



International Institute of Humanitarian Law  
Institut International de Droit Humanitaire  
Istituto Internazionale di Diritto Umanitario

# Integrating Gender Perspectives into International Operations

**A Training Handbook with Commentaries**

INTERNATIONAL INSTITUTE OF HUMANITARIAN LAW

**INTEGRATING GENDER PERSPECTIVES  
INTO  
INTERNATIONAL OPERATIONS**

**A TRAINING HANDBOOK WITH COMMENTARIES**

Prepared by  
International Civil and Military Experts  
convened by the IIHL

*Editor*

Gabriella Venturini



International Institute of Humanitarian Law  
Institut International de Droit Humanitaire  
Istituto Internazionale di Diritto Umanitario

Published in 2019 by the International Institute of Humanitarian Law, Villa Ormond,  
C.so Cavallotti 113, 18038 Sanremo, Italy

© INTERNATIONAL INSTITUTE OF HUMANITARIAN LAW 2019

ISBN 978-88-944935-0-4



This publication is available in Open Access under the Attribution-ShareAlike 3.0 IGO (CC-BY-SA 3.0 IGO) license (<http://creativecommons.org/licenses/by-sa/3.0/igo>).

The designations employed and the presentation of material throughout this publication do not imply the expression of any opinion whatsoever on the part of the International Institute of Humanitarian Law concerning the legal status of any country, territory, city or area or of its authorities, or concerning the delimitation of its frontiers or boundaries.

The ideas and opinions expressed in this publication are those of the authors; they are not necessarily those of the International Institute of Humanitarian Law and do not commit the Institute.

This publication has been made possible thanks to a contribution from the Italian Ministry of Foreign Affairs and International Cooperation.

Graphic design, Cover design, Typeset and Printed by: MBE - MAIL BOXES ETC  
205 Sanremo, Italy, for International Institute of Humanitarian Law

Printed in Sanremo, Italy

**A Project on Enhancing Training on Women, Peace and Security  
within the framework of Italy's Third National Action Plan 2016-2019  
in accordance with UNSCR 1325/2000**

**Funded by the Italian Ministry of Foreign Affairs  
and International Cooperation**

**Director of the Project**

Prof. Fausto Pocar, President  
International Institute of Humanitarian Law

**Project Manager**

Prof. Gabriella Venturini, Professor Emerita, University of Milan

**Advisory Board**

Ms. Breda Bunič, Senior Advisor, NATO HQ Brussels

Col. Gilles Castel, Deputy Director of the Military Department, IIHL (2019)

Cpt. Vincenza Chiacchierini, Gender and Child Protection Advisor, Centre of  
Excellence for Stability Police Units (CoESPU) (2018)

Col. Nathalie Durhin, Head of Legal Office, Inspector-General for the French Air  
Force (2018)

Ms. Aïssatou Fall, Consultant/Expert on Conflict, Gender, Peace and Security

Col. John Hardy, Director of the Military Department, IIHL (2018)

Ms. Vanessa Murphy, Legal Advisor, International Committee of the Red Cross

Prof. Dr. Sandesh Sivakumaran, Professor of Public International Law, University  
of Nottingham

**Drafting Team**

Cpt. Marie Barron, Legal Advisor, NATO Allied Air Command

Col. Dr. Godard Busingye, Chief of Legal Services in the Uganda Peoples'  
Defence Forces

Maj. Vincenza Chiacchierini, Gender and Child Protection Advisor, Centre of  
Excellence for Stability Police Units (CoESPU)

Dr. Federica Favuzza, PhD, Postdoctoral Fellow in International Law, University  
of Milan

Prof. Dr. Antonello Tancredi, Professor of International Law, Université de Nice  
Sophia Antipolis

**Editor**

Prof. Gabriella Venturini, Professor Emerita, University of Milan

# CHAPTER 1

## INTRODUCTION

---

### 1.1 Purpose and scope of the Handbook

This Handbook aims to provide a practical framework for mainstreaming gender in the training of military, police officers and civilians who are taking part in, or will prospectively be involved in international operations. This purpose stems from the conviction that gender is a lens through which the distinctive situation of persons in the theatre of a mission can be properly understood and better protected. Whoever bears in mind a gender perspective is aware that any action planned or undertaken has different impacts on men, women, boys and girls and will tailor his or her behaviour accordingly.

