

The Security Council and UN Peace Operations: Reform and Deliver



Security Council members visit a camp of the UN Multidimensional Integrated Stabilization Mission in Mali in Mopti, February 2014. (MINUSMA/Marco Dormino) Licensed under a Creative Commons Attribution 2.0 Generic License <<http://creativecommons.org/licenses/by/2.0/>> / Desaturated from original

2016, No. 2
5 May 2016

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The 2015 reports by the High-Level Independent Panel on Peace Operations and the Secretary-General put forward sets of recommendations for reforming how operations are carried out—many of them requiring a change of approach by the Security Council. *The Security Council and UN Peace Operations: Reform and Deliver* addresses what the peace operations review requires of the Council, identifying how the Council's usual conduct of business often undermines the objectives it sets for itself, whether in preventing conflict or in designing realistic mandates. Substantial changes in the Council's own working methods

regarding the mandating, monitoring and support of peace operations are fundamental to achieving real improvement.

The report argues that the Council should shift its focus to actual delivery on the ground. It highlights the importance of exercising the Council's collective political leverage throughout the life span of peace operations, not only when their mandate cycles come up for renewal. The report suggests how the Council could be more strategic and realistic in deciding mandates, and more timely and effective in supporting the peace operations for which it is responsible. •

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Peace operations are the most visible tool that the Council has to address on the ground situations that threaten international peace and security. Whether multidimensional operations with a military component or smaller political field missions, the largest proportion of the Council's time and energy is devoted to mandating and overseeing the work of these peace operations. In a context of increasing demand and difficulties, Secretary-General Ban Ki-moon took the initiative and appointed a high-level panel to review peace operations. The panel's report—alongside two other reviews in the field of peace and security—and the Secretary-General's subsequent proposals have focused the attention of member states on the need for reforms. While some of these are being implemented by the Secretariat, this report examines the challenge for the Security Council to modify its own practice if it is to design better mandates and deliver more effective responses to the challenges of today.

The last major review of peacekeeping operations took place in 2000. In the wake of the UN's devastating failures to protect civilians in Rwanda and at Srebrenica, a panel chaired by former Algerian Foreign Minister Lakhdar Brahimi was tasked by then Secretary-General Kofi Annan to undertake a thorough review of the UN peace and security activities and make recommendations for improvement. The recommendations of what was soon known as the Brahimi report on issues such as the need for a robust posture to protect civilians and the emphasis on peacebuilding and rule-of-law objectives framed the way peace operations were to be established in the early years of the 21st century. However, many of the report's recommendations were not implemented fully, if at all, and aspects of its critique remain unresolved. They include inadequate strategic analysis and intelligence capabilities within the UN Secretariat, the difficulties of rapid deployment, the gap between goals identified by the Council and the resources available to meet them, the importance of frank assessments by the Secretariat and the need for mandates to be clear, credible and achievable.

The number and scale of peace operations have grown substantially since the start of the millennium. In 2000, there were 37,800 uniformed personnel from 89 troop- and police-contributing countries (TCC/PCCs) deployed in 16 peacekeeping operations. In early 2016, there are more than 104,500

uniformed personnel deployed in 16 peacekeeping operations, drawing on 123 TCC/PCCs. The number of field-based special political missions has also grown in the last decades; from only three in 1993, their number increased to eleven at the end of 2015.

The spectrum of peace operations ranges from regional offices focused on conducting good offices to full-fledged multidimensional peace operations with military, police and civilian components. The average length of their deployment has been increasing, and while new operations have been established to address emerging issues such as disarmament of chemical weapons (jointly with the Organisation for the Prohibition of Chemical Weapons) or health crises (UN Mission for Ebola Emergency Response), more than a third of UN peacekeeping operations still existing today were deployed before the end of the Cold War.

Peace operations are increasingly being tasked by the Council to deploy in fragile environments. In this context, peace operations are becoming the target of asymmetric attacks. As of March 2016, some 55 peacekeepers had died as a result of malicious acts against the UN Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) since its establishment in 2013. At the same time, there appears to be a trend of lack of cooperation, even hostility toward peace operations on the part of some host governments, who have placed significant constraints on missions including in Western Sahara, Sudan, South Sudan and the DRC, among others. Even though this trend is not new (it has happened before with peace operations deployed in Eritrea, Chad and Burundi), the mounting hostility by several host governments is testing the Council's will and capability to support politically the operations it has authorised.

In this context, briefing the Council on 11 June 2014 in an open debate on new trends in peacekeeping operations held under the presidency of Russia, Secretary-General Ban Ki-moon acknowledged the need for a broad discussion about how UN peacekeeping should adapt to new demands, and the capabilities and resources needed to accomplish its objectives. Recalling the upcoming 15-year anniversary of the Brahimi report, he expressed his intention to work towards a shared view on the way forward by reviewing UN peacekeeping. Although the process was initially announced as a review of "peacekeeping operations",

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the Secretary-General soon decided that the review should extend to all “peace operations”, encompassing special political missions as well as peacekeeping operations.

On 31 October 2014, 14 members were appointed to the High-Level Independent Panel on Peace Operations (HIPPO) under the chairmanship of José Ramos-Horta, former president of Timor-Leste, to undertake a comprehensive assessment of the state of UN peace operations and the emerging needs of the future. Following criticism from within the UN system and from NGOs that only three women were among the 14 initial appointees, on 1 December 2014 the Secretary-General added three more women members. The outgoing Under-Secretary-General for Field Support, Ameerah Haq, was appointed vice-chair.

The HIPPO submitted its report to the Secretary-General on 16 June 2015. It called for four essential shifts that would allow the UN to position its peace operations to better respond to current and future challenges: ensuring the primacy of politics, a flexible use of the full spectrum of peace operations, the need for stronger partnerships and a field-focused UN Secretariat and people-centred peace operations.

The Secretary-General reacted to the HIPPO's recommendations in an implementation report issued on 2 September 2015. This report outlines the Secretary-General's priorities in the implementation of the peace and security agenda in the remaining period of his tenure around three pillars: renewed focus on prevention and mediation; stronger regional-global partnerships; and new ways of planning and conducting UN peace

operations to make them faster, more responsive and more accountable to the needs of countries and people in conflict.

The peace operations review coincided with two other peace and security review processes, namely the review of the UN peacebuilding architecture and the global study on the implementation of resolution 1325 (2000) on women, peace and security. These three processes led to similar conclusions on issues such as the focus on prevention and political solutions, the importance of a people-centered approach and community engagement with a strong gender dimension, the need to develop more tailored responses based on the analysis of requirements and possibilities in the field rather than the application of templates, the need for greater coherence within the UN and the importance of partnerships.

The HIPPO and Secretary-General's reports on peace operations set out a lengthy series of recommendations which require action by the Secretariat, the Council and the General Assembly. Even though much of the review focuses on changes internal to the Secretariat, some of the most challenging issues relate to the strategic alignment among the Council, the Secretariat and TCC/PCCs, as well as some of the Council's working methods that frame (and limit) the Council's authorisation, design and oversight of peace operations.

Even though the Council has taken on board particular recommendations of the peace operations review already, much remains to be done to improve comprehensively how peace operations are handled. This report addresses what the review requires of the Council and identifies how the Council's usual conduct of

business often undermines the objectives it sets for itself, whether in preventing conflict or in designing realistic mandates. Substantial changes in the Council's own working methods regarding the mandating, monitoring and support of peace operations seem to be fundamental to achieving real improvement.

This report, therefore, starts by outlining how member states, including the Council, have so far responded to the recommendations of the peace operations review. It then addresses the ways in which the Council can reinforce its role in preventing conflict and the challenges it faces in doing so, as a result of both its internal working methods and the interaction with the Secretariat. The forms of political engagement of the Council in exerting its collective leverage both to prevent conflict and in support of peace processes are analysed in the next section. The report then proceeds to examine the Council's mandating and oversight of operations, highlighting the case for sequenced and prioritised mandates, the importance of the quality of analysis received by Council members and the negative impact of negotiation patterns in the drafting of mandates. In its final sections, the report considers two major aspects of the review which frame member states' current discussions on peace operations: the protection of civilians, the use of force and the principles of peacekeeping; and the important role of partnerships, particularly that with the AU. The report concludes that no reform of peace operations will be complete if the Council does not reflect on and modify its role in designing, reviewing and supporting peace operations, with delivery in the field its key priority.

Consideration of the HIPPO and Secretary-General's Reports by Member States

On 12 October 2015, the General Assembly held a plenary debate on peace operations, and on 3 November 2015 it adopted a procedural resolution paving the way for the relevant committees—such as the Fourth and Fifth Committees and the Special Committee on Peacekeeping Operations (C34)—to consider the recommendations emanating from the Secretary-General's initiative during the 70th session of the General Assembly.

On 20 November 2015, under the UK

presidency, the Secretary-General briefed the Council for the first time on his peace operations review initiative, in a debate which focused in particular on the sequencing of mandates and ways to bring the Council's collective political leverage to bear on behalf of political solutions. As an outcome of this debate, a presidential statement was adopted on 25 November 2015. The statement welcomed the appointment of the HIPPO and the significant consultations it undertook, as well

as the Secretary-General's efforts to advance the cause of reform. It noted that the Secretary-General's report identified a number of areas where the Security Council could play a key role in strengthening UN peace operations and expressed its general intention to continue to consider the relevant recommendations in this regard. Although it encouraged the Secretary-General to take forward those steps under his authority to contribute to improving UN peace operations and to provide the Council

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with updates on progress, the statement did not indicate how the Council itself would further consider the recommendations regarding its own responsibilities for peace operations.

In line with discussions further encouraged by the peace operations review, the Council also adopted a presidential statement on 31 December 2015 on triangular cooperation between the Council, TCC/PCCs and the Secretariat, and resolution 2272 on 11 March 2016 on sexual exploitation and abuse. Also, Uruguay organised an open debate on the protection of civilians in January 2016, with reference to the peace operations review as well as to the most recent report of the Secretary-General on the topic. Despite these positive developments, a piecemeal approach towards the implementation of the recommendations of the review risks missing some

of its more general and strategic conclusions.

Norway and Ethiopia established an informal cross-regional group of member states which engaged with the HIPPO and has met regularly since its report was released in order to sustain support for its recommendations. The Republic of Korea also held several meetings in New York as well as a symposium in Seoul in which member states and experts have considered the HIPPO and Secretary-General's recommendations and their implementation. A joint event organised by these three permanent missions, the International Peace Institute and the Office of the President of the General Assembly took place on 11 April 2016 with the objective of maintaining the momentum for reform. A General Assembly high-level debate organised by the Office of the President of the General Assembly on

the synergies from the three major peace and security related reviews will take place in May.

The 2016 substantive session's report of the C34 considered both the HIPPO and the Secretary-General's reports and asked the Secretary-General to implement appropriate reforms related to peacekeeping emanating from the review processes in close consultation with member states and due consideration by the relevant bodies. The final text included positive language on some 30 recommendations issuing from the peace operations review process, including on operational capacities and field support. Agreement, however, was elusive on the role of peacekeeping in relation to counter-terrorism. Other contentious issues included language on sexual exploitation and abuse and on financing of AU operations.

Bringing Conflict Prevention to the Fore

A strong consensus emerged from the three peace and security reviews regarding the priority that should be given to the prevention of conflict, but this realisation is far from new. While according to article 33 of the UN Charter the initial responsibility for the pacific settlement of disputes lies with member states, including regional agencies or arrangements, article 34 sets a relatively low threshold for the consideration of the Security Council, which "may investigate any dispute, or any situation which might lead to international friction or give rise to a dispute." The Council has thus often grappled with how to prevent conflict before it breaks out. More than ten years ago, resolution 1625—a landmark resolution on conflict prevention—was adopted at a summit-level meeting in September 2005, yet translating rhetorical support among Council members for conflict prevention into timely action in practice remains a challenge.

