



## Scenario-Based Training for Senior Mission Leadership

Parallel Forces

Facilitator's Guide

The facilitator can introduce the below questions at appropriate times during the exercise or during a post-exercise discussion. Ideally, participants will raise many of these points as they work through the scenario.

**One to three hours have been allocated for the case study, depending on the context and facilitator's discretion.** The two injects may be issued as appropriate by the facilitator to develop the scenario and the discussion. Time will be tight.

Participants will need a map of Carana and familiarity with IPI's Carana "Light" scenario. Facilitators can make other assumptions regarding facts and tasks relevant to the scenario based on experience in missions or knowledge of the Carana scenario.

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### OBJECTIVES AND AUDIENCE

#### Objectives

Scenario-based exercises can help units train to handle potential situations effectively and efficiently. They allow trainees to think through problems and work out responses before challenges actually occur and can help them identify preventive measures that can preclude problems from arising. Scenario-based training also creates a dialogue platform for peers to develop and share alternative points of view and explore a range of perspectives and courses of actions.

The facilitator should highlight attributes of leadership and effective decision making, including the readiness, willingness, and ability to:

- Implement the mandate and exercise authority
- Assume responsibility and lead others
- Ensure robust performance by all under their authority and address bad performance or non-performance efficiently
- Coordinate with other UN components, including through a whole-of-mission approach to the protection of civilians
- Act with only the interests of the UN mandate in mind
- Act in accordance with a specific, measurable, achievable, risk-informed, and timely (SMART) strategic plan
- Consult with local communities and affected populations

#### Target Audience

This module must be relevant to all aspects of a mission. The target audience is senior leaders at both the political and the operational levels, including:

- Special representatives of the secretary-general
- Deputy special representatives of the secretary-general

- Force commanders
- Police commissioners
- Key D2–P4-level staff (e.g., chiefs of staff, chiefs of joint operations centers, heads of sections, heads of regional offices, heads of sector-level offices, sector commanders, and directors/chiefs of mission support)

## 2

## STAGES

### Stage 1: Preparation

In the first stage, the facilitators become familiar with the training material, prepare role players, and brief the mentors and experts involved in the training. They also discuss with them the objectives of the training and ask each to articulate her or his understanding and expectations:

- What is the purpose of the training?
- What can be the added value of scenario-based training?
- What are the expectations related to the training and to this scenario-based format?
- What are the roles and objectives of role players/mentors?

### Stage 2: Familiarization

In the second stage, the facilitators orient the training audience on the general situation, the current situation, the rules of engagement, and the discussion questions/task at hand. The facilitators discuss the general situation and the current “crisis” with the training audience and make sure the training audience has a shared understanding of the mandate and rules of engagement. This discussion is a first learning opportunity, whereby each participant clarifies her or his vision of the mission. The facilitator can ask the following questions to ensure a common understanding:

- What is the overall situation in Carana?
- Who are the main actors who are/should be involved, and what are the main stakes?
- What is the mandate and authority of each major actor: the United Nations Assistance Mission in Carana (UNAC), government forces, and Continent Regional Coalition Assistance Mission to Carana (CRCAC)?
- What UN principles are relevant to UNAC? This includes independence, impartiality, and exclusively international character.
- What aspects of a protection of civilians (POC) mandate are relevant to this scenario? This mandate includes not only refraining from harming civilians (doing no harm and minimizing or avoiding collateral damage) but also actively and proactively protecting them from physical violence or threats of violence by other actors, including government forces, rebels or insurgents, terrorists, and criminals.
- What are the relevant UN policies, including the zero tolerance policy for sexual exploitation and abuse, UN Human Rights Screening Policy, and UN Human Rights Due Diligence Policy?
- What are the roles of each player within the scenario?

- What are UNAC's priorities with regards to the Caranese government?