Against this background, the definitions and guidelines given in the Handbook do not originate from any specific national, regional or international context, or cultural and political environment, nor do they intend to reflect the policy of certain states or organisations. They have been developed in furtherance of human rights goals and in the interest of the human dignity of persons and they are meant to express universally shared values. Nevertheless, international regulations as well as domestic legislation are referred to as case studies and/or examples of good practices, when appropriate.

The topics included in the Handbook cover the most relevant **areas where gender affects international operations**. They have been subject to intensive teaching and learning in three pilot workshops held at the International Institute of Humanitarian Law in 2018, attended by officers of the Italian, European and African Armed Forces. Although, ideally, they should be considered as a whole, they may nevertheless be taken individually according to the type of operation, the area of deployment, the appreciation by trainers and the available training resources.

Besides explaining the purpose and scope of the Handbook, this **first Chapter** gives **basic definitions of terms** that are recurrently used throughout the Handbook such as international operations, mission personnel, sending state, host state and others (para. 2). The law applicable to international operations in the different situations they confront as well as the status of mission personnel are also briefly examined (para. 3). Finally, the role of military commanders and, more generally, of superiors in ensuring that their subordinates accept and implement gender perspectives is discussed (para. 4). Gender sensitive training should be

offered to all personnel involved in an international operation and those in a command or leading position have a special responsibility in prompting their subordinates to develop gender awareness and to act accordingly.

Chapters 2 to 8 have a consistent structure, each being divided into two sections. The first Section provides definitions related to the Chapter's subject matter and, where relevant, assessment of the applicable law or regulations. The second section sets forth guidelines addressed to trainers, each followed by one or more Commentaries. References and links to documents and literature (as provided in the boxes) are not aimed at suggesting an academic approach but are meant to help trainers develop case studies and practical exercises to complement any training.

The shared definitions and general guidelines on **gender mainstreaming** contained in the first Section of **Chapter 2** provide the starting point for gender-sensitive training. The underlying idea is to adopt a gender perspective at all stages of an international operation and by all actors involved – political, military, police and civilian. Definitions take into account those developed by the UN and the main regional systems such as the African Union (AU) the European Union (EU) and the North Atlantic Treaty Organization (NATO). Among these, gender analysis is of paramount importance insofar as it helps to assess the current state of the gender situation in the local population and to plan concrete actions to reach the objectives of the mission. A thorough gender analysis is a necessary pre-requisite for effective gender mainstreaming. It is for this reason that a Guideline on gender analysis appears in each Chapter with respect to its subject matter.

**Sexual exploitation and abuse (SEA)** and **conflict-related sexual violence (CRSV)** are presently the most visible challenges facing international operations. They are dealt with in **Chapters 3** and **4** of this Handbook. SEA perpetrated by mission personnel represents a very serious protection failure by the international community and it is a critical concern for the success of any mission. CRSV committed by all parties in the theatre of an international operation is widely documented and severely increases the pain and suffering of war victims. Both SEA and CRSV are gendered as they affect differently women, men, girls and boys. Definitions in Chapters 3 and 4 explain the nature of the acts concerned and why different wordings are often used to describe similar situations. The second Section in both Chapters provides gender training Guidelines and Commentaries on preventing and combatting SEA and CRSV including enforcement, individual responsibility and compensation for victims.