The Brahimi report highlighted the pressing need for the UN and its member states to establish a more effective system for long-term conflict prevention and observed that for preventive initiatives to succeed in reducing tension and averting conflict, the Secretary-General needs clear, strong and sustained political support from member states. The report noted "the gap between verbal postures and financial and political support for prevention."

Some of the recommendations of the

Brahimi report relevant to conflict prevention—including issues related to political will, lack of resources and insufficient linkages with development and humanitarian actors—remain unresolved issues today. The report also called for the Secretary-General's more frequent use of fact-finding missions to areas of tension in support of short-term crisis preventive action.

The HIPPO report highlighted how efforts aimed at conflict prevention struggle to galvanise the necessary political urgency for action, remaining "the poor relative of better-resourced peace operations deployed during and after armed conflict". The report welcomed the recent establishment of UN regional political offices, which serve as forward platforms for preventive diplomacy and mediation. It warned against the "chronic severe under-resourcing of prevention activities" and the lack of predictable funding, advocating such funding through the regular budget. It highlighted how the Council has infrequently engaged in emerging conflicts, focusing instead on dealing with armed conflicts and emergencies after they occur. Hence, it called for earlier Council engagement, including interactive dialogues in informal formats, regionally focused discussions and visits to turbulent areas.

The report stressed that political sensitivities regarding the Secretariat's role in

bringing to the Council's attention any matter that might threaten international peace and security must not deter the Secretary-General from bringing early analysis and frank advice to the Council, as provided for in article 99 of the UN Charter. Such analysis should be undertaken by UN country teams with enhanced preventive capacities, as well as by the Department of Political Affairs (DPA). In this context, the report firmly supported the Secretary-General's "Human Rights Up Front" action plan, launched by the Secretary-General in December 2013, reiterating its call for the UN system to work closely together to identify early indicators of potential conflict, to adopt a common analysis and strategy, to ensure that headquarters and the field are aligned to prioritise human rights concerns in conflict prevention and good offices, and then to act on UN responsibilities.

In his implementation report, the Secretary-General made conflict prevention one of the three pillars of his action agenda, seeing it as in line with his initiatives to prioritise and reinforce system-wide early warning and prevention efforts such as the Human Rights Up Front initiative, and its internal Regional Quarterly Reviews. The Secretary-General acknowledged how even low-profile engagement with a preventive objective, from good offices to human rights monitoring and regular briefing on high-risk situations, requires

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political support to be effective. He supported the HIPPO's recommendation for more reliable resourcing through the regular budget for the Secretariat's core prevention and mediation capacities. He highlighted the role that regional offices have played in conflict prevention, as well as the importance of early engagement of the Council by the use of the "any other business" agenda item in consultations and other informal briefings. He proposed strengthening the preventive capacities of UN country teams, including through the ad hoc deployment of "light teams" of experts to help resident coordinators in developing adequate responses to situations of potentially escalating conflict.

Limitations of Council Action

Conflict prevention is an issue for which all Council members have expressed their support. However, the Council's recent track record on prevention, evident from failures in the cases of the Central African Republic (CAR), Mali, South Sudan, Syria and Yemen, among others, does not seem to match the rhetorical support. The indecisiveness of the Council in prevention stems from the resistance of member states to early international engagement and to political divisions, in particular among the P5, which tend to impede action by the Council, even in cases where national interests are not obviously at stake.

Council members are in general reluctant to spend the political capital needed to tackle a crisis early on. As seen in early 2016 over the discussions on Burundi's political crisis and increasing violence, conflict prevention efforts come at the cost of upsetting national authorities, and may be limited by those in the Council who give the greatest weight to the principle of non-interference in the internal affairs of member states, as against the pacific settlement of disputes and respect for human rights.

Initiatives by Council members to discuss conflict prevention thematically (including its relationship to sustainable development) do not appear to have resulted in a better track record. Insufficiently frank assessments from the Secretariat may be part of the problem, but the Council has tools at its disposal to address potential conflicts before they emerge and intensify. From the organisation of formal or informal meetings to launching fact-finding or visiting missions, more can be done to ensure that conflict prevention is a priority for the Council not only in rhetoric but in actual implementation.

There are several Council dynamics that constrain this:

Prevalence of National Interest

Most evidently when it comes to permanent members, the national interest of Council members is often the main reason for inaction, as in the case of Syria. However, national interest is not a purely P5 issue. Elected members have often blocked action on issues affecting their own country over sovereignty concerns, as when Nigeria opposed a Chapter VII resolution on Boko Haram. On other occasions, Council members have acted as proxies for other stakeholders, such as Jordan acting for Egypt on Libya and for Saudi Arabia on Yemen. Most member states actively resist efforts to be on the Council's agenda.

Dominance of the Penholder and Deference of other Council Members

Since approximately 2010, the P3 (France, the UK and the US) have divided most situation-specific agenda items among themselves, assuming in each case the role of the so-called "penholder". These arrangements have been informal and unwritten but, given these members' permanent status on the Council, this leadership essentially remains unchanged. Council members are then discouraged by this arrangement to raise issues regarding country situations for which they do not hold the pen. Even when new crises emerge, elected members often expect one of the P3 to take the lead, so that the penholder system is not challenged by elected members even for issues that are not on the Council's agenda. Penholders themselves can be overburdened and reluctant to recognise negative trends in countries in their sphere of influence.

Under-Utilisation of the Council's Fact-Finding and Investigative Tools

According to article 34 of the UN Charter, the Council "may investigate any dispute or any situation which might lead to international friction or give rise to a dispute, in order to determine whether the continuance of the dispute or situation is likely to endanger the maintenance of international peace and security". The Council currently makes little use of this collective exploratory or fact-finding role, which could be the basis for more proactive, informal and innovative work on conflict prevention. In 2002, the Council established the Ad Hoc Working Group on Conflict

Prevention and Resolution in Africa. However, the impact of this Working Group has been uneven. Following an active period under the chairmanship of Angola in 2003-2004, the Working Group has met only a few times each year, rarely linking its programme of work to particular country-specific situations or policy-making discussions in the Council. This could be a suitable forum to have early discussions on potential crises in Africa.

Prevention Mostly Addressed in Thematic Debates, not in Country-Specific Discussions

Most elected Council members cite prevention as a high priority in their campaigns for a Council seat. However, sovereignty concerns and insufficient political will have meant that rarely has this promise turned into a real priority while on the Council. Holding thematic discussions on this issue can then be a substitute for more concrete action. In the past decade, Council meetings on conflict prevention, whether briefings or debates, have rarely translated into innovative policy-making by the Council or improved implementation in the field. Agreeing on an outcome that pushes the boundaries of existing debate and goes beyond reiterating previously agreed language has proven to be a recurring challenge. The scripted nature of open debates, during which member states usually deliver prepared statements, and the virtual absence of interactive dialogue have prevented much-needed brainstorming on how to make the Council work better, and ultimately, deliver on prevention on country-specific situations.

The Scripted Nature of Council Meetings

The limited interactivity of Council meetings also contributes to the absence of action-oriented strategic thinking on the part of the Council. In order to overcome the scripted nature of most meetings (including consultations), countries such as New Zealand, Spain, the UK and the US have led efforts to increase the interactivity of these meetings. In July 2015, New Zealand, as Council president, organised for the first time a breakfast for permanent representatives, with the objective of having an unscripted discussion before the programme of work was adopted. Despite being an informal meeting, it appears in the programme of work and is used to raise issues needing the attention of the Council.

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Interaction Between the UN Secretariat and the Council

Essential to the Council's effective engagement on conflict prevention is the work of the Secretariat in conveying frank information and analysis to the Council. This requires ensuring that the Secretariat has both the capability and systems to gather information and analyse it in a strategic way, as well as the willingness to convey such analyses to the Council.

According to article 99 of the UN Charter, the Secretary-General "may bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security". Historically, this mandate has been formally invoked very rarely in country-specific situations (it was invoked by the Secretary-General in 1960 in response to the crisis in the Congo and in 1979 in response to the occupation of the US embassy in Iran), but recent Secretary-General's reports on preventive diplomacy have cited Article 99 as the basis for his preventive mandate.

A 14 November 2012 report by an internal review panel on UN Action in Sri Lanka (also known as the Petrie report after its head, Charles Petrie) analysed the UN's "systemic failure" to meet its responsibilities during the final months of the 2009 civil war in Sri Lanka and its aftermath. The Human Rights up Front initiative, which followed the release of the Petrie report, is intended to bring a new commitment by the Secretariat and the UN system to early action to respond to human rights violations and prevent conflict and mass atrocities. Under Action 2 of the six-point plan, the Secretariat is required to provide member states "with candid information with respect to peoples at risk of, or subject to, serious violations of international human rights or humanitarian law". New avenues to increase the frequency and predictability of access to the Secretary-General's assessments require initiative and sustained efforts by the Secretariat.

In recent years, the Secretariat has employed several fora to exercise implicitly the Secretary-General's article 99 powers by raising potential threats to international peace and security—whether formally or informally—with Council members.

Monthly Luncheons with the Secretary-General

The Council president has been hosting a monthly luncheon with the Secretary-General and other senior UN staff since the tenure of Kurt Waldheim. It seems that, during Kofi

Annan's tenure, these increasingly became an occasion to hold substantive discussions. These meetings, to which only permanent representatives of Council members are invited, are often used to discuss ongoing or emerging security issues, whether on the Council's agenda or not, at the discretion of the Secretary-General. A 5 June 2012 note by the Council president focusing on the Council's interactivity expressed the Council's general support for continuing the practice of holding monthly luncheons with the Secretary-General. However, some Council members have raised questions regarding the limitations of these meetings, suggesting that they are sometimes excessively formal (in part because Council presidents tend to schedule them when foreign ministers attending high-level meetings of the Council are in town). Also, the agenda, which is set by the Secretary-General, can be too long to allow for in-depth discussions on difficult topics.

Horizon-Scanning Briefings

On 4 November 2010, the UK organised the first "horizon-scanning" briefing by DPA. It invited then Under-Secretary-General for Political Affairs B. Lynn Pascoe to brief Council members in consultations on potential conflicts and emerging security issues, regardless of whether they were on the Council's agenda or not. A number of issues that subsequently needed sustained attention by the Council—such as Gulf of Guinea piracy, Tuareg activity in northern Mali and the conflict in Yemen—were first raised at these briefings. Holding such an interactive session was also part of an ongoing effort, championed by several presidents of the Council, to encourage greater dialogue and more unscripted Council consultations. To some extent, horizon-scanning briefings constituted a return to previous periods when the Secretariat provided regular situation briefings to Council members, and the discussion was not limited to previously agreed issues. These consultations gave the Council flexibility to respond to the Secretariat's situation briefs and allowed for free and unscripted discussion on a regular basis.

The trajectory of these horizon-scanning briefings reveals the political sensitivity of an early warning focus within the Council. Soon after the format was established, some opposition to it emerged, both from member states whose situations were being discussed by Council members and from permanent members which felt their ownership of a particular

agenda item was being challenged. Although never spelt out in public, it seems that these members may have been uncomfortable with the lack of control by Council members over the issues covered and information presented, as it was DPA that was in the lead. There was also a sense of disappointment expressed by some members, permanent and elected alike, regarding the quality of information and analysis provided. The last of these meetings took place in December 2013.

Informal Monthly Briefing by DPA

In May 2014, a new informal meeting format, the "DPA briefing", was initiated, and it has been considered by some a successor to horizon-scanning briefings, although unlike them it does not appear on the Council's programme of work. These briefings are organised at the initiative of the Under-Secretary-General for Political Affairs. He is the most regular briefer, but other DPA officials, including Special Representatives of the Secretary-General, have also briefed Council members in this format. These meetings are held around the middle of the month, in a conference room in the Secretariat. They are mostly attended at political coordinator level, although permanent representatives or their deputies have attended depending on the issues on the agenda. Nine such meetings were held in 2015.