### Stage 3: Training

Either the training audience breaks into small groups to work through the situation or, depending on the size of the group (e.g., if under ten participants), discusses the unfolding of the scenario as a group.

The scenario has four phases:

1. The **first phase** aims to set the scene for why the senior leadership team has been gathered, what its task is, and the context. This first part of the scenario should be given out and jointly read by the participants. If they have any, participants may ask clarifying questions.
2. The **second phase** focuses on the task at hand. Once all is clear, the task should be given out, and the group should have a specific amount of time (10–15 minutes) to discuss among themselves.
  - The facilitator should observe the discussion and answer specific questions if needed and provide extra information if needed.
  - Once the time has ended, the facilitator should lead a brief discussion on the task to gauge responses.
3. Injects are introduced in the **third phase**. The objective is to reflect on the trade-offs and stakes related to the specific crisis/challenge/event at hand. The timing, sequence, and pace of actions and reactions should also be discussed.
  - Again, a specific amount of time should be given per inject (10 minutes), and the facilitator should be available to provide support. Not too much time should be given so as to replicate the pressure of crisis situations.
  - A brief discussion can be held after each inject, with a longer debriefing at the end of the exercise.
4. The **last phase** is the longer debriefing, and the facilitator should reserve a longer period of time (30 minutes) for the discussion. This should focus on the scenario, lessons learned, challenges faced, what is needed to better address these situations, and how to prepare for the realities in the field. The notes below can be used to support this discussion.

## 3

### DISCUSSION QUESTIONS

**Question 1: What values reflected in the UN Charter do UN missions have to uphold in fulfilling their mandates?**

- Article 100: "They... shall not seek or receive instructions from any government or from any other authority external to the Organization. They shall refrain from any action which might reflect on their position as international officials responsible only to the Organization... [or the] exclusively international character of [their] responsibilities."

- Article 101: “The paramount consideration in the employment of the staff and in the determination of the conditions of service shall be the necessity of securing the highest standards of efficiency, competence, and integrity.”

**Question 2: How much authority does the force commander have within the unified structures of command and operational control for UN forces?**

- The standard UN rules of engagement provide the UN force commander authority and operational control over the military component, subject to the instructions of the Security Council and secretary-general, the rules of engagement issued by the under-secretary-general for peacekeeping operations, and international law.

**Question 3: Under its protection of civilians (POC) mandate, can UNAC take action against GNR military or security forces if they attack or threaten to attack civilians?**

- In accordance with Security Council resolutions, UNAC should prioritize its resources toward its POC mandate. Although Resolution 1544 mandates UNAC to support the Government of National Reconciliation (GNR), it is not obligated to protect government military and security forces or military bases (see Resolutions 1674 [2006] and 1894 ([2009])).
- UNAC’s POC mandate requires it to protect civilians from any use or threat of use of physical violence, regardless of the source of the threat.
- To the extent that GNR forces may themselves pose a threat to civilians, UNAC has the mandate and the full authority to use force against those elements in accordance with its rules of engagement.
- This means UNAC has the authority to interpose and, if necessary, use force, up to and including deadly force, to protect civilians from the threat of violence from any source, including elements of the GNR or other state security forces, as well as elements of Squad 10 or any other armed group.
- Regardless of UNAC’s POC mandate, the government of Carana is also responsible for protecting civilians and ensuring that its forces respect international human rights and international humanitarian law (IHRL/IHL), where applicable, when carrying out its operations.
- UNAC’s support to the GNR is also governed by the UN Human Rights Due Diligence Policy.

**Question 4: Should UNAC conduct joint operations with GNR forces?**

- As a rule, UNAC should conduct separate operations. However, UNAC might consider a joint operation to protect UN personnel, UN premises, or civilians. The discussion of such a joint operation should weigh the advantages and disadvantages of measures to deal with potential humanitarian needs and monitor actions in the field, as well as necessary safeguards such as joint planning.
- Under no circumstances should UNAC engage in joint offensive operations of any kind, including offensive counterterrorism operations.