Today, **trafficking in human beings (THB)** occurs worldwide and particularly in armed conflict and post-conflict situations. Different types of trafficking should be appraised from a gender perspective covering the trade of persons for sexual exploitation, mainly affecting women and girls, or for the purpose of forced labour, especially involving men and boys, and many others. In **Chapter 5**, THB is defined in accordance with the Protocol to Prevent, Suppress and Punish

Trafficking in Persons, Especially Women and Children of 25 December 2003, supplementing the UN Convention against Transnational Organized Crime of 15 November 2000. It is, however, a complex and elusive phenomenon requiring special skills to be appropriately identified and suppressed. The second Section of the Chapter provides gender training Guidelines and Commentaries on how to prevent and oppose THB in the theatre of an international operation.

**Acts of terrorism** are a looming threat to international operations and they seriously hamper restoration of peace and security. Contemporary practice shows how social roles and cultural dynamics affect acts of terrorism, particularly with regard to the different roles of women as victims or recruiters, enablers and perpetrators. While the gender dimension is important for identifying risks and raising awareness of the terrorist threat, the role of women in combatting and preventing violent extremism is also very relevant. In the absence of a universally-shared definition, **Chapter 6** assesses the common features of the crimes of terrorism covered by existing treaties as well as the prohibition on acts or threats of violence aimed at terrorising the civilian population under IHL. The Guidelines focus on preventing and combatting terrorism in the theatre of an international operation, based on the gender dimension of related acts.

Situations of **detention** have been occurring more and more frequently in international operations. Gender impacts significantly on the condition of persons deprived of liberty or having their liberty restricted. Both men and women are subjected to gendered violations of rules and standards established by domestic and international law. **Chapter 7** aims to promote understanding of how gender affects conditions of detention and to raise awareness of risk due to societal and legislative contexts, time factors, policies and practices of international operations.

The purpose of today's international operations is not just to maintain or restore peace and security, but also to facilitate peace processes, to support the organisation of political elections and to promote human rights. Mainstreaming gender perspectives in international operations would not be effective without **enhancing the role of women** in conflict prevention, resolution and management and in post-conflict situations. Based on women's empowerment, **Chapter 8** provides the relevant training Guidelines and Commentaries, including inspiring case studies from different areas of the world.

## 1.2 Definitions

i. Generally speaking the notion of **international operation** refers to a set of activities – belonging to the field of public authority – performed abroad by one or more subjects of international law (usually by states, alone or in cooperation with, and/or under the aegis of, an international organisation). This notion is broad

enough to encompass number of operations that differ from each other both in terms of their nature and of the aim pursued.

International operations may be categorised as military, civil, or police missions.

- a. International operations are of a *military* nature when characterised by the deployment of military personnel and equipment. They may be differentiated according to the aim pursued, namely peacekeeping, peace building, peace-enforcement, coercive military operations (i.e. without the consent of the host state) and operations conducted upon the request of the state in which they take place. Over the last few years, military forces have also been sent abroad as part of international disaster relief operations.

Military operations may also be differentiated on the basis of the subjects involved. In some cases, a single state or a coalition of states acts *outside* the framework of an international organisation, as in the case of 'intervention by invitation' in a non-international armed conflict (see, for example, the French intervention in Mali, or the intervention led by Saudi Arabia in Yemen). On the other hand, military operations may involve international organisations. Within this framework, a military operation may be conducted by states or international and regional organisations (the African Union, NATO, the European Union, the Organization of American States, the Economic Community of Western African States, etc.), under the *authorisation* of the UN Security Council. In this case, the involvement of the UN is rather limited, since the operational command and control of the mission normally rests in the hands of the authorised states or regional organisation. However, in many other cases, which fall into the category of *International Crisis Response Operations*, the situation may be different: for instance, in the case of peace-keeping operations (namely consent-based missions aiming to maintain or preserve peace with no, or only minimal, use of force whether carried out by the UN or by an international regional organisation) the chain of command and control lies entirely within the organisation at issue.

