

Safety and Security Challenges in UN Peace Operations

PROVIDING FOR PEACEKEEPING NO. 10

HAIDI WILLMOT, SCOTT SHEERAN, AND LISA SHARLAND



Cover Photo: A peacekeeper with the UN Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) walks towards the wreckage of a UN vehicle that was hit the previous year in an ambush by the Allied Democratic Forces (ADF) rebel militia near Beni, Democratic Republic of the Congo. March 13, 2014. UN Photo/Sylvain Leichti.

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Suggested Citation:

Haidi Willmot, Scott Sheeran, and Lisa Sharland, "Safety and Security Challenges in UN Peace Operations," New York: International Peace Institute, July 2015.

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ACKNOWLEDGEMENTS

The authors would like to thank those UN Secretariat officials from the Department of Safety and Security and the Department of Peacekeeping Operations, who were interviewed and provided feedback on this paper. They also would like to thank colleagues who have served in UN peacekeeping operations and special political missions for their insights. And they would like to thank diplomats from several permanent missions to the UN in New York who offered their thoughts on the issues. Finally, they would like to thank the team at the International Peace Institute, including Adam Smith, Paul Williams, Alex Bellamy, Adam Lupel, Marisa McCrone, and Lamii Moivi Kromah.

While the authors are indebted to all who engaged with them, any errors remain their own. All authors write in their personal capacity and the views expressed herein do not necessarily reflect those of their respective organizations. Scott Sheeran's input was based on research and interviews conducted prior to December 2014 in preparing his chapter for Anna Powles, Negar Partow, and Nick Nelson (eds.), *United Nations Peacekeeping Challenges: The Importance of the Integrated Approach* (Ashgate, forthcoming 2015).

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Abbreviations

AMISOM	African Union Mission in Somalia
AU	African Union
C34	Special Committee on Peacekeeping Operations
DFS	Department of Field Support
DPA	Department of Political Affairs
DPKO	Department of Peacekeeping Operations
DRC	Democratic Republic of the Congo
DSS	Department of Safety and Security
EU	European Union
EUFOR	European Union Force
HOM	Head of Mission
IASMN	Inter-Agency Security Management Network
ICC	International Criminal Court
ICRC	International Committee of the Red Cross
IED	Improvised Explosive Device
ISAF	International Security Assistance Force
MINUSCA	United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic
MINUSMA	United Nations Multidimensional Integrated Stabilization Mission in Mali
MINUSTAH	United Nations Stabilization Mission in Haiti
MONUSCO	United Nations Organization Stabilization Mission in the Democratic Republic of the Congo
NATO	North Atlantic Treaty Organization
PCC	Police-Contributing Country
SOFA	Status of Forces Agreement
SOMA	Status of Mission Agreement
SRSR	Special Representative to the Secretary-General
TCC	Troop-Contributing Country

UN	United Nations
UNAMA	United Nations Assistance Mission in Afghanistan
UNAMI	United Nations Assistance Mission for Iraq
UNAMID	United Nations-African Union Mission in Darfur
UNDOF	United Nations Disengagement Observer Force
UNISFA	United Nations Interim Security Force for Abyei
UNMIL	United Nations Mission in Liberia
UNMIK	United Nations Interim Administration Mission in Kosovo
UNMISS	United Nations Mission in the Republic of South Sudan
UNMOGIP	United Nations Military Observer Group in India and Pakistan
UNOCI	United Nations Operation in Côte d'Ivoire
UNSMS	United Nations Security Management System
UNSOM	United Nations Assistance Mission in Somalia
UNTSO	United Nations Truce Supervision Organization

Executive Summary

Ensuring the safety and security of personnel in United Nations (UN) peace operations is vital for fulfilling the organization's duty of care. It also has a strategic impact, including on the efficacy of mandate execution, force generation, the evolution of peace operations, and sustaining the relevance of the UN in the maintenance of international peace and security.

Since the tragic bombing of the UN headquarters in Iraq in 2003, a concerted effort has been made across the UN system to improve and strengthen security arrangements. However, too often, security issues are perceived as primarily technical matters, and they are not prioritized as strategically and politically important. The increasingly volatile environments into which UN peace operations are deployed and the demanding tasks being mandated require immediate and serious consideration of security issues.