#### Question 5: Does UNAC have to obtain the GNR's approval for its movements and operations?

- As a legal matter, UNAC enjoys the right to unrestricted freedom of movement. However, the standard status of forces agreement (SOFA) does provide that UNAC should notify the host government of large movements of forces.
- The UNAC force commander has the authority to order UNAC forces to use force in accordance with the mission-specific rules of engagement.
- As a policy matter, the UNAC force commander *should* consult with the special representative of the secretary-general (SRSG) and *may* consult with the host authorities but *is not required* to obtain the consent of either.
- UNAC should coordinate and de-conflict its activities with the GNR as well as with the Phantasian forces and the CRCAC as long as doing so would not jeopardize its independence, impartiality, and exclusively international character, as well as its right and duty to fulfill its mandate.

#### Question 6: Is UNAC responsible for investigating the GNR's alleged violations of IHL/IHRL under the UN Human Rights Due Diligence Policy?

- UNAC has extensive human rights responsibilities under Security Council Resolution 1544, including monitoring, reporting on, investigating, and combating impunity for violations.
- Pursuant to the Human Rights Due Diligence Policy, UNAC cannot support CRCAC or other non-UN forces that have committed grave violations of IHL/IHRL or present a real risk of doing so. This applies to support from any UN entity to any non-UN forces, including government military and security forces, regional forces such as the Continent Regional Coalition Mission to Carana (CRCAC), and other parallel forces such as Opération Intrépide. UNAC must therefore assess whether any non-UN forces it supports have committed grave violations and the risk of them committing such violations in the future.
- Unless the GNR or other non-UN recipients of support take adequate measures to mitigate or eliminate any risks identified, the UN must withhold or suspend support.

#### Question 7: What measures can be taken to stop any intentional or disproportionate loss of civilian life?

- Dedicated legal training on IHRL/IHL principles and rules
- Training on targeting and positioning to minimize civilian casualties and other collateral damage
- Criminal accountability for those found responsible for violations of IHRL/IHL

#### Additional Guidance

- The facilitator should draw out discussion on how to preserve UNAC's independence, impartiality, and exclusively international character.
- The facilitator should elicit deeper understanding of UNAC's POC mandate and UN policy on POC in peacekeeping operations, including that peacekeepers must take proactive and robust action—both political and physical—to prevent, preempt, deter, and respond to any acts of physical violence against civilians regardless of the source of the threat.

- The facilitator should encourage discussion of UNAC's authority to use force against elements of government forces if they continue to attack or pose a threat to civilians, including the impact this might have on the host government's willingness to cooperate in the future and, ultimately, its consent to UNAC's continued deployment.
- The facilitator should ensure that participants understand that under the Human Rights Due Diligence Policy, they need to continually assess whether any units of the GNR and any military and civilian personnel in the GNR's command chain—if those units are receiving or are expected to receive any form of UN support—have committed or are likely to commit violations of IHL/IHRL.

## 4

## INJECTS

### Inject 1

*On June 3<sup>rd</sup>, with UNAC now fully operational, the president of Rimosa sent a letter to the UN secretary-general requesting that his troops immediately be re-hatted as UNAC troops. Two days later, Carana's minister for foreign affairs presented the SRSG with a file of "reports" by Carana nationals and local media outlets alleging various "crimes against the citizens of Carana" by the CRCAC, including its Rimosa contingent. The allegations involve paying women for sex and using excessive force in or near civilian areas.*

*Later the same day, the CRCAC force commander met with the UNAC force commander and suggested that UNAC and the CRCAC should co-locate their respective command centers in the GNR military base near the Corma airport to improve coordination between GNR, CRCAC, and UNAC forces.*