- b. International operations of a *civil* nature are, in principle, those that do not employ military personnel. However, the main criterion for identifying such operations is the *aim* pursued by the operation in question: it may range from human capacity building to long term rule-of-law support, to humanitarian relief and institution building and technical assistance, etc. An instructive example of civil international operations is those entrusted with the administration of territories by the UN. In such cases, the international civilian presence, normally consisting of personnel from the organisation itself or volunteers, carries out a number of duties defined, sometimes in detail, in the act



establishing the operation. To cite an example, the UNMIK (*United Nations Mission in Kosovo*) established by the UNSCR 1244/1999, performs different tasks, such as support for strengthening rule of law institutions in Kosovo, or the monitoring and analysis of the political developments that could have an impact on stability in the region concerned. In the same vein, one might recall the EULEX Mission in Kosovo, carried out by the EU in accordance with the same normative framework (UNSCR 1244/1999): the overall mandate of this mission was to assist the authorities of the host state in establishing sustainable and independent rule of law institutions. It is worth noting that this operation carefully applies a gender perspective and gender mainstreaming standards to all its activities, both within the mission and while working with the host state institutions.

- c. In the framework of a peace-keeping operation it is quite common for the international organisation concerned to also deploy a *police* mission, which normally provides operational support to the host state's counterparts, such as the ordinary protection of civilians and the prevention of common offences. Over the last few years, operations of this kind have involved significant investigation into crimes relating to sexual and gender-based violence. Police operations also aim to assist host states with the reform and development of their own police services and other law-enforcement agencies.

Beyond cases of military coercive operations, it seems safe to conclude that international operations of a military, civil, or police nature are now mostly deployed on the basis of complex mandates, including protection of civilians, support to national authorities in rebuilding a nation after lengthy periods of conflict, providing security and public order among host populations, and support in the restoration of basic essential services and the rule of law. They are characterized by the presence of different actors as troop contributing countries (TCCs), host states, intergovernmental organisations, non-governmental organisations (NGOs) and others that need a strong coordination in their actions in order to make the best use of political, civilian and military instruments.

- ii. The personnel deployed in international operations vary depending on the kind of mission and mandate. In the case of a military operation led by a state or a coalition of states, whether authorised by the UN Security Council or not, the members of the mission act solely as organs of the state to which they belong.

- a. For the military personnel of International Crisis Response Operations, the situation is slightly different: since international organisations do not have their own armies, the military components of these operations are national contingents, placed – through an ad hoc arrangement – at the

disposal of the international organisation involved by their respective state of origin. In peace operations set up by the UNSC, the management of the mission is handled by a special division of the UN Secretariat, i.e. the Department of Peacekeeping Operations (DPKO), headed by an Undersecretary-General. The chain of command of any specific operation, namely the Head of Mission/ the Special Representative of the Secretary-General, the Head of Military Component, and the entire staff, is part of the DPKO. In particular, the Head of Military Component has operational control over the Force and is responsible for the performance of all functions assigned to it by the UN, as well as for the deployment and assignment of troops placed at the disposal of the Force. The Force is considered a subsidiary organ of the organisation. However, below the level of operational command, the military components of a peace operation remain national contingents, namely military organs of their respective state of origin. This situation, described by some scholars as a 'double organic status', entails the need to partition responsibilities between the UN and a contingent's state of origin.

- b. In the context of an international operation, the civilian personnel may be quite heterogeneous. Depending on the situation, it is possible to differentiate civilians serving as international staff, namely as officials of the international organisation concerned, or as national staff from the host country, but also those acting as volunteers, consultants or contractors. In this regard, it is worth noting that with a view to achieving gender equality, international organisations are now attentive to the recruitment of female personnel. Within the UN, for instance, the main assumption is that increasing the number of women deployed in the framework of peace operations will encourage women from the host states to participate in public life and help dismantle stereotypes that impede women's ability to play a central role in it, including the peace-building processes. UNSCR 1325/2000 on Women, Peace and Security is to be read in this context. It addresses the disproportionate impact of armed conflict on women and recognises the under-valued contributions that female personnel make to conflict prevention, peacekeeping, conflict resolution, and peace building.

iii. The term **sending state** refers to the state of origin of the armed forces personnel deployed abroad in order to fulfil official duties. In some cases, the sending state may deploy civilian personnel in the role of experts, e.g., in the field of justice or economic development.