"Any Other Business"

In the last two years, the Council has seen an increased use of the "any other business" (AOB) agenda item in consultations for briefings on deteriorating situations already on the Council's agenda, emerging issues not on the Council's agenda and updates following visits by high-level UN officials. AOB is a standing agenda item for meetings in consultations. In the past, discussions under AOB were largely used to raise less substantive issues, but recently members have had briefings by a range of UN officials and issued press statements following some AOBs. While the formal request to discuss an issue comes from a Council member, the Secretariat has initiated a briefing under AOB more than 20 times in the last two years. In 2015, the Council held 56 substantive briefings or discussions under AOB (at more than one in three of its meetings in consultations). Among the situations that were the subject of at least four AOB briefings in 2015 were Burundi, the CAR, Mali, Syria and Yemen (all on the Council's agenda, and including countries hosting peace operations).

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(For more information, see SCR's *In Hind-sight: Making Effective Use of "Any Other Business"* from the April 2016 *Monthly Forecast*.)

Regional Agenda Items

Regional agenda items can provide an umbrella for discussions among Council members on country situations which are

not specifically on its agenda. This was the case for the crises in Libya, Mali and Guinea (each first discussed under "peace and security in Africa", with the last still being discussed under this agenda item), as well as Yemen and Syria (still discussed under the agenda item "the situation in the Middle East"). The establishment of regional offices

as special political missions in West Africa, Central Africa and Central Asia (with one in Southern Africa envisaged in the near future), provide for (at least) semi-annual opportunities to brief on situations that are not on the Council's agenda. For example, Boko Haram was initially discussed in briefings on the West Africa office.

Council Political Engagement

The HIPPO report headlined "the primacy of politics", and emphasised the need for engagement of the Council in prevention, in seeking political solutions and in providing political support to peace operations. In some situations, such as Israel/Palestine, Sudan and Syria, divisions among permanent members have severely hampered the Council's actions. Although divisions are increasingly visible, the Council can still reach a degree of unity regarding most of the situations in its agenda: 56 of 64 (or 88 percent) of Council resolutions in 2015 were adopted by consensus.

When a clear collective position exists, the tools of the Council in exerting its influence range from sending messages on the political or humanitarian situation in a particular conflict to the imposition of sanctions in order to press the parties towards a political settlement and eventually implement it. In this section, we explore the ways in which the Council can bring its collective leverage to bear.

The Brahimi report stressed the importance of the Council's translating its statements into action, stating that it was "incumbent that Council members and the membership at large breathe life into the words that they produce". The report recalled the Council visiting mission that travelled to Jakarta and Dili in the wake of the East Timor crisis in 1999, calling it an example of effective Council action at its best. It urged "res, non verba" ("deeds, not words"). (For more background see SCR's Research Report of 25 January 2016, *Human Rights and the Security Council - An Evolving Role*.)

The HIPPO report emphasised the centrality of political solutions and stressed that political strategies that underpin peace operations should enjoy the support of a united Security Council, as well as regional entities and others vested in ending the conflict. The Secretary-General in his report endorsed the

HIPPO report's reminder that a negotiated political settlement is the fundamental objective of UN peace operations, and its call for the Council to bring its collective leverage to bear on behalf of political solutions.

In 2015, even as the HIPPO was developing its report, there was some momentum to identify potential ways in which the Council could exert its collective leverage on armed groups and governments alike. In its 6-7 April retreat with the Secretary-General, Council members discussed the challenges associated with the interaction of peace operations with host governments including on implementation of status-of-forces agreements as in Sudan, South Sudan or the Democratic Republic of the Congo. In that context, the Department of Peacekeeping Operations (DPKO) announced its intention to develop compacts with host governments as a way to ensure common understanding of and commitment to mandates and status-of-mission agreements, and work is ongoing in this area.

The 25 November 2015 presidential statement addressed the issue of the leverage of the Council, underlining the significant impact Council statements and actions can exert in situations of armed conflict or in support of peace processes.

Actions by the Council

The multiple actions at the Council's disposal to exert its leverage include the holding of meetings and negotiation of presidential statements and resolutions, or less weighty press statements or elements to the press, and the raising of issues under "any other business". The Council can also convene informal meetings, and can conduct visiting missions. What follows is a consideration of some of the main actions that the Council can undertake to exert its collective leverage from sending political messages to ensuring accountability. The list

of tools could be further expanded by the creativity of Council members, permanent as well as elected, to find new avenues to make sure the Council maintains its political effectiveness.

Formal Meetings

One of the usual indicators of Council attention to a particular issue is through the holding of Council meetings, whether public or closed, that enable the Council to send collective messages through Council outcomes (presidential statements and resolutions) as well as through statements by member states. However, often these meetings take place according to briefing cycles laid out by resolutions several months back, as opposed to criteria of necessity and timeliness. Even though formal meetings can be called at any time, only a few of them appear after the programme of work has been adopted at the beginning of every month. In most situations, through article 37 of the provisional rules of procedure of the Council, this has allowed interaction with host states and other affected states. Consultations allow for these meetings to be held in private with senior Secretariat officials, special representatives and envoys. In the last year, many issues that needed to be tackled urgently and often in a discreet way (or without adding an item to the Council's agenda) have been discussed under "any other business".

Resolutions and Presidential Statements

Resolutions are the strongest outcome of the Council. They are considered legally binding decisions that member states are required by article 25 of the UN Charter to accept and implement. They are put to a vote and eventually adopted in formal meetings, thus adding political weight to their legal status. Presidential statements must be adopted unanimously, and do not differ much from resolutions in how they are negotiated. Despite their name,

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the monthly president of the Council does not play a particular role in the negotiations. As in regards to resolutions, Council members can make statements before or after the adoption of these decisions, whether to reinforce or qualify the messages included in them.

Press Statements and Press Elements

Press statements have been increasingly used by the Council to deliver messages. Given that they do not require formal agreement in a Council meeting and are not Council decisions, the time and effort put into negotiating them is often considerably less than with presidential statements, and they tend to be used to react to events at short notice. However, there have recently been draft press statements, for example on Syria or South Sudan, that were unsuccessfully negotiated for several weeks and ultimately dropped. Press statements are sometimes read by the president of the Council at the stakeout, although this practice has become more unusual as press statements have become an increasingly frequent mode of communication for Council members. If in touch with the dynamics on the ground and the priorities identified by UN actors in the field, this is one of the key ways in which the Council can exert influence by conveying substantive messages at key moments in a political process. Weak or diluted messages as a result of political divisions in the Council can, however, send the wrong signal to the parties in a particular conflict. In the case of attacks on peacekeepers and terrorist attacks, press statements are released almost automatically, after a short silence procedure.

Less formal and even weaker than press statements are elements to the press. This format is sometimes chosen because they are easier to agree upon (they are often agreed during consultations after being circulated at the same meeting and are later read by the president of the Council at the stakeout). However, they also often signal that the issue is controversial and that there is no consensus even to agree on a press statement, as seen recently with Syria and Western Sahara.

It is worth noting that press statements and elements are not formal documents of the Council. They cannot be accessed through the UN's official document system and are not translated into all working languages.

Sanctions

The Council may impose sanctions in an effort to influence the conduct of a conflict,

for example attempting to cut off some of the financial flows fueling it. In this context, the sanctions take effect as soon as the resolution is adopted and individuals are not listed.

The threat of imposing targeted sanctions on individuals is often perceived by the Council and mediators as a tool which can cause parties to a conflict to change their behaviour (e.g. respecting a ceasefire, refraining from undermining a peace process and upholding international humanitarian and human rights law). This threat, however, runs the risk of becoming empty if it is not accompanied by actions that make the parties take it seriously. The introduction of a sanctions regime through a Chapter VII resolution and the establishment of a panel of experts constitute mounting pressure in this regard, although listings are often not proposed right away. The establishment of a panel of experts to independently investigate a particular situation can provide some momentum for political processes to gain traction, if potential spoilers fear being sanctioned. Engagement by the chair of the sanctions committee (including field visits and organising committee meetings with national and regional stakeholders) can help convey the Council's collective leverage.

Of the 15 sanctions committees, 12 are on countries hosting peace operations. Even though some peace operations, such as the UN Organization Stabilization Mission in the DRC (MONUSCO), are tasked to support the implementation of sanctions regimes, this is not always the case. When linked to the role of peace operations on the ground, sanctions regimes can be a lever to contribute to the political process. However, sanctions regimes can also be perceived as a liability for field missions if these are seen as directly associated with them, provoking political sensitivities when sanctions violators are named.

Panels of experts regularly brief sanctions committees on their interim and final reports, and on other occasions depending on their mandates. They are a source not only of information on the implementation of sanctions regimes, but also regarding the political and security-related dynamics of the situations under their purview. However, the wealth of information that is often shared in these briefings is only occasionally taken up by the Council itself. Reports are discussed at the committee level, shared with Council members and often published online, but the opportunities to inform Council discussions are only through the regular briefings by the

committees' chairs. The Council could benefit from increased direct interaction with panels of experts not only through the relevant sanctions committees but through the engagement of the Council as a whole and its most senior representatives (except for the chair, committee members are often represented by junior diplomats).

Arria-Formula Meetings and Informal Interactive Dialogues

Sometimes a discussion without a potential outcome can encourage changes in behaviour. Arria-formula meetings were initiated as a way for the Council to receive timely information from actors on the ground other than the UN departments that regularly interact with the Council. Recently they have often served to enhance the Council's understanding of particular peace operations-related situations such as the CAR or Darfur or to highlight particular aspects of mission mandates (the role of gender and child protection advisers was discussed in 2013 and 2012 respectively). Since 2012, heads of human rights components of UN peace operations have regularly briefed the Council in this format.

Sometimes, these meetings have also shown the divisions within the Council and were held because there was no consensus about holding such a meeting under a formal format. They can also be used as a confrontational tool to shame Council members that resist action, rather than enhancing dialogue and agreement on solutions. As a result, some Arria-formula meetings do not include the participation of all Council members (recent examples include Syria and Ukraine).

The informal interactive dialogue is one of the latest formats developed by the Council to have off-the-record discussions with non-Council member states, representatives of regional organisations, officials who cannot attend Council consultations (such as the ICC Prosecutor or members of commissions of inquiry) or civil society representatives. The first of such meetings was held in 2009 on the possibility of deferring ICC proceedings against President Omar Al-Bashir of Sudan as per article 16 of the Rome Statute of the ICC. More than 30 such meetings have taken place since 2009, but the impact that these meetings have had in influencing political processes seems to be quite limited, and they can become a means of avoiding more formal consideration of a situation. (As an example, four such meetings were held on the human rights

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and humanitarian crisis during the final military offensive against the Liberation Tigers of Tamil Eelam between March and June 2009, with no evident impact on protecting civilians.) This format has been also used to interact with mediators not appointed by the UN who are working on situations on the Council's agenda (such as Sudan or South Sudan), although this is so far not a common practice.

Demarches/Letters by the President of the Council

According to rule 19 of the Provisional Rules of Procedure of the Security Council, the President, "under the authority of the Security Council, shall represent it in its capacity as an organ of the UN". A 29 June 2001 note by the president states that the president "should, when so requested by the Council members and without prejudice to his/her responsibilities as president, draw the attention of the representative(s) of the member State(s) as well as regional organisations and arrangements concerned to relevant statements to the press made by the president on behalf of Council members or decisions of the Council". The president of the Council has therefore been given the responsibility of transmitting the Council's common position on a particular situation to the parties to a conflict. Although this was done quite often in the past, it has not been used much in recent years. A recent and successful example occurred, however, when Council members charged Ambassador Román Oyarzun (Spain) in his capacity as president of the Security Council in October 2015 with the task of talking to Sudan's permanent representative to the UN regarding Sudan's blocking of 190 cargo containers of food and other

supplies intended for UNAMID. Some of those containers were released the next day.