#### 1. Which UN actors are involved in the UN Human Rights Screening Policy?

- The secretary-general ultimately decides, with support, as necessary, from the Departments of Peace Operations and Operational Support (DPO/DOS) and Office of Legal Affairs (OLA), whether to re-hat forces as UN peacekeepers with the Human Rights Screening Policy.
- The Office of the UN High Commissioner for Human Rights (OHCHR) makes a recommendation on whether to re-hat based on its review of all available information, including its own and other UN databases and publicly available information.
- The UN only proactively vets senior leadership for violations of IHRL/IHL. For other personnel, the UN relies on each troop-contributing country's certification of its troops and self-attestation by military observers and force commanders.
- The mission must provide any information it has on the substance or credibility of any allegations of violations of IHRL/IHL.
- Any certification by Rimosa must be subject to heightened scrutiny if the allegations by Carana nationals and media are deemed credible.
- Any person who has a criminal record or is the subject of bona fide allegations of violations of IHRL/IHL cannot be properly re-hatted.

## **2. What is the difference between the UN Human Rights Screening Policy and the UN Human Rights Due Diligence Policy?**

- The primary difference is that the Human Rights Due Diligence Policy applies to *non-UN* forces receiving support or assistance from the United Nations, while the Human Rights Screening Policy applies to *all those seeking to serve in the United Nations* (whether civilian, police, or military and whether at UNHQ, at other duty stations, or in the field) to ensure that the UN does not retain or employ the services of any person with a criminal record or who has committed any violations of IHRL/IHL.
- The Human Rights Due Diligence Policy applies at the unit and command levels, while the Human Rights Screening Policy applies at the individual level.

## **3. Do the allegations against the CRCAC fall within the scope of the UN Human Rights Due Diligence Policy?**

- In the absence of evidence of forced or nonconsensual sex between adults, including rape, sexual assault, or other sexual violence, these are not necessarily violations of IHRL/IHL within the scope of the Human Rights Due Diligence Policy or Human Rights Screening Policy.
- The latter two policies are distinct from the UN's zero tolerance policy for sexual exploitation and abuse. Any form of sex-for-payment is a clear violation of UN policy on sexual exploitation and abuse, even if it occurs where prostitution is legal under state law. All UN personnel, including any non-UN personnel re-hatted to serve in a UN mission, are required to adhere strictly to the UN code of conduct and all rules under the UN's zero tolerance policy.
- The allegations of excessive force must be assessed in light of the CRCAC's rules of engagement and principles of customary international law, including IHL, if and when applicable.
- UNAC needs to assess its support to any CRCAC unit. Where there is reliable information that the unit or its officers have committed grave violations of IHL/IHRL—or where there are grounds to believe that they are likely to commit such violations in the future—UNAC must take adequate mitigating measures or withhold or suspend support.

## **4. Is collocation of UNAC forces consistent with its mandate and UN values?**

- UNAC has an exclusively international character and should not locate its headquarters or field offices in the same base or compound as national or regional forces.
- While ensuring proper coordination and de-confliction of its activities with all other legitimate forces in the country, UNAC should preserve its impartiality and independence and maintain separate presences for headquarters and field offices.
- UNAC should conduct only limited joint patrolling and should do so in a manner that preserves its distinct identity and is mindful of its proper role and tasks.

## Additional Guidance

- The facilitator should ask the senior leaders to identify the political and operational risks of confronting the CRCAC and its troop-contributing countries about the alleged violations of IHRL/IHL as well as the political, operational, and reputational risks of not doing so.
- The facilitator should encourage the UNAC force commander to assess the reasonableness and proportionality of the use of force by the CRCAC's troop-contributing countries, subject to the CRCAC's rules of engagement, customary international law, and IHL.
- The facilitator should highlight the need to carefully weigh the potential advantages and disadvantages of joint patrolling, including the creation of precedent and the impact on the actual and perceived independence and impartiality of UN troops.