The term **host** refers to the state in whose territory international operations are deployed. Normally – apart from cases of peace enforcement and/or coercive measures – the consent of the host state is a pre-requisite for the deployment of the operation as a whole. In such cases the sending state is granted the right to exercise

*exclusive* criminal and disciplinary jurisdiction over its own personnel. For example, the 1990 UN Model SOFA established in paragraph 47 that the military members of a UN peace operation are subject to the exclusive jurisdiction of their respective contributing states with respect to any criminal offences that may have been committed by them in the host state.

In the last decade, many allegations of SEA (see Chapter 3 of this Handbook) by UN peacekeepers and non-UN forces – including military, civilian and police personnel – have been reported. Given this situation, the UNSC noted, in its resolution 2272/2016, the ‘primary responsibility of troop-contributing countries to investigate allegations of sexual exploitation and abuse by their personnel and of troop- and police-contributing countries to hold accountable, including through prosecution, where appropriate, their personnel for acts of sexual exploitation and abuse...’. However, the main problem with exclusive criminal jurisdiction is that members of national contingents are often not prosecuted for the crimes (allegedly) committed in the exercise of their functions in the host state. Moreover, not all sending states are able to exercise extraterritorial jurisdiction over acts committed by their soldiers abroad. It is worth noting that depriving the host state of criminal jurisdiction gives rise, as a direct consequence, to a lack of access to justice for victims and therefore to a system that leaves a number of human rights violations unaddressed.

Consequently, the concept of criminal responsibility may prove to be an empty tool. That is why, both in the legal scholarship and the practice of international operations, the notion of **accountability**, as opposed to **responsibility**, has been frequently invoked as a suitable instrument to deal with cases of abuses committed by members of international operations. Of course, accountability is a broad term and involves the assessment of an actor’s behaviour in relation to certain legal standards stemming from a variety of formal sources: responsibility, and *a fortiori* criminal responsibility, is just a special form of legal accountability. Against this background, it has been suggested that international organisations, in particular the UN, should create a system of ‘blacklisting’, whereby they clearly identify countries that consistently fail to prosecute their soldiers for alleged abuses. The application of mechanisms of accountability rather than responsibility may explain for instance the decision of the UNSG to repatriate a military unit or police unit of a contingent when there is credible evidence of sexual exploitation and abuse by that unit, before (and sometimes without) the institution of criminal proceedings.

See C. Ferstman, *International Organizations and the Fight for Accountability: the Remedies and Reparations Gap* (2017) p. 193 and K. Akonor, *UN Peacekeeping in Africa: A Critical Examination and Recommendations for Improvement* (2017) pp. 59-66. See also S. Sheeran, L. Zegveld, M. Zwanenburg, E. Wilmshurst, *Peacekeeping and Accountability*, Chatham House, The Royal Institute of International Affairs, International Law Programme Meeting Summary, 28 May 2014.

### 1.3 Legal sources

i. International Operations are governed by international law, although the domestic law of the host state and the sending state may be applicable. It must be emphasised that international operations carry out activities that, depending on the circumstances, are regulated by International Human Rights Law (IHRL) and/or International Humanitarian Law (IHL). IHRL encompasses all fundamental freedoms as well as all social, economic and cultural rights belonging to any individual regardless of nationality, sex, religion, etc. The source of these obligations is to be found in treaties and customary international law. IHL, on the other hand, refers to all the rules aiming to protect potential or actual victims of armed conflicts and the rules regulating the conduct of warfare. Today, therefore, IHL covers the so-called ‘Geneva Law’, namely the rules on the protection of victims of armed conflicts (the four Geneva Conventions of 1949 and related Protocols), and the so-called ‘Law of The Hague’, namely the regulations governing the means and methods of warfare.

