

Ethics in Peacekeeping

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FOREWORD

This course on the Ethics in Peacekeeping is the result of compiling existing UN manuals and courses that have addressed topics related to ethics. The author has attempted to provide an overview and some perspectives concerning the major aspects of modern-day peacekeeping, from an ethical perspective. This course is not intended to be an academic work or, even less so, a scientific one. Rather, it presents a general introduction to the basic ethical aspects of peacekeeping.

This text was written for a general audience. It adopts an approach to the material that seeks to be both universally applicable and free of any political agenda. It makes no claim to providing a comprehensive coverage of all subject areas that make up the field of humanitarian assistance, but instead refers the student to other references, organisations, and web sites. In addition, this course should not be considered a technical reference work; it does not attempt to replace the excellent documents that have been produced over the last 15 years by the various actors of the United Nations system and international non-government organisations.

The intent of this course is to provide a basic overview and create an understanding of the Ethics in Peacekeeping. Through the use of the case studies and practical examples, this compilation aims to be a guideline for peacekeepers in the field. It is our hope that the readers will share their thoughts and discuss with each other the issues raised in this course.

Special thanks go out to Lt. Col. Enrique Oribe, who has been a great help and expert with the process of compiling this work.

Anne Elias, MSc
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INTRODUCTION

The Nature of Today's Conflicts

The post-Cold War era has witnessed a new pattern of armed conflicts. While conflicts continue to occur in many parts of the world and have increased in the last decade, they have mainly been of an internal nature, involving states and non-state actors, which include irregular forces, private militia, and guerrillas. They have often been rooted in ethnic tensions, fights for the control of natural resources, the people's struggle to achieve freedom from oppression, social justice, and a democratic government. In several situations, conflicts have resulted in the phenomenon of "failed states," where the government structure, authority, legal, and political systems have collapsed, rendering the protection of human rights more difficult.

These conflicts are accompanied by massive humanitarian crises, and human rights are violated on a large scale. Civilians are deliberate targets of violence. Mass population displacement, the use of child soldiers, violence against ethnic and religious groups, gender-based and sexual violence, deliberate destruction of property and crops, and mutilations are some of the human rights violations that accompany contemporary conflicts. Thus, human rights violations are, at the same time, the cause and consequence of conflicts.

The Peacekeeper and the Mission Area

Peacekeepers are powerful because they have money, mobility, force, and access to food, water, and other goods. This causes a power imbalance between the peacekeepers and the host population.

Wearing a uniform brings with it personal responsibility. Those wearing the uniform have a responsibility to the service for which they work to keep the peace in a dignified and civilized manner. They also have a responsibility to the public. The primary responsibilities of uniformed personnel are to uphold the law, respect human rights, and set an example to society. Uniformed personnel are easily identified by the public because of the uniform they wear.

The uniform represents power and force; the person wearing it is usually respected and often feared. A person wearing a uniform usually also has more resources than the local population, especially in conflict zones. Because of the power and influence that goes along with wearing a uniform, the potential for abuse is present. This abuse can result in disrespect and even disgust for the person who is abusive. It also, by extension, brings disrespect to the service as a whole. Men who abuse alcohol and indulge in sex for money while wearing a uniform can also set a poor example to the public and other men in the service.

Most peacekeepers use this power to do good. The international presence can have a positive effect by initiating and supporting efforts to stop organised crime and improve the conditions of the local population, including groups that are particularly vulnerable to the effects of human rights violations. These vulnerable groups include women, children, minorities, refugees, internally displaced persons, and the elderly. Unable to effectively withstand the pressures of conflict, they are easy prey for humiliation and physical abuse.

Some peacekeepers have, however, used the powerful situation they are in to abuse vulnerable populations. They do this by using prostitutes, thus encouraging prostitution, often including children; by spreading HIV/AIDS in the process; by getting involved in or even unknowingly encouraging organised crime involving prostitution and the trafficking of women; by abandoning children they have fathered; and by abandoning women who have been promised marriage or other benefits in exchange for a sexual relationship. This compounds the difficulties these communities face. Such behaviour is illegal and morally unacceptable and will not be tolerated by the United Nations.