Visiting Missions

A visiting mission has been a tool the Council has used—since it first travelled to Cambodia and Viet Nam in 1964—for a number of purposes, including preventive diplomacy, gathering first-hand information, supporting peace processes and mediation. Until the end of the Cold War, the Council undertook fewer than a dozen missions; in the period since, it has frequently been resorted to as a working method. (For more information see SCR's *In Hindsight: Security Council Visiting Missions* in the March 2016 *Monthly Forecast*.)

Recent examples of visiting missions to countries hosting peace operations include South Sudan and Mali. In both cases, the Council met with government officials as well as armed groups and other parties to the conflict at a moment when the political process was lacking traction. During the missions to Mali in February 2014 and March 2016, Council members met with the two coalitions of armed groups from the north. During its visit to South Sudan in August 2014, Council members met with President Salva Kiir and held discussions with rebel leader Riek Machar via video teleconference.

In preventive contexts, the Council has recently visited Burundi and Guinea-Bissau. The Council travelled to Burundi in January 2016, six months after a follow-up visiting mission to a March 2015 visit was proposed. On their way back from Bujumbura, Council members informally met with the AU PSC in Addis Ababa to discuss the possibility of greater UN and AU engagement in the East

African Community-led mediation as well as the feasibility of deploying some form of AU presence in the country. In March 2016, Council members undertook a visit to Guinea-Bissau which heightened their concerns over divisions due to the political stalemate in the country.

The usefulness of these visits is lessened if they are scheduled according to Council rhythms and appetite, rather than being a timely response to situations on the ground.

Compacts

The Secretariat has, as noted above, been considering the possible negotiation of compacts with host countries of UN peace operations, going beyond currently negotiated status-of-mission and status-of-forces agreements to ensure that host governments fully commit to the expectations, responsibilities and accountability involved in their consent. The HIPPO report recommended the establishment of these compacts (achieved through broad consultations with national actors, UN country teams and other international actors), including to clarify expectations regarding the protection of civilians, which has been a matter of particular friction with some host governments. In his response to the HIPPO report, the Secretary-General expressed his intention to explore the establishment of compacts as a way to ensure understanding of "mandates and status-of-mission agreements and, as appropriate, support coordinated international engagement". The first compact is expected to be developed with the government of the CAR. It remains unclear what role the Council would play in designing and ensuring respect of these commitments.

Mandating and Overseeing Operations

In arguing for "clear, credible and achievable mandates", the Brahimi report was primarily concerned with the ambiguity which could result from compromises required to build consensus in the Council, and the disparity between mandates and resources, especially as regards force levels. It declared that in advising the Council, the Secretariat must not set force and other resource levels according to what it presumes to be acceptable to the Council politically; by such self-censoring

and consequent under-resourcing, the Secretariat sets itself and the mission up for failure. In one of the most quoted sentences of the report, it declared that "the Secretariat must tell the Security Council what it needs to know, not what it wants to hear, when formulating or changing mission mandates".

The HIPPO report's critique of the experience of the subsequent 15 years was more broad-ranging. In recent years, it observed, mandates have become lengthier and more

specific, and at times less realistic, manageable or achievable. It maintained that "too often, mandates and missions are produced on the basis of templates instead of tailored to support situation-specific political strategies." The Secretariat and the Council have been unable to overcome the so-called "Christmas tree mandate" dilemma, where template language for many tasks routinely appears in mission mandates. This is influenced by the lack of restraint of Council members—and those lobbying

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them—in pushing specific issues including for public consumption, and internal Secretariat negotiations reflecting an arbitrage of departmental interests rather than prioritisation. Two of the last resolutions renewing the mandates of peace operations are good examples of these catch-all mandates: Resolution 2227 of 30 March renewing MONUSCO's mandate lays out more than 20 tasks for the mission in a 15-page document, and the last resolution on the UN Assistance Mission in Afghanistan (resolution 2274 of 15 March) outlines more than ten mandated tasks in its 20 pages.

On several occasions, Council members, as well as heads of peace operations, have expressed frustration with the way in which the Council adds to mission mandates. Briefing the Council on 12 February 2010, then-Special Representative of the Secretary-General and head of the UN Mission in Liberia, Ellen Margrethe Løj, addressed this issue: “If new tasks are being continuously added [to the mandates], the context surrounding the original ones, including the provision of a security umbrella, and the conditions for its transition and exit will become increasingly difficult. If the goal post keeps changing, so to speak, there will be consequences as to when the desired end state can be reached.”

The concept note prepared to inform the 11 June 2014 open debate under the Russian presidency on new trends in peacekeeping operations acknowledged the complexity of contemporary multi-component mission mandates, and asked whether the UN “is capable, from both the political and resource standpoints, of assuming the full range of tasks all at once”. It argued the “need to set priorities in the mandates through the sequencing of tasks, so that when missions are overburdened there is no impact on their ability to maintain security and facilitate the political process and national reconciliation”.

The HIPPO report called for a more flexible use of the full spectrum of UN peace operations. It argued that the sharp distinctions—in budgets and management—between the two categories of peacekeeping operations and special political missions should give way to a continuum of responses and smoother transitions between different phases of missions. The report advocated embracing the term “peace operations” to denote the full spectrum of UN peace and security missions and initiatives. Context-specific analysis should drive strategy formulation, planning and mandating, and UN operations should change over time.

The Secretary-General's report said that the HIPPO's call for tailored peace operations that can respond effectively across the lifetime of a conflict is one of the recommendations that he would prioritise. His report used the term “peace operations” throughout to reflect the HIPPO's recommendations and “to capture the holistic and tailored way in which UN peace and security tools must be used if we are to achieve better and more sustained effect.” The Secretariat, despite maintaining its current departmental structure, is moving more consistently to this terminology, but that is not yet the case in the C34 where a significant portion of member states want to retain “peacekeeping” as the focus.

The Case for Sequenced Mandates

The HIPPO report advocated sequenced and prioritised mandates to allow missions to develop over time “rather than trying to do everything at once, and failing.” The Secretary-General's report supported HIPPO's suggestion that the Council consider how it can better prioritise and sequence tasks that it sets for peace operations.

The Brahimi report recommended a two-stage mandating process, in the more limited context of obtaining solid commitments from member states for the forces necessary to carry out the operation. It recommended that the Council should leave a mandating resolution that contemplated a sizeable force in draft form until the Secretary-General could confirm that such commitments had been received. The report warned against deploying partial forces incapable of solidifying a fragile peace, which “would first raise and then dash the hopes of a population engulfed in conflict or recovering from war, and damage the credibility of the UN as a whole”. This remains a relevant concern, as problems with timely force generation continue to hamper the effectiveness of peace operations. In recent years, the Council has expressed its frustration with the slow pace of MINUSMA's deployment and with the difficulties in force generation for the UN Mission in the Republic of South Sudan (UNMISS).

A certain push for sequencing and prioritisation came as a result of the “New Horizon” initiative to develop a forward agenda for UN peacekeeping that included a non-paper on “A New Partnership Agenda: Charting a New Horizon for UN Peacekeeping”, developed by DPKO and DFS. This non-paper called for a sequenced mission roll-out and the

prioritisation of mandated tasks. Even though Council members have tried to implement these recommendations, numbering mandated tasks and trying to signal those political and security tasks that are priorities (such as in the CAR and Mali), these attempts have been occasional at best and generally lacked any methodological strategy to identify them.

The challenges associated with the mandating process go far beyond force generation and relate to real understanding of the context, engagement with the national and regional actors, and the space for consultation among the Council, TCC/PCCs and the Secretariat. The HIPPO report, therefore, proposed a two-stage, sequenced mandating process to help design more effective, situation-specific missions with realistic, streamlined and prioritised tasks. This would require Secretariat proposals to be prioritised “on the basis of a realistic assessment of political commitments, the comparative advantage of UN peace operations and others, the conditions on the ground and realistic prospects of success”. The HIPPO report advocated the establishment of “an initial mandate with an overall political goal, a limited number of initial priority tasks and an explicit planning mandate that requests the Secretary-General to return within six months with a proposal for sequenced activities based on a limited number of achievable benchmarks for mission performance”. This would allow for an initial presence on the ground, with time for consultations with the host government, civil society and to the extent possible parties to the conflict, and the development of detailed assessments with partners. The initial proposals should then be adjusted in light of available capabilities and resources, as well as discussions among the Council, TCC/PCCs and the Secretariat to forge a common understanding about the mission “ideally in a fairly informal and interactive format”.

The Secretary-General supported the HIPPO suggestion that sequenced mandates should be designed on the basis of clear political objectives. He agreed that the Council might decide to establish an initial mandate and request the Secretary-General to return after a defined period with more comprehensive proposals for prioritised mission tasks. He added that where a significant presence is immediately required, for example, in situations characterised by urgent protection needs, the Council might initially restrict the mandate to political, security and protection tasks, with

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the understanding that any further tasks would be contingent on progress on the most immediate threats to civilians. The Secretary-General also highlighted how benefits from sequenced mandates include better use of limited resources, better risk management, early engagement with national and regional stakeholders in the design and delivery of mandated tasks and realistic expectations and commitments.

The UK's concept note to frame the 20 November 2015 debate suggested that the discussion focus on those recommendations "related to sequenced and tailored mandates and ways to bring the Council's collective political leverage to bear on behalf of political solutions". The resulting presidential statement said that the Council "will consider sequenced and phased mandates, where appropriate, when evaluating existing UN peace operations" or establishing new ones.

As mentioned above, previous attempts to sequence and prioritise mandates were made in the establishment of missions in Mali and the CAR. In both cases, the authorisation of AU operations that would then be re-hatted into UN peace operations provided opportunities for the Secretariat and the Council to learn from the experience of these operations before mandating a UN operation. As stated in a 2 January 2015 letter by the Secretary-General, both re-hatting processes could have been improved with better cooperation between the international organisations in joint assessments and planning from the outset. As the Secretary-General put it, "an early indication that that is the intended course of action would improve planning during the period". In the case of Mali, the preceding presence of the UN Operation in Mali, a political mission, could have paved the way for a better understanding for the context into which MINUSMA was expected to deploy, had it not been for inter-departmental tensions between DPA and DPKO. France as penholder pushed for the sequencing of the mandate of the UN Multidimensional Integrated Stabilization Mission in the CAR, as well as for the prioritisation of MINUSMA by numbering mandated tasks and trying to signal those political and security tasks that are priorities. However, it is not clear that this push at the negotiation stage of the relevant resolutions had much impact on how the resolutions were implemented on the ground.

A first major reconsideration of a mission mandate in radically changed circumstances following the HIPPO report occurred when

the mandate of UNMISS was renewed to support the implementations of the August 2015 agreement. Despite calls to prioritise the mandate and awareness of the limited capacity of the mission, Council dynamics and a "business as usual" approach to the negotiation process prevented this from happening (see section below).

Further opportunities to apply prioritisation in revised mandates will present themselves when the strategic review of MINUSMA is considered by the Council ahead of the mission's renewal in June 2016.

The Renewal of UNMISS's Mandate: Sequenced but not Prioritised

In August 2015, the "Agreement on the Resolution of the Conflict in the Republic of South Sudan" was signed by South Sudanese President Salva Kiir, Sudan People's Liberation Movement in Opposition leader Riek Machar and Pagan Amum, the representative of former detainees. Following the signing of the agreement, at least one Council member expressed the view that the revision of the mandate of UNMISS to support implementation of the agreement should follow the sequenced and prioritised approach recommended by the HIPPO report. The intention was to shift UNMISS's focus to providing support for immediate tasks leading to the establishment of a transitional government of national unity in 90 days in accordance with the agreement, as well as supporting planning for the agreed security arrangements. This was also to take account of the fact that UNMISS was already stretched to capacity and adding more tasks to the mandate could prove unrealistic, unless resources and staffing were enhanced. Council dynamics and a "business as usual" approach to the negotiation of the new resolutions, however, did not fully allow for this to happen.