- a. The relevance of IHRL in the context of international operations may be analysed from several points of view. Firstly, the human rights obligations of the subject under whose responsibility the operation is conducted are to be considered part of the applicable law. In fact, at least in principle, customary international human rights rules bind international organisations that lead – under their own command and control – an international operation. Secondly, the human rights obligations of the sending state apply extraterritorially to the acts committed within its jurisdiction. In other words, and depending on the terms of the human rights treaty in question, human rights obligations are binding on the state parties also when they perform official duties abroad: the decisive factor in such circumstances will be whether the individuals who allege they are victims of a human rights violation were under the jurisdiction (i.e., exposed to the exercise of public authority) of the sending state. If this is the case (and if the sending state is party to the relevant human rights treaties), the population of the host state may invoke the protection of treaties, such as, for instance, the two UN Covenants of 1966, the UN Convention against Torture of 1984, and treaties in force on a regional level, like the European Convention on Human Rights, the 1981 African Charter on Human and Peoples’ Rights, and so on.
- b. When military forces deployed in an international operation (whether formally established as a peacekeeping operation or enforcement action)

are party to an armed conflict, they are subject to IHL. In 1999, the UNSG issued a Bulletin on the 'Observance by United Nations Forces of International Humanitarian Law'. This document requires UN forces 'when in situations of armed conflict they are actively engaged therein as combatants, to the extent and for the duration of their engagement' to respect the fundamental principles and rules of IHL. It is to be noted, in any case, that the application of these rules in the context of an international operation stems also from the obligation, set out in Art. 1 of the four Geneva Conventions of 1949, to 'respect and to ensure respect' for the Geneva Conventions in all circumstances. Rules of engagement (ROE) are of special importance in this regard; they are directives to operational commanders and define the parameters within which force may be used by international operations personnel. Very often, ROE refer to number of IHL provisions, such as those relating to the use of certain weapons and methods of combat or those intending to protect artistic works and archaeological sites.

- c. The application of IHL does not exclude the additional application of IHRL in a given situation. Generally speaking the relationship between these two branches of international law is characterised by mutual complementarity rather than as a relationship between *lex generalis* and *lex specialis*. The Inter-American Court of Human Rights, for instance, has repeatedly stated that human rights treaties are to be applied also in the context of armed conflict (see for example *Hermanas Serranos Cruz v. El Salvador*, 23 November 2004; *Masacre de Santo Domingo v. Colombia*, 30 November 2012). The International Court of Justice also held that the protection offered by human rights conventions does not cease in the event of armed conflict, save through the effect of provisions for derogation (see ICJ, *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, Advisory Opinion, ICJ Reports 2004, para 106). This circumstance is made clear in the text of human rights treaties, which normally contain an express provision allowing state parties to take measures derogating from their obligations to the extent required by the exigencies, *inter alia*, of a situation of armed conflict (see, for example, Art. 15 ECHR, Art. 4 of the ICCPR, etc.). These provisions prove that, *a contrario* and as a general rule, human rights obligations are to be complied with also in time of war. It is commonly contended that certain prohibitions established by IHL are strengthened by the contextual application of treaty rules on human rights (see, for example, ICTY, *Anto Furundzija*, IT-95-17/1-T, Trial Judgement, 10 December 1998, para 143). Moreover, in time of armed conflict, IHRL treaties may be interpreted in light of relevant IHL rules

(see ICJ, Legality of the Threat or Use of Nuclear Weapons, Advisory Opinion, ICJ Reports 1996, para 25).

- d. The domestic law of both the sending and the host state may continue to be relevant as described below.