The UN Core Values – integrity, professionalism, and respect for diversity – form the basis for this course, “Ethics in Peacekeeping.” They are important principles and should not be underestimated.

Violations of UN values will result in a negative impact on the credibility of the UN.

FORMAT OF STUDY

This course is designed for independent study
at a pace determined by the student

Course format and materials permit:

- MODULAR STUDY
- EASE OF REVIEW
- INCREMENTAL LEARNING

STUDENT'S RESPONSIBILITY

The student is responsible for:

- Learning course material
- Completing the End-of-Course Examination
- Submitting the End-of-Course Examination

**Please consult your enrolment confirmation email or the end of
this course for examination submission instructions.**

METHOD OF STUDY

The following are suggestions for how to proceed with this course. Though the student may have alternate approaches that are effective, the following hints have worked for many.

- Before you begin actual studies, first browse through the overall course material. Notice the lesson outlines, which give you an idea of what will be involved as you proceed.
- The material should be logical and straightforward. Instead of memorizing individual details, strive to understand concepts and overall perspectives in regard to the United Nations system.
- Set up guidelines regarding how you want to schedule your time.
- Study the lesson content and the learning objectives. At the beginning of each lesson, orient yourself to the main points. If you are able to, read the material twice to ensure maximum understanding and retention, and let time elapse between readings.
- When you finish a lesson, take the End-of-Lesson Quiz. For any error, go back to the lesson section and re-read it. Before you go on, be aware of the discrepancy in your understanding that led to the error.
- After you complete all of the lessons, take time to review the main points of each lesson. Then, while the material is fresh in your mind, take the End-of-Course Examination in one sitting.
- Your exam will be scored, and if you achieve a passing grade of 75 percent or higher, you will be awarded a Certificate of Completion. If you score below 75 percent, you will be given one opportunity to take a second version of the End-of-Course Examination.
- One note about spelling is in order. This course was written in English as it is used in the United Kingdom.

LESSON 1

CODE OF CONDUCT

- 1.1 Guiding Principles for the UN Peacekeeper's Code of Conduct
- 1.2 The Blue Helmet's Code of Conduct
- 1.3 Consequences of Violations of the Code of Conduct

LESSON OBJECTIVES

After completing this lesson the student should be able to:

- List and briefly discuss the UN Code of Conduct and standards of behaviour for service in field missions;
- Understand the Code of Conduct and the reasons for it, as well as its content including impartiality, integrity, respect, and loyalty; and
- List the consequences of actions that fail to comply with the Code of Conduct.

INTRODUCTION

Peacekeepers represent both the UN and their own countries. Their conduct, both negative and positive, impacts on the success of the whole mission. The UN embodies the aspirations of the people of the world for peace. In this context, the UN Charter requires all peacekeeping personnel to maintain the highest standards of integrity and conduct. Peacekeepers, whether military, civilian police, or civilian, must comply with the guidelines on International Humanitarian Law for Forces Undertaking UN Peacekeeping Operations and all applicable portions of the Universal Declaration of Human Rights as the fundamental basis of all their standards.

Peacekeepers are present in the mission area to aid in recovery from the trauma of conflict. As a result, they must consciously be prepared to accept social constraints in their public and private lives in order to do the work and to pursue the ideals of the UN. Peacekeepers are accorded certain privileges and immunities through agreements negotiated between the host country and the UN solely for the purpose of discharging peacekeeping duties. At a mission, expectations of the world community and the local population will be high, and the actions of peacekeepers must be correspondingly high. Therefore, their conduct and actions will be closely observed.

1.1 Guiding Principles for the UN Peacekeeper's Code of Conduct

The following guiding principles summarise the core values of the UN in its task of maintaining international peace and security. They must be borne in mind by every peacekeeper.

- **Impartiality:** Even-handedness. Not being favourable, preferential or supportive of any group, person or plan over another.
- **Integrity:** Honesty. The ability to know and do what is morally right.
- **Respect:** Acceptance of others' ways. Giving value to others' rights, customs, behaviours and wishes even if they are very different from your own.
- **Loyalty:** Unqualified support. Fully and always supporting someone or something even when circumstances or others may challenge this support.

