOBS is not just to observe and report, but also to react to a situation within a given mandate. He acknowledged the risks of operating in such operations, mentioning the 32 soldiers who were injured in an IED blast in Congo. He advised participants to always be aware of their mandate and understand what the task of protecting civilians entail, noting that MILOBS are often under pressure from the hierarchy and the civilian government, hence the need to have a thorough knowledge of the required UN mandate.

He concluded his remarks by saying that it has been a proud privilege to host all the participants and a great opportunity to interact with trainers, participants and the audience. He wished them all the best for the future.

VALEDICTORY AND PRESENTATIONS

Participants were later presented with certificates.



David Maizlish of the ICRC giving a presentation at the workshop



One of the Syndicates preparing a solution for one of the group exercises



African participants at the workshop



Some officers listening to a presentation at the workshop



Workshop participants listening to a presentation



Anand Appadoo of the ICRC briefing a syndicate for a scenario based exercise



A group photograph featuring all the participants

Glossary

CPA	Child Protection Advisors
CPO	Child Protection Officer
CPX	Command post exercise
CRC	Convention on the Rights of the Child
DDR	Disarmament, Demobilization, and Reintegration
DFS	Department of Field Support
DGSD	Director General Staff Duties
DPKO	Department of Peacekeeping Operations
EU	European Union
FPU	Formed Police Unit
FTX	Field training exercise
HIPPO	High Level Independent Panel on Peace Operations
HOM	Head of Mission
IAPTC	International Association of Peacekeeping Training Centres
ICC	International Criminal Court
ICRC	International Committee of the Red Cross
IDP	Internally Displaced Populations
IDSAs	Institute for Defence Studies and Analyses
IHL	International Humanitarian Law
IHRL	International Human Rights Law
ILO	International Labour Organisation
MEA	Ministry of External Affairs, Government of India
MILOBS	Military Observers
MINURSO	United Nations Mission for the Referendum in Western Sahara
MINUSTAH	United Nations Stabilization Mission in Haiti
MONUSCO	UN Stabilisation Mission in the Congo
MSF	Médecins Sans Frontières
NATO	North Atlantic Treaty Organisation
NSAGs	Non-State Armed Groups
ORF	Observer Research Foundation
PEP	Post-Exposure Prophylaxis
PoC	Protection of civilians
RCRC	Red Cross and Red Crescent Movement
RoE	Rules of Engagement
SCR	Security Council Resolutions

SFMOG	Special Female Military Officers Course
SRSO	Special Representative of the Secretary-General
TCC	Troop Contributing Countries
TOB	Temporary Operation Base
ToT	Training of Trainers
UN	United Nations
UNAMI	United Nations Assistance Mission for Iraq
UNCT	United Nations Country Teams
UNDOF	United Nations Disengagement Observer Force
UNFICYP	United Nations Peacekeeping Force in Cyprus
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations International Children's Emergency Fund
UNIFIL	United Nations Interim Force in Lebanon
UNISFA	United Nations Interim Security Force for Abyei
UNMISS	United Nations Mission in the Republic of South Sudan
UNOCI	United Nations Operation in Côte d'Ivoire
UNPOL	United Nations Police
UNSC	United Nations Security Council
USI	United Service Institution of India
WPA	Women Protection Advisers

MISSION

The International Committee of the Red Cross (ICRC) is an independent and non-political organization with a large scope of activities which it undertakes through its presence in most countries. Its existence and activities are universally recognized and it regularly responds to the needs of people adversely affected by situations of humanitarian concern, in particular armed conflict and violence.

Usually working in partnership with National Red Cross and Red Crescent Societies, the ICRC provides humanitarian aid and expertise, most notably in these areas: emergency response, detention management, international humanitarian law, restoration of family links, orthopaedic services and water and habitat.

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 discretion, transparency and reliability in order to be able to reach and meet the needs of vulnerable persons.



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