Resolution 2241, adopted in October 2015, went some way to adopting a two-stage approach when it renewed UNMISS's mandate until 15 December 2015 and requested the Secretary-General to provide an assessment and recommendations for UNMISS deployment and requirements in the context of implementation of the agreement within 45 days of the adoption of the resolution. The resulting Secretary-General's report of 23 November 2015 recommended that the future UNMISS mandate be based on a set of priority objectives that were basically the core pillars of its existing mandate. But it also recommended that the mission take on a variety of additional responsibilities that related to short- and long-term implementation of the peace agreement.

During the negotiations on the draft resolution in December 2015, serious discussions on a prioritised mandate were not entertained. Resolution 2252, adopted on 15 December 2015, expanded the UNMISS mandate. The mission's role in supporting implementation of the agreement was augmented: UNMISS was tasked with supporting

a constitutional review process, at the request of the yet-to-be formed transitional government of national unity (TGoNU), and with advising and assisting the National Elections Commission of the TGoNU. The increase in mandated tasks largely followed recommendations made in the Secretary-General's 23 November 2015 report, which reviewed the mandate and discussed ways to support the South Sudan National Police Service and the Joint Integrated Police described in the August 2015 agreement. While the mission has an inevitable role in helping the parties to implement the peace agreement, it is arguable that a mandate to advise and assist the National Elections Commission was a premature task for UNMISS, given the rampant human rights abuses, sporadic fighting since the signing of the August 2015 agreement and the foot-dragging by the parties in implementing its provisions. The only reference in the resolution regarding prioritisation emphasises that protection of civilians, "must be given priority in decisions about the use of available capacity and resources within the mission".

Quality of Analysis and Options Provided by the Secretariat

The Brahimi report was critical of the absence of a professional system in the Secretariat for accumulating knowledge about conflict situations, distributing that knowledge efficiently to a wide user base, generating policy analyses and formulating long-term strategies. It recommended the creation of an Information and Strategic Analysis Secretariat, administered jointly by DPA and DPKO, able to draw on the best expertise inside and outside the UN system to provide consolidated assessments of efforts to address the sources and symptoms of ongoing conflicts, and the potential utility of further UN involvement. Such a unit was never established, due to the opposition of some member states concerned about entrusting the UN Secretariat with its own "intelligence" capacity.

The HIPPO report was no less critical of the shortcomings of the Secretariat's policy, analysis and strategy development processes. It highlighted the need for a system-wide dedicated capacity, reporting to the Secretary-General, to serve as the institutional hub for strategic analysis and planning. It was envisioned that this capacity would be housed in the Executive Office of the Secretary-General, in order to avoid bureaucratic friction from undermining the capacity to draw effectively on existing expertise, both internal and external.

The Secretary-General's report stressed how "quality analysis allows me to provide the Council with frank and well-considered advice that it needs in assessing options to

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respond to crisis". In line with the HIPPO recommendation, he announced that he had established, within existing resources, a small, centralised analysis and planning capacity in the Executive Office of the Secretary-General. This new unit is expected to draw on and compile information and analysis across the system to prepare strategic considerations and options for possible UN responses. Initially dependent on extra-budgetary funds, the unit will need to be institutionalised.

While the development of strategic analysis and planning capacity is internal to the Secretariat, it is critical to its ability to provide the Council with the assessments and options it needs to improve its mandating decisions, including the sequencing of mandates and their review. Also essential, however, as emphasised by both the Brahimi and HIPPO reports, is the frankness with which such assessments are conveyed to the Council.

Council members have sometimes criticised the reports of the Secretary-General for not being strategic and focused enough. As a reflection of Christmas tree mandates, most reports constitute long fact-based documents, covering every single mandated task, often lacking clear conflict analysis in deference to political sensitivities, and with a final section called "observations" sometimes containing more exhortation than options or recommendations. Regarding reporting from the Secretariat, Council members could benefit from reports that focus on political developments, strategic guidance and recommendations, while at the same time closely tracking the progress of the mission regarding capability gaps and performance issues. Assessing progress in strategic political objectives, as well as mission performance, will highlight the responsibilities of the Council as well as those of the mission, rather than allowing divergences in the Council to restrict its focus to mission performance alone.

Council Negotiations and their Impact on the Design of Mandates

Some of the Council's practices in negotiating resolutions that establish or renew peace operations contribute to the lack of focus of mandates and the gap between mandates and their implementation.

Language becomes an end in itself.

The lack of strategic focus is exacerbated by the tendency of Council members to seek the inclusion of favoured issues, sometimes

irrespective of their relevance or priority in the context of the situation under discussion. This also reflects advocacy efforts by Secretariat departments and NGOs, which also sometimes focus on language as an objective in itself without considering its urgency or achievability. The HIPPO report stated that the Secretariat and the UN system should present the Secretary-General's recommendations without recourse to lobbying Council members for specific interests. Council members often are unable to assess whether particular language in a resolution makes a significant difference in the implementation of the mandate. A positive development in this sense has been the three Arria-formula meetings organised in 2012, 2015 and 2016 with heads of human rights components of peace operations, which have discussed with Council members the impact of resolutions on how human rights mandates are carried out in peace operations.

Personnel numbers drive Council discussions.

As a result of the 2009 New Horizon reform initiative, both DPKO and DFS committed to develop a capability-driven approach to mandates, moving away from a "number intensive" strategy to one that focuses on the results and impact of peacekeeping missions—and therefore on the necessary skills, capacity and willingness—rather than simply on generating adequate numbers of troops, police and equipment. However, the Council has done little to embrace this approach and troop and police numbers continue to drive Council discussions about mandates. At the same time, numbers of civilian personnel dominate budgetary negotiations in the Fifth Committee. Sequencing, prioritisation and flexibility require the Council to emphasise its strategic objectives and to promote a new approach to budgetary discussions. In this context, the timid attempts to prioritise or sequence mandates at the Council level are rarely reflected in Fifth Committee discussions.

Irrespective of developments on the ground, most mandates are reviewed at the end of their cycles.

Even though the conditions on the ground might change (for example, an increase in asymmetric attacks, a change in the nature of threats to civilians or the unravelling of the political process), Council members are often reluctant to reassess the appropriateness of mandates in light of bad news, in the hope that tactical changes within the existing mandates can mitigate the new threats.

Sometimes, however, the deterioration of a particular situation makes changing existing mandates unavoidable, as in South Sudan in December 2013. Mandates are also amended and renewed off-cycle, often when there is a new peace agreement whose implementation the peace operation will be required to support, as in South Sudan in October 2015.

Council members negotiating such resolutions are usually not involved in strategic discussions.

One could argue that mandate cycles provide a tentative timeframe that can be used to forge a common strategic approach among Council members ahead of these renewals, but such exercises are very uncommon. Most discussions among all Council members regarding mandate renewals happen only after a first draft resolution has been circulated by the penholder to the full Council, more often than not around a week before the expected adoption. Council members—usually represented by relatively junior diplomats—meet in person a few times, but the greater part of the negotiations takes place through emails or in bilateral discussions between the penholder and Council members raising issues. The time pressure generated by the pattern of late circulation to all Council members also raises the barriers to significant reflection and making of changes. This process effectively precludes the collective development of strategic thinking.

One limited forum for collective discussions is provided by the Informal Expert Group on the Protection of Civilians, which enables Council members to discuss protection mandates in peace operations up for renewal. OCHA, which acts as secretariat for these meetings and remains their sole briefer, proposes possible language for inclusion in the upcoming resolution. Representatives of other UN entities participate in these meetings and respond to questions. Suggested language—as well as relevant precedents for such language in other country-specific cases—is included in proposals on key areas under consideration and circulated to Council members in hard copy at the outset of each expert group meeting. However, the narrow scope of these meetings prevents Council members from having a wider strategic discussion about the mandate being renewed, and the focus is on language rather than situation analysis. China does not attend these meetings and Russia only attends expert group meetings on certain issues.

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The usual procedures of the negotiation process contribute to the length of resolutions.

It is common practice for the drafting to start from the resolution that is up for renewal, followed by the inclusion of amendments. Given the short timeframe in which negotiations are held (with initial discussion among permanent members and late circulation to all Council members), there is a tendency to preserve already “agreed language” on issues susceptible to controversy and to add new paragraphs as proposed by Council members, without taking out no-longer relevant provisions.

Current System and its Limitations

In addition to Council meetings on country-specific situations and occasional debates, the discussions on mandates and peace operations, in general, take place in three main types of meetings: meetings with troop- and police-contributing countries, the Working Group on Peacekeeping Operations and the Military Staff Committee.

The Relationship of the Council with Troop- and Police-Contributing Countries

Informal meetings of Council members with troop contributors have been organised by the Secretariat since at least May 1993, initially in connection with the UN Protection Force in the former Yugoslavia.

Article 44 of the UN Charter states that “[w]hen the Security Council has decided to use force it shall, before calling upon a Member not represented on it to provide armed forces ... invite that Member ... to participate in the decisions of the Security Council concerning the employment of contingents of that Member’s armed forces”. As more member states became troop contributors, substantive exchanges between those deciding on the mandates and those providing the troops to implement them became essential for the sustainability of peacekeeping. However, there were no formally articulated procedures in place before 1994, when Council members Argentina and New Zealand launched a joint initiative to formalise and enhance the interaction between TCCs and the Council.

TCCs soon became frustrated regarding the timeliness and preparations for these meetings, which usually took place as late as two days before the adoption of resolutions changing the mandates of peace operations, leaving no opportunity to provide inputs to the negotiations. TCCs also often complained about the lack of an agenda for

these meetings or access to information such as advance copies of the reports presented by the Secretary-General on the operations under discussion. In turn, Council members raised how TCCs do not always go to these meetings prepared to engage in substantive dialogue. Despite some improvements in these areas, the lack of interaction of these meetings and the quality of such exchanges have continued to be issues.

The Brahimi report recognised the need for better coordination and consultation between potential TCCs and the Council during the mandate formulation process, in the context of diminishing the likelihood of gaps between the commitments of member states and the forces needed for a peace operation. The report suggested that troop contributor advice be institutionalised through the establishment of ad hoc subsidiary organs of the Council and that relevant TCCs attend Secretariat briefings of the Council regarding crises affecting safety and security or change or reinterpretation of a mission’s mandate with respect to the use of force.

The Council’s consideration of this recommendation resulted in the creation of the Working Group on Peacekeeping Operations, whose first task was to identify ways of enhancing consultations with TCCs. This first report of the Working Group was discussed on 13 June 2001, and the Council adopted resolution 1353, which stipulated that consultations with TCCs would take place in the following formats:

- public or private meetings with the participation of TCCs, ensuring a full and high-level consideration of issues of critical importance to specific peacekeeping operations;
- consultative meetings with TCCs chaired by the president of the Council, which would continue as the principal means of consultation; and
- meetings between the Secretariat and TCCs.

The HIPPO report also discussed this issue, recognising how the lack of effective dialogue through so-called “triangular consultations” among the Security Council, TCC/PCCs and the Secretariat has generated frustration on all sides and affected mandate implementation. The HIPPO report called for the institutionalisation of triangular cooperation early in the mandate formulation process, including giving potential contributors to new missions sufficient information to make better

decisions as to whether to offer their personnel. When it comes to mandate renewals, the contribution of TCC/PCCs can be valuable in providing field perspectives for consideration by the Council, including on the realism of mandates and performance expectations.

The Secretary-General’s report echoed the recommendations of the HIPPO in stating that dialogue between TCC/PCCs, the Council and the Secretariat should begin before the mission is established. The report suggested that the Secretariat could brief potential contributors together with Council members on its assessment of a conflict before an operation is authorised. It underlined how this “would also give the Council an opportunity to obtain insights on the challenges and opportunities involved in mandating certain tasks and in generating the required capabilities under specific time frames”. The report also called for further consultations as the Council moves closer to authorising or changing the mandate “to ensure clarity on planned priorities, operational implications and required capabilities”, as well as once the operation is established.