In the following portion of this section, each principle is explained and accompanied by relevant "Dos and Don'ts" to guide peacekeepers. Some of these guidelines will often apply to more than one principle.



Peacekeepers should always show respect and impartiality to the local population. (*UNAMSIL Photo, Kemal Saiki, 2003*)

Impartiality

The impartial and objective pursuit of the mission's mandate, regardless of provocation and challenge, is essential to preserving the legitimacy of the operation and the consent and cooperation of conflicting parties. The effort to maintain impartiality, however, must not promote inaction. On the contrary, peacekeepers must discharge their tasks firmly and objectively without fear or favour. Importantly, neither side should gain unfair advantage as a result of the activities of a peacekeeping operation.

Do

- Remain impartial at all times.
- Understand the mission mandate and any subsidiary directives and operational instructions.

Don't

- Take any action that might jeopardise the mission.
- Make any unauthorised communications to external agencies, including making unauthorised press statements.
- Improperly disclose or use information gained through your employment.

Integrity

Personal integrity will establish both credibility and authority for the UN peacekeeper. It is essential to the establishment of trust with the host population and as an expression of commitment to the achievement of the mission mandate. Integrity involves behaving professionally at all times whether or not you are under observation.

Do

- Conduct yourself in a professional and disciplined manner.
- Support and encourage proper conduct.
- Maintain proper dress at all times.
- Properly account for all money and property assigned to you.
- Care for all UN equipment placed in your charge.

Don't

Undertake in some form of misconduct, even one of a minor nature.

- Misconduct includes any act, omission, or negligence that is in violation of Human Rights; UN values; mission SOPs, directives, or any other applicable rules, regulations or administrative instructions.

Respect

Within a UN peacekeeping mission there will usually be a wide diversity of nationalities, races, religions, and cultural backgrounds. Part of the strength of the UN lies in this diversity, and some cultures and behaviours may be vastly different from your own. Treat all people with dignity and respect. Show respect and understanding of diverse points of view, and demonstrate this understanding in your daily work. Examine your own biases and prejudices, and avoid stereotypical attitudes. Also, exercise restraint at all times in the expression of personal views.

Do

- Respect the environment of the host country.
- Treat the inhabitants of the host country with respect, courtesy, and consideration.
- Support and aid the sick and weak.
- Respect all other peacekeepers regardless of rank, ethnic or national origin, race, or gender.

Don't

- Be abusive or uncivil to any member of the public.
- Commit any act that could result in suffering of the local population.

Loyalty

Remain loyal to the values, objectives and goals of the UN and the mission mandate. You are in the mission to serve the interests of the UN and the international community. Do not pursue any national or personal agenda. Stand by decisions that are in the UN's interests even if they are unpopular or different from your personal interests. If you are in a decision-making position, resist undue political pressure from any faction or government. The sole consideration for all your actions and decisions is the interest of the UN.