Effective security is about protecting UN personnel while *enabling*, not *limiting*, operational activity. Those involved need to take up this challenge—to save lives, restore the peace, and better achieve the goals of the UN. To that end, the organization (including member states, the UN Secretariat, and other UN entities) should take the following steps.

Politics and diplomacy: The safety and security of UN personnel must be understood as a collective responsibility that requires a shared approach to understanding the security situation and improving the mandating, resourcing, planning, and execution of peace operations. The responsibility extends across the Security Council, the General Assembly's Fifth Committee (Administrative and Budgetary), the Special Committee on Peacekeeping Operations (C34), troop- and police-contributing countries (TCCs/PCCs), host states, and the Secretariat. Each body should also help ensure the accountability of the others. Regular situational awareness briefings to the Security Council and a robust dialogue on peace operations among key actors would help achieve this goal. Key issues include adequate resourcing, calibrated acceptance of risk, improved planning, proactive management, and enhanced cooperation on the part of the host state.

The UN's duty of care extends to the aftermath of a security incident, when it is incumbent on those in a position to hold to account, through all possible means, those who perpetrated an attack against the UN. Holding to account both states and individuals helps deter potential perpetrators, builds confidence in prospective contributors, upholds the inviolability of the UN peace operations instrument, and demonstrates a respect for those who have risked their lives in the service of peace.

Organization: Safety and security issues need to be approached holistically. Disaggregating the security of military, police, and civilian personnel leads to inefficiency and fails to appreciate the impact of broader mission activities on the safety and security of the whole UN presence. Responsibility for the security of the spectrum of UN personnel (military, police, and civilian) should be consolidated under the UN Department of Safety and Security (DSS).

Policy: The UN needs a comprehensive policy on crisis management, applicable across all peace operations and country teams. It should be accompanied by a mandatory regime of crisis management simulation exercises. The organization needs to introduce measures that allow for expedited human resources and procurement processes in crisis situations. And a clear articulation of the accountability and the command and control of senior leaders at UN headquarters and in peace operations is necessary at the policy level.

Planning: The existing UN security models are under increasing pressure in high-threat environments. Consequently, the organization needs to revise the assumptions on which the UN Security Management System (UNSMS) are based. Moreover, security models need to be more closely tailored to mission mandates and the prevailing security environment.

Operations: Greater clarity is required on how UN peace operations should function in asymmetric threat environments when they lack the range of capabilities available to some non-UN multinational forces. Civilian protection mandates raise particular challenges and security implications for mission personnel. In such contexts, security must be approached in a holistic manner. The organization must ensure that all peace

operations have adequate medical support and evacuation capabilities to ensure that the UN can meet the “golden hour” standard for medical intervention following trauma. Ensuring such standards might attract a broader range of contributors for robust peacekeeping.

Personnel: The UN must recruit and train its security personnel to high professional standards across all missions and ensure that they hold sufficient seniority at UN headquarters and in missions. The organization should also establish a surge capacity of high-quality security and medical personnel who can be deployed at mission start-up and during crisis situations.

Resources and capabilities: The gap between peace operations mandates and the allocated resources continues to undermine staff safety and security. Political and financial incentives need to be established to address some of the shortfalls. These need to be accompanied by the Secretariat forecasting future capability gaps, altering the approach to force generation, and monitoring performance standards. The UN should also use private security companies and other private service providers, such as emergency medical support and rapidly deployable logistics support, when it would result in a better outcome for mission effectiveness, because, for example, they can be deployed swiftly, are willing to operate in high-risk environments, or are more economically efficient.

Information: Better situational awareness, which is enabled by a professional intelligence system, is critical both for mandate implementation and for

ensuring the safety and security of UN peace operations. It is time for the organization to overcome political sensitivities and develop a professional intelligence system that stretches from the field to headquarters, is led and directed by a single entity, utilizes a common collation platform, leverages and joins up existing analysis capabilities, has unified processes and consistent products, and employs professional analysts and assessment methodologies.