## Inject 2

On June 15<sup>th</sup>, the Phantasian force commander showed the UNAC force commander satellite imagery revealing that, despite the crackdown, Squad 10 operatives were still moving large caches of arms into Carana. The Phantasian commander said the cache was likely heading toward the Corma airport to attack the GNR military base but opined that there was a possibility it was intended for a raid on the World Food Programme (WFP) warehouse nearby to resupply Squad 10. The UNAC force commander notified the Phantasian commander that WFP was contemplating moving its warehouse away from the airport and closer to UNAC HQ to enhance its security. The Phantasian force commander thanked the UNAC force commander.

One hour later, he sent the UNAC force commander an email stating, "After you left, I had a great idea. Why don't you embed elements of your forces in Corma sector with my stronger and better-equipped troops? It will make you look formidable to be part of our operation against Squad 10, and we will ensure your security. I'm signing off for tonight. I will call you in the morning."

### **1. Should the UNAC force commander accept the Phantasian force commander's proposal? Why or why not?**

No. UNAC does not have a mandate to engage in or assist offensive counterterrorism operations. UNAC may have to prevent or respond to terrorist threats in self-defense or in fulfillment of its POC mandate (what the scenario describes as defensive or protective counterterrorism). Therefore, it falls to the GNR, CRCAC, or Phantasian forces to carry out any offensive counterterrorism operations.

### **2. What are the limits, if any, on the exchange of information and intelligence between UNAC and the parallel forces?**

The UN and parallel forces should designate liaisons or focal points to meet or otherwise communicate on a regular and "as needed" basis. They should also exchange all relevant information and intelligence in a clear and timely manner, subject to the following considerations:



- Any confidentiality obligations owed to a third party (unless that party has consented)
- The safety and security of UN personnel or premises
- The safety and security (as well as the identity) of sources, witnesses, and victims
- The safety and security of any other protected person
- Any conflict of interest between the UN and the other forces

### **3. What are the limits, if any, on joint patrols or joint operations?**

- UNAC should prioritize separate and independent action to preserve its impartiality and exclusively international character.
- In the limited circumstances where joint patrolling is required to ensure the safety and security of the UN, civilians, or other protected persons, UNAC should remain mindful of the need to ensure its actual and perceived independence, impartiality, and exclusively international character, and these patrols should at all times remain under UN command and operational control.
- UN peace operations can conduct joint operations for the defense of UN personnel, UN premises, or civilians when they cannot achieve the necessary level of defense or protection on their own.
- UN peace operations should never conduct joint patrolling or joint operations involving offensive operations, including offensive counterterrorism operations.

### **4. What can UNAC do, within its own mandate and initiative, to respond to the report of an imminent attack on the GNR military base and WFP warehouse?**

UNAC should make its own threat assessment—especially as Squad 10 has not previously attacked UN or civilian targets. If the Phantasian assessment is accurate and Squad 10 is changing its modus operandi, UNAC can and should take action to protect the WFP warehouse and any civilians in and around the nearby village. Proactive, preemptive, and preventive actions that participants should consider include:

- Enhancing monitoring of and gathering intelligence on Squad 10's actions and intentions, including from community-based sources (but without compromising their safety and security)
- Clearly messaging through all available means to Squad 10 commanders and rank-and-file fighters that threats will not be tolerated
- Intervening with influential actors in Rimosa or elsewhere to pressure Squad 10 elements and restrict the group's freedom of movement, including across borders
- Undertaking coordinated actions with GNR units, in accordance with the Human Rights Due Diligence Policy, to enhance the security of the threatened zone, such as setting up a cordon around the perimeter of the warehouse and village
- Setting up checkpoints at all entry points into the village and actively patrolling to look out for suspicious movements within the village
- UNAC should also coordinate and de-conflict its activities with Phantasian, CRCAC, and GNR forces.

#### **Additional Guidance**

- The facilitator should highlight the importance of ensuring the actual and perceived independence and separateness of UN forces from both government

and parallel forces in a manner consistent with UNAC's impartial and exclusively international character.

