

**Security Council**

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**Letter dated 24 December 2015 from the Chair of the
Security Council Working Group on Peacekeeping Operations
addressed to the President of the Security Council**

I have the honour to transmit herewith the concept note (see annex) of this year's first thematic discussion of the Security Council Working Group on Peacekeeping Operations, held on 20 February, entitled "Traditional peacekeeping versus peace enforcement".

I should be grateful if the present letter and its annex would be brought to the attention of the members of the Security Council and circulated as a document of the Council.

(*Signed*) Mahamat Zene **Cherif**
Chair

Security Council Working Group on Peacekeeping Operations



Annex to the letter dated 24 December 2015 from the Chair of the Security Council Working Group on Peacekeeping Operations addressed to the President of the Security Council

Concept note

20 February 2015 Security Council Working Group on Peacekeeping Operations thematic discussion, entitled “Traditional peacekeeping versus peace enforcement”

On 20 February 2015, Chad, as Chair of the Security Council Working Group on Peacekeeping Operations will hold a thematic discussion, entitled “Traditional peacekeeping versus peace enforcement”. The discussion will bring together Security Council members and a broad range of Member States, including troop- and police-contributing countries. Fruitful discussions are expected on past and more importantly on future evolutions of the flagship activity of the United Nations. Ambassador Richard Nduhura, Permanent Representative of Uganda to the United Nations and Lieutenant-General Maqsood Ahmed, Military Adviser for United Nations peacekeeping operations have been invited to brief the Working Group.

Context

The first peacekeeping mission of the United Nations was deployed in 1948 to supervise a cessation of hostilities in the Middle East. Well over 70 years later, one would expect this activity to have evolved, which it has. This year marks the 15th anniversary of the Brahimi Report, which constitutes the most important external review of peace operations ever conducted. The context in which peace operations are deployed today has further evolved since the year 2000 and the Secretary-General’s recent decision to establish a High-level Independent Panel on Peace Operations is more than welcome. The Panel’s tasks will be that of assessing the state of United Nations peace operations today and the emerging needs of the future.

Traditional peacekeeping

Peacekeeping was originally conceived as a tool aimed at observing and monitoring a ceasefire between two countries engaged in an armed conflict, that is inter-state. The idea was to allow for a peace process and to enable the resolution of conflicts through non-violent means. As such, the cardinal principles of peacekeeping were the consent of the two warring parties regarding the deployment of the mission, the strict impartiality of the peacekeepers deployed on the ground and their non-use of force except in case of self-defence. However, in the post-cold war era the nature of conflicts has changed and the multiplication of intra-State conflicts led to the emergence of new trends in peacekeeping.

Multidimensional and robust peacekeeping

Since the late 1980s, in response to shifts towards the use of peacekeeping in intra-State conflict, the objectives of peace operations have been multidimensional, and include, inter alia, helping secure and implement peace agreements that may be the basis for inclusive and legitimate governing institutions and supporting the restoration and extension of state authority. Since the late 1990s, the mandates of peacekeeping operations have included protecting civilian populations, including

through the use of force in robust peacekeeping missions. Peace operations are now deployed in situations where there is no or little peace to keep. These situations are also marked by the absence of clearly identifiable parties to the conflict or of a viable political process and by the presence of asymmetric and unconventional threats. These evolutions have led to a shift in the way the three aforementioned cardinal principles of peacekeeping were understood. As a result, consent — which could be eroded to the point at which often only nominal agreement remained — came to be accepted not as that of all the parties to the conflict but as that of the main ones. The principle of impartiality — originally understood as the peacekeepers' commitment to stand by without interfering even when clashes resumed between two warring parties — evolved to become the peacekeeping operation's commitment to deal even-handedly with mandate violations, regardless of the perpetrator. Lastly, the exception for the non-use of force was extended to the defence of the mandate, including the protection of civilians.

Emergence of new threats: time for peace enforcement

Over the last few years, terrorist and criminal groups have been taking advantage of power vacuums in some areas, notably in Africa. These groups have little or no interest in the countries in which they are operating. Preying on the population or on the resources of the countries, they can be seen as spoilers whose interest lies mainly in the perpetuation of instability. They add to the complexity of situations in countries already riddled with instability or dealing with post-conflict uncertainties. Recent developments in Somalia with the African Union Mission to Somalia (AMISOM), in the Democratic Republic of the Congo with the Intervention Brigade of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) and to some extent in northern Mali with the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) illustrate how civilian populations may at times benefit from peace operations adopting a more offensive posture.¹ To what extent these more forceful postures constitute “peace enforcement” has been debated in many different forums.

Peace enforcement² may seem to run counter to the basic principles of peacekeeping. For instance, the tension between the principle of consent and the principle of impartiality in an internal conflict involving a government are quite problematic. Hence, it is not surprising that there have been discussions within the United Nations as to whether United Nations peace operations should be given the mandate to enforce peace. These discussions are partly reflected in the wording of Security Council resolution 2098 (2013). The resolution specifies that the MONUSCO Intervention Brigade was established “on an exceptional basis”.

Recommendations

In the light of the above, the Security Council should address the issues described below.

First, it may prove useful to define precisely what the “exceptional” circumstances that may lead to the future adoption of peace enforcement mandates

¹ Draft Concept note, submitted to the General Assembly Special Committee on Peacekeeping Operations for the February 2010 substantive session.

² Peace enforcement is defined as the actual or potential use of armed force as a strategic tool to force one or more belligerent parties either to disarm or to return to the negotiation table.

should be. Taking stock of the lessons learned from past and present peace enforcement operations, including those of regional organizations, such as the African Union, may be a welcome first step.

In other words, there is a need for the United Nations to discuss whether the tension between peace enforcement tasks and the three basic principles of peace operations are irreconcilable; whether the interpretation of these principles could be re-examined so as to accommodate peace enforcement tasks; whether peace enforcement tasks could be tailored so as to fit in with these principles; or whether their application should be restricted in some cases.

Secondly, the Security Council should consider how to better distinguish between robust peacekeeping, especially to implement protection of civilian mandates, and peace enforcement. What differentiates these activities in terms of tactics and approaches, concepts of the use of force, but especially strategic objectives?

Thirdly, concurrent to these debates, the United Nations should consider how to better enable peacekeeping missions to adapt to rapidly shifting, often challenging conditions on the ground to ensure that peacekeeping missions take up an appropriate point on the spectrum of the use of force. Taking into consideration the speed at which situations can change on the ground, the Security Council should think about ways to increase the adaptability of mandates.

Fourthly, the Secretariat should continue its consideration of the role of deterrence and the use of force, including efforts to develop guidelines including — inter alia — elements on the scope of the use of force.

Fifthly, as aforementioned, terrorist and criminal groups thrive in areas where governments are unwilling or unable to exercise their authority. In regions like the Sahel desert, borders are porous and terrorist and criminal groups move from country to country, rendering the efforts of any peace operation — even with peace enforcement tasks — at best inefficient and at worst potentially dangerous for neighbouring countries. The Security Council needs to take, whenever necessary, a regional stance on conflicts and to adopt mandates fitted for this challenge.

Lastly, in the meantime, if the Security Council is hesitant to consider adopting a more offensive stance towards peacekeeping in situations where atrocities are committed on civilian populations or if United Nations troop- and police-contributing countries are reluctant to deploy personnel in peace operations mandated with peace enforcement tasks, the United Nations may consider giving all the necessary support to regional organizations willing to do so.