Triangular cooperation was the focus of a presidential statement drafted by Chad and adopted on 31 December 2015. The presidential statement followed an 11 December 2015 meeting of the Working Group on this issue, during which many TCC/PCCs expressed frustration with the triangular cooperation mechanisms in place. The presidential statement took note of the recommendations in both the HIPPO and Secretary-General’s reports and recognised that, despite the existence of mechanisms to ensure triangular cooperation, current consultations among these three stakeholders do not meet the Council’s expectations and have yet to reach their full potential.

The statement encouraged the holding of these meetings before and during the lifetime of peace operations, stressing the importance of substantive, representative and meaningful consultations, and of Secretariat briefing to TCC/PCCs on “its assessment of a conflict and potential mandate options” before the mandating. It said that these consultations must extend beyond the issue of mandates of operations to areas such as safety and security of peacekeepers, strategic force generation, gender, conduct and discipline, including allegations of sexual exploitation and abuse, implementation of protection of

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civilian mandates, capability, performance, equipment and national caveats.

During the negotiations, France, the UK and the US expressed their opposition to language regarding the sharing of draft resolutions and statements with TCC/PCCs. In the end, the presidential statement encouraged the Secretariat to further provide information to relevant TCC/PCCs, as appropriate and in a timely manner, in particular related to critical security incidents within missions. As of yet, there appears to have been no significant changes regarding information made available to TCC/PCCs.

The statement also welcomed the informal approach to consultations among the three stakeholders, while encouraging TCC/PCCs to take the initiative to call for meaningful exchanges of information. Since early 2015, New Zealand has convened informal meetings among the main TCC/PCCs, Council members and the Secretariat on UNMISS, UNAMID and UNISFA, with a view to expanding the model to other peacekeeping missions. Starting in June 2015, France also convened meetings on MINUSMA and MONUSCO ahead of their mandates' renewal, although sometimes without the participation of other Council members.

Argentina, Chad, Costa Rica, New Zealand and Singapore were particularly active in advocating more substantive triangular cooperation during their tenures as Council members. In spite of this activity, the twenty years of efforts to improve consultations between those deciding on the mandates and those implementing them have resulted in well-expressed intentions but as yet still deficient implementation.

Working Group on UN Peacekeeping Operations

After the Council received the Brahimi report, it decided to establish its first subsidiary body pertaining to peacekeeping operations. The Working Group on the Brahimi Report was created in October 2000 to undertake a comprehensive review of the recommendations contained in the report and met ten times under the chairmanship of Ambassador Curtis Ward, the Deputy Permanent Representative of Jamaica. Its discussions resulted in a report setting out a number of decisions and recommendations for the Council. The report included a draft resolution that the Working Group recommended for adoption by the Council, which became resolution 1327 of 13 November 2000. This resolution agreed to

adopt some of the decisions and recommendations contained in the Brahimi report and a subsequent Secretary-General's implementation report. Even though the Council decided to review periodically the implementation of the provisions contained in the resolution's annex, these annual reviews ceased to be held.

Following the adoption of resolution 1327, the Council decided to establish a new working group under the same chairmanship of Ambassador Ward. The Working Group on Peacekeeping Operations was established by a 31 January 2001 presidential statement. It was expected to address both generic peacekeeping issues relevant to the responsibilities of the Council and technical aspects of individual peacekeeping operations, without prejudice to the competence of the C34. The statement mandated the Working Group to seek the views of TCCs where appropriate "with a view to their views being taken into account by the Council".

Part of the rationale for the Working Group was to create a new space in which Council members could discuss, along with TCCs (and later PCCs), issues pertaining to peacekeeping in the follow-up to the Brahimi report. However, issues chosen for meetings of the Working Group, both thematic and country-specific, have not always been clearly related to the Council's priorities. The impact of the Working Group has been greater when strategic linkages have been made with Council discussions and decision-making processes.

For example, in its first months of existence in 2001, the Working Group issued two reports mandated by the Council: on the relationship with TCCs and on exit strategies. The first report attached a draft resolution with two annexes that had been negotiated within the Working Group, which was adopted by the Council on 13 June 2001 (resolution 1353). The report on exit strategies included a proposed Note by the President on some lessons learned regarding the design of exit strategies, issued in November after a Council debate on that issue.

In January 2009, France and the UK launched an initiative aimed at improving the Council's approach to mandating and reviewing peacekeeping missions. It focused largely on the Council's strategic oversight role regarding various peacekeeping operations and it concluded with an open debate during the presidency of France in August 2009. This process had as an important input the

"New Horizon" non-paper mentioned earlier and prepared by DPKO and DFS. The non-paper encouraged the Working Group on Peacekeeping (along with the C34) to review with the Secretariat recurrent mandate tasks in order to enhance clarity and understanding of their objectives, operational implications and persistent challenges in their fulfillment. Despite this call, however, the Working Group did not always play this role.

In 2013, when the C34 was not able to agree upon a final report, the Working Group held a number of discussions under the chairmanship of Ambassador Masood Khan (Pakistan) that made the Working Group (where TCC/PCCs and financial contributors were both invited) a key forum to discuss peacekeeping policy. Also in 2013, the Working Group held its first meeting on the specific challenges and opportunities in deploying UN Police in peacekeeping operations. As a result of concerns raised in that discussion, which were echoed during the 2013 Finnish workshop for newly elected Council members, it was agreed that heads of police components of peacekeeping operations would brief the Council the following year. (The first of these now-annual briefings took place on 20 November 2014, under the presidency of Australia, and the first standalone resolution on UN policing was adopted at that meeting.)

In 2015, topics discussed by the Working Group included thematic issues such as safety and security, traditional peacekeeping versus peace enforcement or regional peacekeeping initiatives; as well as specific peace operations such as AMISOM, MINUSMA or MONUSCO. However, the timing of these discussions was not always connected to Council discussions and decision-making processes (as an example, only one of the country-specific discussions took place ahead of the mandate renewal). The 2015 presidential statement drafted by Chad on triangular cooperation, originally motivated by a meeting of the Working Group with TCC/PCCs, is a good example of the role that the Working Group can play in bringing the perspectives of TCC/PCCs to Council decision-making processes.

The Military Staff Committee

Article 47 of the UN Charter established a subsidiary body of the Council, the Military Staff Committee (MSC), with a mandate to advise and assist the Council on all

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questions relating to military requirements and the employment and command of forces placed at the disposal of the Council. The MSC, composed of the chiefs of staff of the permanent members, soon became a victim of Cold War divisions. For roughly 60 years, the MSC remained largely dormant. It met twice a month, its chairmanship rotating among the P5, but its meetings were mostly pro forma.

With the end of the Cold War, the idea of making better use of the MSC was raised within both the Secretariat and the Council. Resolution 1327, adopted in 2000, said that the Council “undertakes to consider the possibility of using the MSC as one of the means of enhancing the UN peacekeeping capacity”. In 2001, Russia circulated a position paper with ideas to enhance the activities of the MSC, such as involving non-permanent Council members and peacekeeping contributors in its work, which “could provide on a permanent basis an analysis of the military component of the situation in conflict areas and prepare recommendations for the Security Council”.

Meanwhile, the MSC started to meet ahead of Council peacekeeping-related discussions, proceeded to develop its procedures

and enhanced the substance of its discussions. It now holds semi-monthly substantive meetings on operations whose mandates are to be discussed by the Council or on thematic issues involving military aspects of peacekeeping and engages regularly with officials from DPKO, including the Office of Military Affairs and from DFS.

In a development aimed at increasing the inclusiveness of its discussions, the MSC started involving the military advisors of the ten elected members in its activities. Although the MSC still meets formally after elected Council members leave the room, these formal meetings are apparently mostly without content. Since 2009, it has adopted a yearly programme of work, and in 2010, 2011 and 2012 it created informal groups to provide advice to the P5 on the planning for missions in Somalia, South Sudan and Mali, respectively. In April 2012, the MSC adopted a handbook outlining its working methods. In September 2014, the MSC travelled to Haiti (its first field mission) and issued a report upon its return supporting the recommendations of the Secretary-General for the drawdown of the UN Stabilisation Mission in Haiti (MINUSTAH). Since then it has

conducted field visits to missions deployed in Cote d'Ivoire and the CAR, producing reports on military capabilities of these peace operations and circulating them to all 15 Council members.

Some have argued for an increased advisory role for the MSC to address the shortcomings in implementing UN peace operations' mandates authorised by the Council, when these are due to insufficient planning or operationally unrealistic recommendations. The better use of military expertise of Council members would positively impact on mission reconfiguration and mandate requirements. However, this has been met with discomfort by TCC/PCCs that are wary of adding yet more weight to the role that P5 members play in the decision-making process in the Council, especially in view of their currently limited contribution of troops or police to UN peace operations. (Of the P5, only China, which is the eighth global contributor, contributes with more than a thousand troops and police.) Also, some have pointed to the limitations of considering the military component on its own, beyond matters of capabilities, training, equipment or other purely military aspects of peacekeeping.

Protection of Civilians, Use of Force and the Principles of Peacekeeping

On 19 April 2000, the Council adopted resolution 1296 noting that the targeting of civilians and the committing of systematic, flagrant and widespread violations of international humanitarian and human rights law in situations of armed conflict may constitute a threat to international peace and security, thus triggering Council action. The first peacekeeping operation to be specifically mandated to protect civilians was the UN Mission in Sierra Leone, which was authorised by resolution 1270 of 22 October 1999 to afford protection to civilians under imminent threat of physical violence, within its capabilities and areas of deployment.

The Brahimi report welcomed the Council's actions to give UN peacekeepers the explicit authority to protect civilians in conflict situations. In the aftermath of genocide in Rwanda and at Srebrenica, it stressed how “peacekeepers—troops or police—who witness

violence against civilians should be presumed to be authorised to stop it, within their means, in support of basic UN principles”. The report highlighted how once deployed, UN peacekeepers must be able to carry out their mandates “with robust rules of engagement, against those who renege on their commitments to a peace accord or otherwise seek to undermine it by violence”, including against civilians. However, the report also questioned the credibility and achievability of a blanket mandate to protect civilians, acknowledging that UN operations can only protect a small fraction of the civilian population exposed to the potential risk of violence. Fifteen years later, the gap between expectations and resources available remains one of the key issues echoed by the peace operations review.

The Brahimi report declared that consent of the local parties, impartiality and use of force only in self-defence or in defence of the

mandate should remain the bedrock principles of peacekeeping. But it warned against the manipulation of consent by parties to the conflict, and against wrongly confusing impartiality with neutrality or equal treatment of all parties in all cases for all time. The report stressed how, once deployed, UN peacekeepers must be capable of defending themselves, other mission components and the mission's mandate. “The Secretariat must not apply best-case planning assumptions to situations where the local actors have historically exhibited worst-case behaviour,” which means bigger forces, better equipped and more costly, but able to pose a credible deterrent threat, in contrast to the symbolic and non-threatening presence that characterises traditional peacekeeping. But “the UN does not wage war”: enforcement action is entrusted to coalitions of willing states, with the authorisation of the Security Council.

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In the years that followed, peace operations with a robust posture used force against spoilers seeking to undermine a political process, including when the UN Organization Mission in the DRC took action against rebel groups in the East in 2006, or Côte d'Ivoire (after the 2011 electoral crisis). In recent years, the Council has mandated peace operations to stabilise situations of ongoing fighting. On 28 March 2013, the Council unanimously adopted resolution 2098, establishing an intervention brigade based in Goma in the DRC under the command of MONUSCO. Its key task, renewed in subsequent resolutions, is to carry out offensive operations to neutralise armed groups that threaten state authority and civilian security. Less than a month later, on 25 April 2013, the Council adopted resolution 2100, establishing MINUSMA. The mission is authorised to use all necessary measures to stabilise the key population centres and other areas where civilians are at risk, especially in the north of Mali and, in this context, to deter threats and take active steps to prevent the return of armed elements to those areas.