- The facilitator should also draw out a discussion on the proper roles and tasks of UN peacekeeping troops, including on the principle that enforcement actions and offensive operations, especially offensive counterterrorism operations, are better conducted by national forces or through regional arrangements.
- The facilitator should invite a legal discussion to assess and address the risk of UNAC becoming a party to the conflict, including the triggers and consequences. The triggers include engaging directly and intensively in a large-scale international or non-international armed conflict for a sustained duration or providing material support to the military operations of a party to the conflict. If and when UNAC becomes a party to the conflict, its military personnel lose their protected status and become legitimate military targets subject to direct attack.

## ADDITIONAL RELEVANT QUESTIONS AND CONSIDERATIONS

Facilitators can use the following questions, as they deem relevant.

- 1. Who is using force in the country? Which of these forces pose a threat to civilians? Which of these forces pose a threat to UN personnel, property, and premises? Who are the “legitimate authorities” in the scenario?**

Besides UNAC, several armed forces are using force or have been authorized to use force by the Security Council: the Carana government forces—which include former Carana Defence Force and other national elements integrated into the GNR forces—the CRCAC, and the Phantasian forces of Opération Intrépide. A non-state armed group, Squad 10, is also using force. The only forces believed to be using force against civilians are the GNR forces and Squad 10. However, CRCAC forces may be using excessive force in civilian areas and thus may be threatening civilians. Other relevant legitimate authorities UNAC should cooperate with include the Security Council Sanctions Monitoring Group, the special rapporteur on the situation of human rights in Carana appointed by the high commissioner for human rights, the secretary-general's special representative on sexual violence in armed conflict, and the secretary-general's special representative on children in armed conflict.

- 2. What are the limits on, or parameters of, cooperation with host state or other parallel forces?**

UNAC and other UN entities must ensure their independence, impartiality, and exclusively international character (both actual and perceived). As a general rule, UNAC should conduct separate operations, but there may be situations where it needs assistance to defend itself or to protect civilians. If UNAC needs assistance, it may conduct joint defensive or protective operations with other forces, provided it does so in accordance with its mandate and in a manner respectful of its independence, impartiality, and exclusively international character.

UN cooperation with and support to non-UN security or military forces are governed by the UN Human Rights Due Diligence Policy, which sets out the conditions for providing such support, subject to an assessment of the risks involved, in particular the risk of the recipient entity committing grave violations of IHRL, IHL, or refugee law.

Supporting or engaging in armed hostilities with parties to the conflict may also trigger the applicability of IHL to UN forces, causing them to become parties to the conflict and to lose their protected status. The facilitator should invite discussion on the implications of aggressive or offensive action for traditional principles of peacekeeping: consent, impartiality, and non-use of force except in self-defense or in defense of the mandate.

### **3. What are the practical differences between offensive and defensive counterterrorism?**

Offensive counterterrorism can be defined as offensive operations to hunt down, neutralize, or degrade the capacity or capabilities of terrorists and terrorist groups in the absence of a specific imminent threat against UNAC or civilian targets. Defensive or protective counterterrorism involves the inherent right of UNAC to use force to defend itself from imminent attacks regardless of the source of the threat, including terrorists or terrorist groups. Protective counterterrorism involves using force to prevent an imminent attack or proactively respond to a threatened or actual attack against civilians and falls squarely within UNAC's POC mandate.

### **4. What tasks are each of these forces best placed to perform in accordance with their respective mandates?**

The GNR, CRCAC, and Phantasia forces are best placed to conduct offensive or strategic counterterrorism operations.

The GNR's primary responsibility is to protect civilians.

UNAC is authorized to use force, up to and including deadly force, to protect civilians—without prejudice to the primary responsibility of the GNR—against all threats of physical violence, including against elements of the GNR forces if they pose a physical threat to civilians.

All forces have the inherent right to use force in self-defense.

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