



PROTECTION OF CIVILIANS

UNIFIL



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1. Thematic UNSCRs.
2. UNDKPO/DFS Policy and Guidance.
3. UNIFIL UNSCR 1701.
4. UNIFIL Mission Wide Strategy.
5. The Plumber's Diary:
 - Accountability
 - Human Rights
 - Civilians
- The 'Safer Place'





Centre of Gravity

“The protection of civilians (POC) is a core principle of IHL and moral responsibility for the United Nations. Across the world civilians under threat look to the United Nations for assistance and protection.”

(HIPPO Report paragraph 82 (2015))





Thematic Resolutions

UNSCR 1265

“stressed the need to address the causes of armed conflict in a comprehensive manner in order to enhance the protection of civilians on a long terms basis.”

(S/RES/1265 (1999) OP 73)



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Thematic Resolutions

UNSCR 1894

“Reaffirming its practice of ensuring that mandates of United Nations Peace keeping missions...include where appropriate a case by case basis provisions regarding the Protection of Civilians, stresses that mandated protection activities must be given priority in decisions about use of available capacity and resources”

(S/RES 1894 (2009) OP 19)



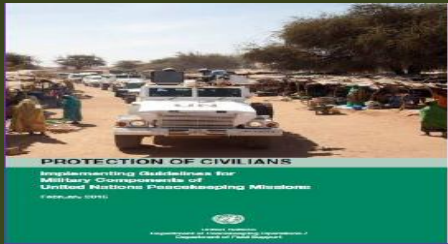
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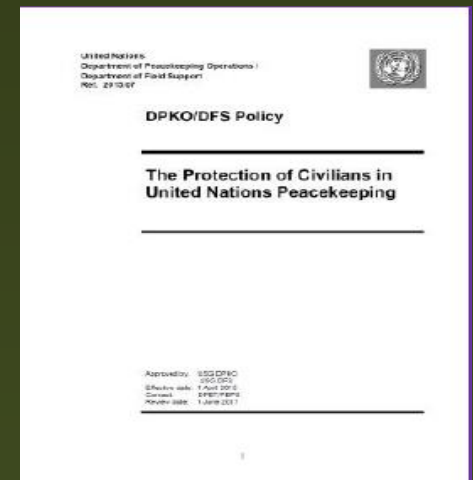


UNDKPO/DFS Guidance

- UNDKPO/DFS “Guidelines on Protection of Civilians: Implementing Guidelines for Military Components of United Nations Peace keeping Missions.” (February 2015).
- UNDKPO/DFS “Policy on the Protection of Civilians” (April 2015).



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UNSCR/DFS Guidance

Tier 1. Protection through Dialogue: dialogue with or demarche of a perpetrator or potential perpetrator, conflict resolution and mediation with parties to the conflict, persuading the govt and other relevant actors to intervene to protect civilians

(DKPO/DFS Guidelines POC Implementing Guidelines for Military Components of UNPKM (Feb 2015), para 16.)



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UNSCR/DFS Guidance

Tier 2. Provision of Physical Protection: Activities involving the show or use of force to prevent deter and respond to situations in which civilians are under threat of physical violence.



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UNSCR/DFS Guidance

Tier 3. Establishing a Protective Environment: support to the political process, promotion and protection of human rights, advocacy and access to humanitarian support, fighting impunity, promoting justice and establish rule of law, supporting compensation and rehabilitation process.



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UNSCR1701

“...authorises UNIFIL to take all necessary action in areas of deployment of its forces and as it deems within its capabilities ...and without prejudice to the responsibility of the Government of Lebanon, to protect civilians under imminent threat of physical violence.”

(UNSCR 1701 OP12)



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UNIFIL ROE 1.7

The UNIFIL ROE 1.7 supports the POC mandate and provides for: “Use of Force including deadly force to protect civilian under imminent threat of physical violence”.



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Imminent

- UN hold that “imminent” does NOT imply that violence is guaranteed to happen in the immediate or near future or is being carried out.
- A threat of physical violence against civilians is considered *imminent* as soon as the mission has a reasonable belief that a potential aggressor has the intent and capacity to inflict physical violence





Self Defence

- LAF personnel
- Un personnel
- GoL as assigned

Use of Force beyond Self Defence

Civilians under imminent threat of physical violence.

Force Commander retains authority



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UNIFIL Mission Wide Strategy

- Scenario 1: Resumption of Hostilities between Israel and Lebanon.
- Scenario 2: Salafi-Jihadist AGAE increase their activities –spill over.
- Scenario 3: Breakdown of internal order.





UNIFIL Mission Wide Strategy

- It encompasses activities under all three Tiers of POC action:
 - Tier 1: Protection through Dialogue
 - Tier 2: Provision of Physical protection
 - Tier 3: Establishment of Protective Environment





Accountability

“a U.N. flag doesn’t give...immunity as a state or as an individual soldier”



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Accountability

“Military contingents are accountable for any failure to obey the Force Commander’s or other commanders orders provided such orders are consistent with the mandate.”

(UNDKPO/DFS Guidelines (February 2015 paragraph 35))





Human Rights Reach

Is there a 'threshold' to be considered or will one evolve?





Human Rights Reach

- The Netherlands v. Hasan Nuhanovic, Supreme Court judgement of 6th September 2013, 53 ILM (2014).
- *Al-Jedda v. The United Kingdom*, Application no. 27021/08, judgement 7th July 2011.
- *Jaloud v. The Netherlands*, Application no.47708/08, judgement 20 November 2014.



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The 'Civilian'

“Any person who is not or no longer ‘DPHing’ or other acts of violence shall be considered a civilian, unless he or she is a member of armed forces or groups”

(DKPO/DFS Policy 2015)





The 'Civilian'

“Any unarmed person who is not, or is no longer, ‘DPHing’ shall be considered a civilian. In case of doubt, the individual or group of individuals shall be considered civilian and afforded the protections owed to civilians until determined or otherwise.”

(DKPO/DFS Guidelines 2015)





The 'Civilian'

“Any person who is not or no longer ‘DPHing’ or other acts of violence shall be considered a civilian, unless he or she is a member of armed forces or groups. In case of doubt whether a person is a civilian or not, that person shall be considered a civilian”

(UNIFIL POC Implementation Paper, dated December 2016, Annex E paragraph 1b.)





- Missions shall carefully analyse, determine and disseminate appropriate guidance on the distinction between civilians and combatants encountered in their AOR

(DKPO/DFS Policy (April 2015) paragraph 41)



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SAFER PLACE/LOCATION

STRATEGIC CONSENT



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