Legal: Legally, host states bear the primary responsibility for the security and safety of UN personnel and premises. In practice, however, the UN bears most of the real burden in peace operations. Often missions are deployed because the host state is unable or unwilling to maintain security, and in some instances such dependence on the host state can undermine the impartiality of the organization. In this sense, it is essential to ensure a shared understanding of security responsibilities between the UN and the host state, including through updating the UN model status of forces agreement (SOFA) or status of mission agreement (SOMA) to incorporate relevant elements of the 1994 *Convention on the Safety of United Nations and Associated Personnel* and its 2005 Optional Protocol and developments in practice. There is also a need to clarify the legal protections for the UN under international law, especially in light of UN peacekeepers engaging in offensive combat operations. This should include an examination of the application of the Safety Convention and Optional Protocol, the Rome Statute that established the International Criminal Court, and international humanitarian law.

Introduction

The significance of safety and security for UN peace operations is often underestimated or misunderstood.¹ While always an issue of interest, it has been narrowly conceived, for example, as minimizing casualties and expanding legal protections. But safety and security has a strategic impact, including on the efficacy of mandate execution, force generation, the evolution of peace operations, and the role of the UN in the maintenance of international peace and security. While many of the relevant safety and security issues have been identified, they have not been understood in a holistic manner and addressed with sufficient priority.

Since its inception, UN peacekeeping has undergone significant evolution, moving from unarmed interpositional ceasefire monitoring forces to integrated multidimensional missions, which now carry out a spectrum of activities and are mandated to use force. Peacekeepers often operate in volatile environments and with a mandate to protect civilians.² Likewise, alongside peacekeeping operations, special political missions have increasingly complex mandates and are being deployed into ever more dangerous situations.³ Fragile government structures and intractable political disputes have created instability and environments where threats proliferate. The nature of the threats continues to evolve, with targeted and asymmetric hostile acts against UN personnel becoming a more regular feature of many missions.⁴

The safety and security framework within the UN is complex and disaggregated. Separate frameworks are in place for civilians and individu-

ally deployed military and police personnel on the one hand, and military and police contingents on the other.⁵ Security management for peacekeeping operations is funded separately from that covering the rest of the UN's operations, which results in awkward organizational and management structures.⁶ The operational models in place for the provision of security in peacekeeping and special political missions are multifarious, and the crisis response arrangements lack predictability and robustness. There are numerous contentious issues, including the use of information-gathering capabilities such as unmanned aerial vehicles, the engagement of private security companies, and the reimbursement rates of troops, particularly those operating in high-threat environments. The responsibilities accruing from international legal protections are often unclear, despite the conclusion of status of forces agreements (SOFAs) or status of mission agreements (SOMAs).

The essential imperatives are to ensure that the organization's duty of care is met and that operations can be effective. There is, however, a broader confluence of interests surrounding the improvement of safety and security in UN peace operations. Troop-contributing countries (TCCs) and police-contributing countries (PCCs) have an interest in ensuring that their personnel return from UN peacekeeping deployments safely and well. Security Council members have an interest in ensuring the effective implementation of mission mandates, including a continued willingness of countries to deploy. Host states, which carry the primary responsibility for safety and security of UN personnel, have an interest in ensuring that the UN takes on part of that responsibility.⁷ Furthermore, the broader international community has an

1 Note on terminology: The meaning of the phrase "safety and security" is understood differently by the UN Special Committee on Peacekeeping Operations (C34) and the UN Secretariat. The former understands the phrase broadly, as applying to wide range of safety and security issues in UN peace operations that affect military, police, and civilian personnel. The latter understands it more narrowly as applying only to the safety and security of those falling under the UN Security Management System (UNSMS), which excludes military and police contingents. To avoid confusion, throughout this report the terms "safety" and "security" are afforded their standard English meaning and denote the condition or state of being protected or free from danger, threat, injury, or illness.

2 UN General Assembly, *Report of the Secretary-General on the Implementation of the Recommendations of the Special Committee on Peacekeeping Operations* (hereafter SG Report to the C34), UN Doc. A/69/642, December 9, 2014, p.8.

3 See UN General Assembly, *Overall Policy Matters Pertaining to Special Political Missions: Report of the Secretary-General*, UN Doc. A/68/223, July 29, 2013; and UN General Assembly, *Overall Policy Matters Pertaining to Special Political Missions: Report of the Secretary-General*, UN Doc. A/69/325, August 18, 2014.

4 UN General Assembly, *SG Report to the C34*, p. 9. According to the report, there were forty-one hostile targeted attacks between November 2013 and October 2014, which represented an approximately 100 percent increase on the twelve months prior.