The trend towards more robust mandates on UN peace operations has been driven by permanent members France, the UK and the US, along with some African TCCs. Significant concerns were raised by China, Russia and elected troop-contributing Council members after the adoption of resolution 2098: involvement in peace enforcement could compromise the impartiality of UN peacekeeping operations and the safety and security of peacekeepers. Russia, the only Council member which explained its vote on resolution 2100, expressed its concern about the growing shift towards the military aspects of peacekeeping and highlighted that “what was once the exception now threatens to become unacknowledged standard practice”.

Caveats were inserted in both resolutions, underscoring in the case of resolution 2098 its exceptional nature and, in resolution 2100, reaffirming the agreed basic principles of peacekeeping—“including consent of the parties, impartiality and non-use of force, except in self-defence and defence of the mandate”. The impact of such decisions on the safety and security of peacekeepers has for long been a source of concern for TCC/PCCs. MINUSMA had the highest casualty and injury rates amongst UN peace operations in 2015 and 2014. The operations with more robust mandates, such as MINUSMA and MONUSCO,

face practical challenges as a result of aligning with one of the parties to the conflict. The legal protection for UN peacekeepers, historically connected to their impartiality, has also been challenged given that the mission as a whole can come to be considered as a party to an armed conflict, rendering them combatants and legitimate targets under international humanitarian law.

The HIPPO report also endorsed the three basic principles of UN peacekeeping, but said that adherence to these principles should not be “an excuse for failure to protect civilians or defend the mission proactively”, and that there should be “a flexible and progressive interpretation of these principles”. The report also stated that UN peace operations are not suited to engage in military counter-terrorism tasks owing to their composition and character, and argued that other regional or ad hoc coalitions can be better positioned to undertake these. The report stressed that where asymmetric threats are present in the operating environment, such as terrorist attacks, UN missions must be provided with the necessary capabilities and training to confront them, as well as the appropriate concept of operations and rules of engagement required to protect themselves and deliver their mandates. The report advocated extreme caution if UN peace operations are mandated to undertake enforcement tasks.

The HIPPO report highlighted that the protection of civilians is a core obligation of the UN and stressed the importance of the convergence of expectations, capabilities and strategies. It emphasised the primary responsibility of the host government, and the role that unarmed civilian protection strategies (i.e. human rights monitoring and reporting, capacity building for the host government, unarmed presence) can play in building a protective environment. But mindful of the obligation of missions with armed personnel to use force to protect civilians under imminent threat, the report called on the Secretariat to inform the Council of obstacles in implementing mandates and their impact on the protection of civilians, whether regarding the pace of deployment, insufficient capabilities or national caveats beyond those accepted by the Secretariat at the outset of force generation.

In his implementation report, the Secretary-General declared that all UN peace operations have the obligation to advocate the protection of civilians. The report recalled

the many non-military tools available for the protection of civilians, including strong political advocacy, credible reporting and liaison with communities, and building the capacity of national authorities. He stated that when missions have an explicit mandate to protect civilians, uniformed personnel must play their part, including, where necessary, through the use of force, “defined to mean preventive, pre-emptive and tactical use of force.” He went on to note that the source and the nature of violence against civilians are not the determinants for action. The Secretary-General reaffirmed his commitment to inform the Council of situations of escalating risk to civilians or serious shortfalls in the capability of missions to fulfil protection mandates. He also expressed his willingness to investigate and inform the Council of any incidents in which peacekeepers fail to act, including if this is a result of additional post-deployment caveats beyond those explicitly agreed with the Secretariat during the force generation process. In turn, the Secretary-General called upon the Council “to respond actively and consistently to his requests for political and operational support, particularly in contexts where State parties are involved in attacks against civilians”.

The Secretary-General’s report observes that UN peace operations are not “designed or equipped to impose political solutions through sustained use of force”. The report echoed the HIPPO’s recognition that UN peace operations “are not the appropriate tool for military counter-terrorism operations”, even though they do deploy in violent and asymmetric threat environments and must be capable of operating effectively and as safely as possible therein.

An example of the different perspectives within the Council over the issue of the principles of peacekeeping was the negotiation of the presidential statement of 25 November 2015, after the Council briefing on the peace operations review. China requested the reaffirmation of the basic peacekeeping principles of consent of the parties, impartiality, and the non-use of force, except in self-defence and defence of the mandate. However, the US insisted on adding language to this formulation consistent with the HIPPO report’s argument that these principles must be interpreted progressively and with flexibility. In the end, the presidential statement reaffirmed the basic principles of peacekeeping and recognised that the mandate of each peacekeeping operation is specific to the

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needs and situation of the country concerned. The Council underlined that “the basic principles are consistent with the mandates that it authorises that seek to tackle new challenges faced by peacekeeping operations, such as force protection and safety and security, protection of civilians, and asymmetric threats, and that the Security Council expects full delivery of the mandates it authorises”.

The 25 November 2015 presidential statement also welcomed the Secretary-General’s commitment to keep the Council informed “on a regular basis, of situations of escalating risk to civilians...where United Nations peace missions are deployed, [of] serious shortfalls in the capability of missions to fulfil their mandates and of any incident in which a mission...fails...to implement [its] mandate”.

The Council continued this discussion on 19 January 2016, when it held an open debate on the protection of civilians, chaired by José Luis Cancela, Uruguay’s Vice-Minister for External Relations, focusing on the recommendations of the peace operations review, as well as broader protection concerns underscored in the Secretary-General’s June 2015 report on the protection of civilians.

Stronger Partnerships

Article 1.4 of the UN Charter establishes that one of the purposes of the organisation is “to be a centre for harmonising the actions of nations in the attainment of these common ends”, including to maintain international peace and security. Chapter VIII is devoted to regional arrangements, showing great foresight for their potential role at a time when regional organisations were little developed and institutionalised.

This potential role has become a growing reality as African regional economic communities and the AU developed their own approaches towards regional and sub-regional peace and security. As an early example, on 22 September 1993, the Council adopted resolution 866 establishing the UN Observer Mission in Liberia, noting that this would be the first UN peacekeeping mission undertaken “in cooperation with a peacekeeping mission already set up by another organisation”—in this case, the Ceasefire Monitoring Group deployed in August 1990 by the Economic Community of West African States.

With the creation of the AU in 2001 and its increasing involvement in peace and security issues across the continent, it has become the UN’s key partner in peace operations, and this partnership is a major focus of the HIPPO and Secretary-General’s reports. Its role within its region is distinct from the role of the EU, which is a significant partner in international operations outside the EU and beyond Europe, deploying alongside UN peace operations (such as in the DRC in 2003, Chad/CAR in 2008-9 and the CAR in 2014-5), supporting the deployment of AU troops (Somalia) or training national armies or police (Mali, Niger and Somalia), among other tasks. While the interaction of the UN and regional organisations on peace operations goes beyond the AU and the

EU, including the OSCE and others, in this report we focus on the AU, given its prominence in the peace operations review and the depth of its strategic partnership with the UN.

Forging Common Purpose and Unity of Vision

The HIPPO report called for “common purpose and resolve” between the UN and the AU to be established from the outset of a new operation and maintained throughout. It called for the UN to deepen its strategic partnership with the AU “to enable swift and effective responses to crises underpinned by mutual responsibilities and clear comparative advantages”. It stated that the UN-AU strategic partnership should be underpinned by the following principles of cooperation: “consultative decision-making and common strategy; the division of labour based on respective comparative advantage; joint analysis, planning, monitoring and evaluation; integrated response to the conflict cycle, including prevention; and transparency, accountability and respect for international standards”.

Efforts to forge common purpose cannot be limited to the issue of funding or operational support. They require the involvement of the Council and the AU PSC in strategic discussions. Since 2007, PSC members have held annual consultative meetings with Council members, and peace operations have featured prominently in all these discussions. The last of these meetings, which alternate between New York and Addis Ababa, took place in Addis Ababa on 12 March 2015 and the next is scheduled for May 2016. In recent years, there has been a joint press conference with the president of the Security Council and the Chairperson of the PSC (something resisted in the past by certain Council members, concerned that it could be perceived as

undermining the standing of the Council as the principal body responsible for maintaining international peace and security). In the last communiqué, it was agreed to conduct a joint field mission to a conflict situation or area in Africa, to be identified through consultations during 2015. Although at the time of writing this mission had not taken place, a welcome development was the Council’s stop in Addis after its visit to Bujumbura, Burundi, in January 2016, to have discussions about mediation efforts and the possible deployment of an AU force to Burundi. At the time of this writing, Council members were expecting to hold an open debate on cooperation between the UN and the AU on peace and security.

The HIPPO report stated that whenever a UN peace operation is deployed, the UN should lead or play a leading role in the political process. The report also stressed that the UN and AU should develop a shared analysis early and undertake joint planning of responses. When working with regional organisations, the report recommended considering appointing a joint representative to ensure unity of vision, approach and message. When this is not the case, engagement of the Council with regional or other third-party mediators is important. In the past, procedural issues (only UN officials and Council members are allowed in the consultations room), lack of interest and insufficient coordination have prevented non-UN mediators from systematically briefing Council members on issues on the Council’s agenda. For example, although Algeria played the leading role in the mediation process between the government of Mali and Tuareg armed groups, it did not brief the Council on its efforts to reach a political settlement. Thabo Mbeki, who is the primary mediator in the negotiations between Sudan and South Sudan and

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chairs the AU High-Level Implementation Panel, briefed Council members in this capacity three times in 2012 but only twice since then (in 2013 and 2014), always in informal interactive dialogues. The chief mediator of the Intergovernmental Authority on Development on the South Sudan peace talks, Seyoum Mesfin, has briefed Council members only once (on 27 June 2014) since the outbreak of the civil war in December 2013.

While acknowledging that a pragmatic and case-by-case approach is needed for cooperation with regional organisations, the Secretary-General in his report also recognised a need to “move away from improvisation in how we work together”, and to build on previous experience to establish standing arrangements and procedures that can be applied flexibly when operations are established. Among other initiatives, the UN Secretariat and the AU Commission are planning to finalise in 2016 a Joint UN-AU Framework for an Enhanced Partnership in Peace and Security, which will provide a blueprint for early and continuous engagement between these organisations before, during and after conflict, as well as a review and assessment of various mechanisms currently available to finance and support AU peace operations authorised by the Council.

Three Ad Hoc Modalities of AU-UN Cooperation on Peace Operations

On 31 July 2007, the Council adopted resolution 1769, authorising the establishment of the AU-UN Hybrid Operation in Darfur, in a context where the government of Sudan was strongly opposed to hosting a UN mission. In 2004, the AU had established the AU Mission in Sudan, to which the UN supplied light- and heavy-support packages sequentially. This transitioned to the first-ever UN-AU hybrid operation, for which the UN assumed full financial responsibility but over which it did not retain exclusive political or operational control.

In resolution 1725 of 6 December 2006, the Council endorsed the proposal by the Intergovernmental Authority on Development and the AU to deploy a peacekeeping mission in Somalia. The AU established the AU Mission in Somalia (AMISOM), expecting the mission to evolve into a UN operation, but a 20 April 2007 report by the Secretary-General indicated that the conditions to deploy a UN peacekeeping operation to

replace AMISOM did not exist in Somalia. In 2009, the Council took an unprecedented step in resolution 1872 by authorising the provision of a logistics support package funded by UN assessed contributions and channeled through the UN Support Office for AMISOM, established for this purpose in Nairobi, Kenya.

Building on the willingness to deploy, the availability of troops and the increasingly developed capacity of its Secretariat, the AU has been authorised by the Council to be the first respondent in several crises in the continent. This was the case with two African-led missions which transitioned rapidly to UN peacekeeping missions: the African-led International Support Mission in Mali (AFISMA) in December 2012 and the African-led International Support Mission to the CAR (MISCA) in December 2013. On 2 January 2015, the Secretary-General sent a letter to the Council outlining issues arising and lessons learned from the “re-hatting” processes in Mali and the CAR—the transition of troops deployed in the African-led missions to the successor UN peacekeeping missions. In addition to the question of financing, the letter highlighted the importance of issues such as joint planning, command and control structures and civilian capacities (including with respect to the human rights and protection of civilians mandates of the peace operations concerned).