- ii. The presence of an international operation in the territory of the host state may be analysed from two points of view. On one hand, the consent of the host state to the deployment of such operations is always required, except in cases of enforcement actions authorised by the UNSC (*ius ad praesentiam*). On the other hand, the legal status of the operation as well as of its personnel is regulated by a set of rules of international law that define the so-called *ius in praesentia*. These rules aim to establish the powers and jurisdiction of the sending and host states with regard to the operation and its personnel.

The legal relationship between the sending state and the host state is regulated in the Status of Forces Agreement (SOFA). Depending on the circumstances of the case and the degree of involvement of an international organisation (typically the UN), other treaties may be applicable, such as the Convention on the Privileges and Immunities of the United Nations, and the Convention on the Safety of United Nations and Associated Personnel.

As mentioned above, the function of a SOFA is to define the respective competencies of the sending states and the host state authorities over the International Operation's organisation and personnel. Beyond being applicable to the operation as such, a SOFA normally applies to three categories of personnel: members of a force, members of a civilian component, and dependents, namely the relatives of the members of the operation (see, for instance, Art. I of NATO SOFA). Locally recruited personnel enjoy only very limited privileges and immunities.

The purpose of the privileges and immunities set forth in SOFAs is to ensure proper and correct fulfilment of the personnel's tasks, even though it is generally agreed that these privileges are less far-reaching than diplomatic ones. In other words, the purpose of a SOFA is to establish rules that differ to some extent from those normally applicable within the host state. At the same time, however, SOFAs spell out that the categories of personnel referred to above have a general duty to 'respect' the law of the host state.

As for criminal jurisdiction, the sending state is usually granted the right to exercise its criminal and disciplinary jurisdiction over its own personnel within the host state (see above 1.2. ii. on criminal responsibility and accountability). Civil law issues are more complex and depend on individual SOFAs. In principle, the civil law of the host state applies to contractual obligations between any member of the operation and a third party.

Members making up the personnel are also granted immunity from both civil and administrative jurisdiction of the host state with respect to all acts performed in

the exercise of their official functions, including words, be they spoken or written (see, for example, UN Model SOFA para 46, or NATO SOFA, Art. VIII. 5 (g)).

Non-contractual claims by and against the personnel are likewise governed by the civil law of the host state. In certain circumstances, SOFAs provide special claims procedures, for example with respect to non-contractual claims which arise out of acts or omissions causing damage to third parties in the territory of the host state (see, for example, Art. VIII of NATO SOFA). It is important to highlight that claims for damage are regulated differently in peacetime and in wartime, with specific regard, for example, to certain categories of property used by the armed forces.

Foreign personnel normally enjoy inviolability of their facilities, archives, and documents as well as official correspondence (see, for example, UN Model SOFA, para. 16). The host state has an obligation to guarantee foreign personnel's adequate protection and security.

Among the privileges commonly addressed in SOFAs, exemptions from entry and departure regulations and rules must also be mentioned. Mission personnel are usually exempted from passport and visa regulations, as well as immigration inspections (see UN Model SOFA paras. 32-34). Freedom of movement is also guaranteed: members of the operation are permitted to drive vehicles, provided they have appropriate licences granted by their respective sending states. They may also install communications facilities and enjoy the right of unrestricted communications.

#### **1.4 The role of commanders**

i. The obligation to integrate gender perspectives into international operations lies with military and civilian commanders and superiors. Failure to integrate gender perspectives into international operations may increase gender disparities and lead to violations of the laws and ethics relating to their conduct. In practical terms, military and civilian commanders and superiors in an international operation are responsible for the discipline of their subordinates. This obligation is both legal and ethical. It is *legal* because the law requires a military commander or a civilian having a superior authority in an international operation to steward his or her subordinates in the direction predetermined by law. It is *ethical* because military and civilian commanders and superiors in an international operation ought to observe and maintain standards that define a moral and ethical course of action towards the discipline of the subordinates and draw a line between right and wrong. In order to ensure such standards, military and civilian commanders and superiors need to be *proactive* in preventing problems before they occur. They must ensure that their subordinates are trained and disciplined at all times, and fully aware of