5 While UNSMS applies to civilians and individually deployed military and police officers (i.e., experts on missions, staff officers, and UN military observers), the terminology "civilians" will be used hereafter, for the purpose of contrasting with military and police contingents.

6 UN headquarters support to peacekeeping missions is supported through the Peacekeeping Support Account.

7 See, for example, UN Department of Safety and Security, "Framework of Accountability," in *United Nations Security Management System—Security Policy Manual* (hereafter Security Policy Manual), 2011, ch. II, sec. B, I.1.

interest in the continued effectiveness and evolution of UN peace operations as a critical tool for the maintenance of international peace and security.

For these reasons, it is time to take stock of the safety and security of personnel in UN peace operations. A focus on these issues will help ensure that the Security Council selects tools that are appropriate for the job it is trying to accomplish, that the General Assembly's Administrative and Budgetary Committee (Fifth Committee) approves adequate resources, that the Special Committee on Peacekeeping Operations (C34) considers and makes recommendations on issues of concern, that TCCs and PCCs are enabled and incentivized, that the Secretariat is empowered to proactively plan and manage security issues, that mission leadership is supported, and that all personnel serving in UN peace operations can do so with the confidence that the UN values their service and will effectively execute its duty of care.

To contribute to this important debate, this study begins by explaining why safety and security is important for effective UN peace operations. Second, it considers the evolving security context into which peace operations are being deployed, and the implications this has for the safety and security of personnel. Third, it examines existing UN management structures, policies, and processes to identify potential areas of reform. Fourth, it considers the diverse range of challenges and considerations for improving security of UN peace operations. Finally, it provides recommendations for UN member states and the Secretariat for reforms to improve safety and security in UN peace operations.

IMPORTANCE OF SAFETY AND SECURITY

Safety and security is a vital part of effective UN peace operations. These issues are intimately linked to the UN's performance when deploying into volatile environments; generating troops and

Benefits of improving safety and security in UN peace operations:

- better protection of UN personnel (i.e., civilian, military, and police);
- improved staff morale and discipline;
- reduction of resources associated with follow-up to security incidents (e.g., investigation, compensation);
- ability to deploy and sustain operations in high-risk environments;
- improved effectiveness of mandate implementation (including access to vulnerable populations);
- increased permissiveness of the operational environment for humanitarian actors; and
- improved force generation, mission recruitment, and sustainability.

police; effectively delivering on mandates; and “staying and delivering” when it is most needed. Not all risks can be eliminated, and UN management and staff do accept risk, but risks should be mitigated and managed to the extent possible. The 2008 “Report of the Independent Panel on Safety and Security of UN Personnel and Premises Worldwide,” also known as the Brahimi Safety and Security Report, stated that the UN must recognize “security as a strategic instrument for achieving substantive goals.”⁸

In UN peace operations, safety and security is first and foremost about protecting UN civilian, military, and police personnel from harm. This flows from the organization's essential responsibility or duty of care. In addition to impacting the lives and well-being of personnel, the execution of this duty can impact staff recruitment, health, and morale.⁹ Preventable security and safety incidents also can give rise to institutional and possibly even individual liabilities and compensation.¹⁰

8 United Nations, *Report of the Independent Panel on Safety and Security of UN Personnel and Premises Worldwide* (Brahimi Safety and Security Report), June 9, 2008, para. 16.

9 Ian Richards, Vice President of the UN Staff Management Committee, stated that the UN has moved boldly into conflict zones, and “right now our colleagues and their families are paying too high a price.” See Ian Richards, letter to the UN Secretary-General, August 19, 2013, available at <http://staffcoordinatingcouncil.org/attachments/article/188/2013%2008%2019%20LetterMemorial.pdf>; United Nations, *Brahimi Safety and Security Report*, para. 13.

10 Edward Kemp and Maarten Merkelbach, “Can You Get Sued? Legal Liability of International Humanitarian Aid Organizations towards Their Staff.” Security Management Initiative policy paper, Geneva: Geneva Centre for Security Policy, November 2011, p. 5; Koenraad Van Brabant, “HPG Briefing: Mainstreaming Safety and Security Management in Aid Agencies.” Humanitarian Policy Group Briefing No. 2, London: Overseas Development Institute, March 2001, available at www.odi.org.uk/hpg/papers/hpgbrief2.pdf.