Sustainable Funding

The issue of funding has become one of the most contentious aspects of AU-UN cooperation. On 16 April 2008, then President Thabo Mbeki of South Africa chaired a high-level open debate on the need to strengthen the relationship between the UN and regional organisations in the maintenance of international peace and security. The meeting resulted in the adoption of resolution 1809, which recognised the need to “enhance the predictability, sustainability and flexibility of financing regional organisations” when they undertake peacekeeping under UN authorisation.

To address the limitations of AU operations due to inadequate equipment and transportation capabilities and other deficiencies, a 24 December 2008 report by a joint AU-UN panel (known as the Prodi Report after its chairperson, former Italian Prime Minister Romano Prodi) made two main recommendations: the establishment of a multi-donor

trust fund to support AU peacekeeping capacity, and the use of UN assessed contributions to support UN-authorised AU operations on a case-by-case basis, provided the Security Council and General Assembly approved and there was an agreement that the mission would transition to UN management within six months.

The unavailability of flexible, sustainable and predictable funding of AU peacekeeping operations authorised by the Security Council is raised frequently in the Council, mostly by African members. Despite the ad hoc nature in which AU operations are supported, there has been no systematic review of the financing of AU operations authorised by the Council. This remains a controversial issue among Council members, dividing the main financial contributors on the Council from African countries. The HIPPO report recommended the use of UN assessed contributions on a case-by-case basis to support AU peace operations authorised by the Council, including the costs associated with deployed uniformed personnel, to complement funding from the AU and/or African member states. This recommendation responded to the AU position paper submitted to the HIPPO and was particularly well received by African members. In January 2015, the AU Assembly agreed to contribute up to 25 percent of the cost of AU peace and security efforts, including peace support operations, to be fully achieved by the year 2020, envisaging that the other 75 percent of the cost of such missions would be provided by the UN through assessed contributions. In his implementation report, the Secretary-General announced a joint UN-AU review and assessment of various mechanisms currently available to finance and support AU peace operations authorised by the Council. In January 2016, the AU appointed Donald Kaberuka, the outgoing President of the African Development Bank Group, as the High Representative for the Peace Fund.

This issue will, however, not be easily resolved. In the negotiations of the 25 November 2015 presidential statement, Council members could not even agree on a reference to the Prodi Report by name. As a compromise, the statement merely noted the recommendations of the HIPPO report, including with respect to the strategic partnership with the AU.

Conclusion: Time to Deliver

As cited above, the HIPPO report identified four shifts that the UN needs to embrace in order to ensure that peace operations can better respond to the challenges of the present and the future: the primacy of politics, a flexible use of the full spectrum of peace operations, stronger partnerships and field-focused UN Secretariat and people-centred peace operations.

An additional shift is needed on the part of the Council to ensure that these shifts actually happen: the Council needs to shift its focus from “form” to actual delivery. The HIPPO report highlighted how “there must be an awakening of the UN Headquarters in New York to the distinct and important needs of field missions, and a renewed resolve on the part of UN peace operations personnel to serve and protect the people they have been mandated to assist”. This is also applicable to the Council: only if it becomes more focused on delivery on the ground will it be able to live up to its mandate to maintain international peace and security.

It is common for Council members to refer to resolutions and presidential statements as outcomes. However, the form of Council decisions is less important than results. Council members should see the adoption of such documents not as an end in itself, but as stages in a process. Council members should engage in meaningful strategic and interactive discussions ahead of meeting to negotiate such decisions, and should not sit back after resolutions initiating or renewing mandates are adopted. As

stated above, in order to be more effective, the Council’s collective leverage has to be exercised throughout the life span of peace operations, not only when the mandate cycle comes up for renewal. The effectiveness of resolutions and presidential statements requires the sustained engagement of Council members, as well as the development of stronger partnerships with regional organisations, including the AU, and with TCC/PCCs. Holding an annual meeting with the AU PSC members or regular consultations with TCC/PCCs ahead of mandate renewals are positive formal developments that will only positively impact the reality on the ground if the focus is on their substance. The fact that Council members meet on an issue does not necessarily mean that they are politically engaged on it.

No peace operations review will be complete if the Council does not reflect on and modify its role in designing and monitoring peace operations. This report has outlined some of the key structural elements that frame the Council’s work on peace operations. Changing the Council’s negotiation patterns, its internal division of labour and its inadequate interactivity could contribute to forging a common vision among Council members in order to design more strategic and realistic mandates. Linking thematic discussions at the Council or subsidiary organ levels (including the relevant working groups) to particular country-specific discussions and decision-making processes in the Council, could open up communication in spaces

that until now have often remained disconnected. Even though these changes cannot by themselves create collective positions in the Council when divergent national interests exist, the Council could be more nimble and effective in exerting its collective leverage, such as through timely visiting missions or demarches by the president.

The Council is an adaptable organ that has been able to develop its own modalities. In view of the key role that the Council plays in mandating peace operations, Council members need to rethink how to be more effective in designing them, assessing their work and eventually deciding on their exit strategies. As the Secretariat and the General Assembly consider the recommendations of the peace operations review, the Council needs to continue to address them in a comprehensive way. The exhortations in the 25 November 2015 presidential statement in support of sequenced and prioritised mandates, and for exerting the Council’s collective leverage, must lead to new approaches in country-specific situations. This will only be possible if Council members break down the siloes in which their own teams work and can apply the approach of the review across the board: taking the initiative to change the Council’s working methods, ensuring that strategic discussions take place ahead of mandate renewals, being willing to spend political capital while on the Council and sustaining engagement throughout the mandate cycle of peace operations.

UN Documents and Useful Additional Resources

Security Council Resolutions

[S/RES/2277](#) (30 March 2016) renewed MONUSCO’s mandate for a year.

[S/RES/2274](#) (15 March 2016) renewed UNAMA’s mandate for a year.

[S/RES/2272](#) (11 March 2016) asked the Secretary-General to replace all military or police units from any contributing country that had failed to hold perpetrators accountable.

[S/RES/2252](#) (15 December 2015) increased the force structure of UNMISS to a ceiling of 13,000 troops and 2,001 police, while adding additional tasks to the mandate.

[S/RES/2241](#) (9 October 2015) adjusted the mandate of UNMISS to support implementation of the “Agreement on the Resolution of the Conflict in the Republic of South Sudan”.

[S/RES/2100](#) (25 April 2013) established MINUSMA.

[S/RES/2098](#) (28 March 2013) established an intervention brigade under the command of MONUSCO.

[S/RES/1872](#) (26 May 2009) authorised the provision of a logistics support package funded by UN assessed contributions and channeled through the UN Support Office for AMISOM.

[S/RES/1769](#) (31 July 2007) authorised the establishment of the AU-UN Hybrid Operation in Darfur.

[S/RES/1725](#) (6 December 2006) endorsed the proposal by the Intergovernmental Authority on Development and the AU to deploy a peacekeeping mission in Somalia.

[S/RES/1625](#) (14 September 2005) aimed at enhancing the effectiveness of the UN in preventing armed conflicts and in monitoring closely situations of potential armed conflict.

[S/RES/1353](#) (13 June 2001) adopted a statement of principles on cooperation with TCCs.

[S/RES/1327](#) (13 November 2000) considered the

recommendations of the Brahimi report and focused on the improvement of peacekeeping operations.

[S/RES/1296](#) (19 April 2000) noted that the targeting of civilians and the committing of systematic, flagrant and widespread violations of international humanitarian and human rights law in situations of armed conflict may constitute a threat to international peace and security, thus triggering Council action.

[S/RES/1270](#) (22 October 1999) authorised the UN Mission in Sierra Leone to afford protection to civilians under imminent threat of physical violence, within its capabilities and areas of deployment.

[S/RES/866](#) (22 September 1993) established the UN Observer Mission in Liberia.

Security Council Presidential Statements

[S/PRST/2015/26](#) (31 December 2015) was on triangular cooperation between the Council, troop- and police-contributing countries and the Secretariat.

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[S/PRST/2015/22](#) (25 November 2015) took note of the recommendations of the HIPPO report and the Secretary-General's implementation report.

[S/PRST/2001/3](#) (31 January 2001) established the Working Group on Peacekeeping Operations.

Secretary-General's Reports

[A/70/579](#) (30 November 2015) was on the implementation of the recommendations of the C34.

[S/2015/899](#) (23 November 2015) reviewed the mandate of UNMISS and recommended potential future support for the South Sudan National Police Service and the Joint Integrated Police.

[S/2015/716](#) (16 September 2015) was the annual report on women, peace and security that included recommendations from the Global Study on the implementation of resolution 1325.

[S/2015/682](#) (2 September 2015) was on the implementation of the recommendations of the HIPPO report.

[S/2007/204](#) (20 April 2007) indicated that the conditions to deploy a UN peacekeeping operation to replace the AU Mission in Somalia did not exist.

[A/55/502](#) (20 October 2000) was on the implementation of the Brahimi report.

Security Council Letters

[S/2015/846](#) (5 November 2015) was a concept note framing the 20 November 2015 debate on the peace operations review.

[S/2015/490](#) (29 June 2015) was the report of the Advisory Group of Experts on the Peacebuilding Architecture.

[S/2015/446](#) (17 June 2015) forwarded the HIPPO report.

[S/2015/3](#) (2 January 2015) outlined some lessons learned on re-hatting processes in Mali and the CAR.

[S/2014/384](#) (1 June 2014) was a concept note framing the 11 June 2014 open debate on new trends in peacekeeping operations.

[S/2008/813](#) (24 December 2008) was the report of a joint AU-UN panel on modalities for support to AU peacekeeping operations, known as the "Prodi report".

[S/2001/671](#) (6 July 2001) was a Russian proposal on enhancing the activities of the MSC.

[S/2000/809](#) (21 August 2000) was the report of the Panel

on the UN Peace Operations (also known as the Brahimi report).

Security Council Meeting Records

[S/PV.7606](#) (19 January 2016) was an open debate on the protection of civilians.

[S/PV.7564](#) (20 November 2015) was a briefing by the Secretary-General on the peace operations review initiative.

[S/PV.7196](#) (11 June 2014) was an open debate on new trends in peacekeeping operations.

[S/PV.5868](#) (16 April 2008) was a high-level open debate on the need to strengthen the relationship between the UN and regional organisations, chaired by then President Thabo Mbeki of South Africa.

[S/PV.6270](#) (12 February 2010) was an open debate on transition and exit strategies in the context of UN peacekeeping operations.

Notes by the President

[S/2012/402](#) (5 June 2012) focused on the Council's interactivity and expressed the Council's general support for continuing the practice of holding monthly luncheons with the Secretary-General.

[S/2001/640](#) (29 June 2001) indicated that the Council president should draw the attention of members and regional organisations to Council decisions and relevant presidential press statements.

Working Group Documents

[S/2001/900](#) (24 September 2001) was a report of the Working Group on Peacekeeping Operations focused on exit strategies.

[S/2001/546](#) (31 May 2001) was a report of the Working Group on Peacekeeping Operations focused on improving the Council's relationship with TCCs.

General Assembly Documents

[A/70/19](#) (15 March 2016) was the last report of the C34.

[A/RES/70/6](#) (3 November 2015) was a procedural resolution paving the way for the relevant committees to consider the recommendations of the peace operations review during the 70th session of the General Assembly.

USEFUL ADDITIONAL RESOURCE

A New Partnership Agenda: Charting a New Horizon for UN Peacekeeping, DPKO and DFS, July 2009

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Design Point Five, NY

Security Council Report
One Dag Hammarskjöld Plaza
885 2nd Ave at 48th St, 21st Floor
New York NY 10017

Telephone +1 212 759 6394
Fax +1 212 759 4038
Web securitycouncilreport.org
whatsinblue.org