Do

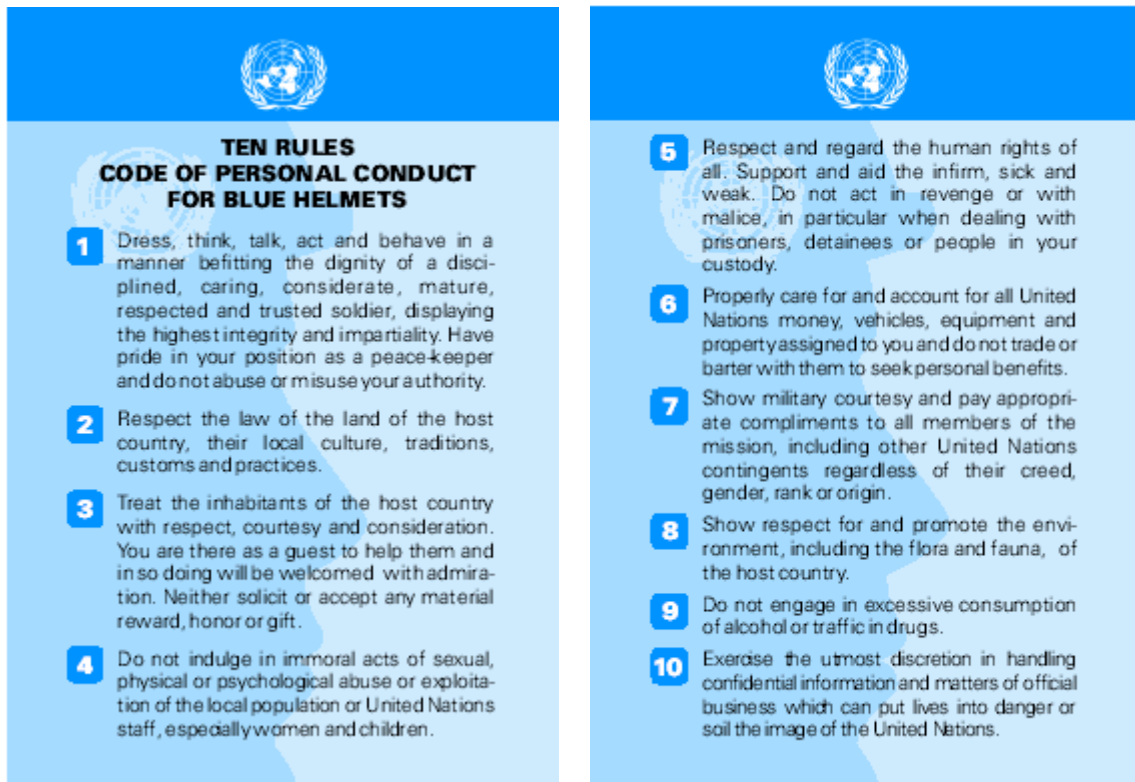
Dedicate yourself to achieving the goals of the UN in the mission regardless of your personal views.

Don't

Bring discredit upon the UN or your country through improper personal conduct, failure to perform your duties, or abuse of your positions as peacekeepers.

1.2 The Blue Helmet's Code of Conduct

The following ten rules included on the card of the Code of Conduct for the Blue Helmets summarise the “Dos and Don'ts” associated with the four principles previously discussed.



Each peacekeeper is issued one card as a reminder of his personal code of conduct. Read it frequently and do not violate the code. There will be serious personal consequences for you and possibly for the UN mission if you do. This card is supported by the “We are United Nations Peacekeepers” card, which is listed in Appendix B and sets out the “Dos and Don'ts” in a recognisable format.

1.3 Consequences of Violations of the Code of Conduct

Certain privileges and immunities are granted to you by the Secretary-General for the performance of your official duties and in the interest of the UN. They are not for your personal benefit. Depending on your category (formed military contingent, MILOB/Civilian Police, civilian), the immunities and privileges apply in different ways. However, regardless of application, you are still liable to disciplinary action and, in serious cases, criminal proceedings for violations of the Code of Conduct.

As an individual and depending on your category, you are also liable to suffer various consequences for your misconduct. The consequences will also depend on the severity of your offence or misconduct.

Minor Misconduct

Minor misconduct is any act, omission, or negligence that is a violation of mission SOPs, directives, or any other applicable rules, regulations, or administrative instructions, but which does not result in major damage or injury to an individual or the mission. It may include, but is not limited to:

- Improper uniform appearance;
- Neglect in performance of duty not amounting to a wilful or deliberate act;
- Intoxication while on duty or in public; and
- Negligent driving.



To avoid any serious consequences, ensure that you do not engage in negligent driving. (*UN/DPIPhoto, 1990*)

Serious Misconduct

Serious misconduct is any act, omission, or negligence, including criminal acts, that is a violation of mission SOPs, directives, or any other applicable rules, regulations or administrative instructions that results in serious damage or injury to an individual or to the mission. Serious misconduct includes, but is not limited to:

- Sexual abuse and exploitation of any individual, particularly children;
- Harassment, including sexual harassment;
- Abuse of authority;
- Breach of confidentiality;
- Abuse of UN privileges and immunities;

- Use, possession, or distribution of illegal narcotics;
- Embezzlement or other financial malfeasance;
- Wilful disobedience of lawful order; and
- Driving while intoxicated or other grossly negligent driving.

Whatever your position within the mission, your misconduct may have wide consequences and lead to:

- Erosion of confidence and trust in the UN;
- Jeopardising the achievement of the mission; and
- Jeopardising the status and security of peacekeepers.

Consequences

Depending on the level of your misconduct, you may find yourself subject to one or more of the following consequences:

- Internal Disciplinary Action. You may be subject to disciplinary action by your superior officer or supervisor. This may include a verbal or written censure, a reprimand, and/or retraining in a skill area. Military peacekeepers may be subject to the code of military discipline, resulting in fines, detention, repatriation, or dismissal.
- Repatriation/Termination of Contract. You may be repatriated to your home country on the recommendation of the Force Commander or the SRSG. For a civilian peacekeeper, this may lead to termination of your contract with the UN. No misconduct, however attractive it may seem, is worth the loss of your good reputation, your job, or your career prospects.
- Criminal Proceedings. In very serious cases of misconduct, especially where the laws of the host country have been broken, you may find yourself facing criminal proceedings in the host country. The immunities and privileges that you have as a UN peacekeeper do not in any way permit you to break the established laws of the land.
- Financial Liability. In cases of negligent damage or loss of UN property, you may be liable to bear the financial cost of replacement. This money may be sought from you or your national contingent, which may in turn take disciplinary action to recover the money from your salary.

Cases Studies

The following three case studies highlight different breaches of the Code of Conduct and their implications. Each consists of a short scenario, a series of questions, and notes.

LESSON 1

END-OF-LESSON QUIZ

1. The four principles of the Code of Conduct are:
 - a. Impartiality, integrity, respect, and loyalty;
 - b. Integrity, professionalism, respect for diversity, and loyalty;
 - c. Impartiality, commitment, respect, and loyalty;
 - d. Impartiality, diversity, integrity, and respect.

 2. Which of the following is true?
 - a. The Code of Conduct applies only to UN staff, not to peacekeepers;
 - b. The Code of Conduct is used as an addition to the national rule of law;
 - c. The Code of Conduct is to be used before applying the national rule of law;
 - d. The Code of Conduct is intended to teach people about the UN and is not binding.

 3. A minor misconduct:
 - a. Is not a violation of Mission SOPs;
 - b. Results in serious damage to the mission;
 - c. Includes intoxication while on duty;
 - d. Includes a breach of confidentiality.

 4. Consequences of misconduct do NOT include:
 - a. Criminal proceedings;
 - b. Financial liability;
 - c. Internal disciplinary action;
 - d. Prison under UN custody.

 5. Behaving professionally at all times whether or not you are under observation refers to:
 - a. Impartiality;
 - b. Integrity;
 - c. Respect;
 - d. Loyalty.
-

-
6. Treating the inhabitants of the host country with courtesy and consideration and providing aid to the sick and weak are examples of the principle of:
 - a. Impartiality;
 - b. Integrity;
 - c. Respect;
 - d. Loyalty.

 7. An example of serious misconduct is:
 - a. Harassment, including sexual harassment;
 - b. Breach of confidentiality;
 - c. Embezzlement or other financial malfeasance;
 - d. All of the above.

 8. Impartiality refers to:
 - a. Honesty;
 - b. Even-handedness;
 - c. Acceptance of others' ways;
 - d. Unqualified support.

 9. Loyalty involves:
 - a. Remaining impartial at all times;
 - b. Supporting and aiding the sick and weak;
 - c. Maintaining proper dress at all times;
 - d. Serving the interests of the UN and the international community.

 10. A written censure, a reprimand, and retraining in a skill area are all examples of what type of consequence?
 - a. Internal Disciplinary Action;
 - b. Criminal Proceedings;
 - c. Repatriation or Termination of Contract;
 - d. Financial Liability.

ANSWER KEY:

1a, 2c, 3c, 4d, 5b, 6c, 7d, 8b, 9d, 10a