The safety and security of UN personnel is also an essential element of effective mandate delivery. The UN must be able, and be seen to be able, to protect its personnel and to respond when they are threatened or attacked. Managing safety and security issues enables mobility, access, and operational confidence.¹¹ Effective security is not about limiting but enabling operational activity. Getting out of UN camps and into the community, establishing a presence within and proximate to affected populations, has been consistently shown as necessary for effective political dialogue, civilian protection, and humanitarian action, and yet it has often proved challenging to achieve.¹² Good force protection, manifest in the security of UN military contingents and formed police units, enables greater mobility in operations and the ability to maintain an assertive posture. This, in turn, positively impacts the development of a safe and secure environment in which the civilian population is protected, and political and humanitarian actors are more able to carry out their work.

Safety and security issues can have important, and often detrimental, effects on force generation and staff recruitment. Because TCCs/PCCs do not usually have a direct national interest in the conflict into which their personnel are deployed, the domestic appetite for casualties is limited. The risk of loss and the perceived inability of the UN to mitigate that risk can constrain force generation and the sustainability of TCC/PCC deployments. Security risk has been a key factor in the reluctance of many developed countries to contribute forces to UN operations. For example, the deteriorating security situation in the Golan Heights in 2013, and

the perceived inability of the UN to manage the security risks, led to several countries withdrawing their forces from the UN Disengagement Observer Force (UNDOF).¹³

The importance of safety and security to major TCCs/PCCs has ensured that it has been a topic of priority in the Security Council's working group on peacekeeping and in annual reports of the C34.¹⁴ In 2014, the C34 made several recommendations, including a request to the secretary-general to report on targeted attacks against peacekeepers.¹⁵ The secretary-general's report in response acknowledged the increasing volatility of peacekeeping operations and identified increasing numbers of hostile acts against peacekeepers.¹⁶ Several TCCs/PCCs have also used Security Council thematic debates on peacekeeping and specific missions to register their concerns.¹⁷ While it is clear that member states consider that safety and security concerns need to be addressed seriously, there is little consensus on how to tackle the issues.

EVOLVING SECURITY ENVIRONMENT

By its nature, UN peacekeeping is undertaken in complex and insecure environments that may rapidly deteriorate and where threats evolve. Today, UN military fatalities as a result of malicious attacks are on the rise (see figure 1).¹⁸

Between December 2011 and August 2014, the number of UN peacekeepers operating in environments of substantial to extreme danger increased from 25 to 42 percent.¹⁹ Peacekeepers were threatened, injured, or killed in incidents that included kidnappings (e.g., Golan Heights), ambushes (e.g.,

11 Claude Bruderlein and Pierre Gassmann, "Managing Risks in Hazardous Missions: The Challenges of Securing United Nations Access to Vulnerable Groups," *Harvard Human Rights Journal* 19 (2006): 63, 65, 69.

12 See, for example, Refugees International, "DR Congo: Support Community-Based Tools for MONUSCO," Field Report, May 3, 2011, available at www.refintl.org/sites/default/files/050211_DRC_Support_Community.pdf; Julie Reynaert, "MONUC/MONUSCO and Civilian Protection in the Kivus," Antwerp: International Peace Information Service, 2011, available at http://reliefweb.int/sites/reliefweb.int/files/resources/D11C9B161C343539C1257847004BF8BF-Full_Report.pdf.

13 See, "Austria Begins Withdrawal from Golan Heights," Al-Jazeera, June 12, 2013, available at www.aljazeera.com/news/middleeast/2013/06/201361271425112509.html. The Philippines did not renew its rotation of personnel in 2014. Japan and Croatia had previously withdrawn personnel due to the worsening security situations. Also see, Security Council Report, "December 2014 Monthly Forecast-UNDOF (Golan Heights)," November 26, 2014, available at www.securitycouncilreport.org/monthly-forecast/2014-12/undof_golan_heights_9.php.

14 The UN Security Council Working Group on Peacekeeping Operations met on "Safety and Security of UN Peacekeeping Missions" on June 3, 2013 and "Safety and Security of UN Peacekeepers: Asymmetric Threats" on March 23, 2015. See Security Council Working Group on Peacekeeping Operations "Meetings of the Working Group," available at www.un.org/sc/committees/wgpkp/meetings.htm.

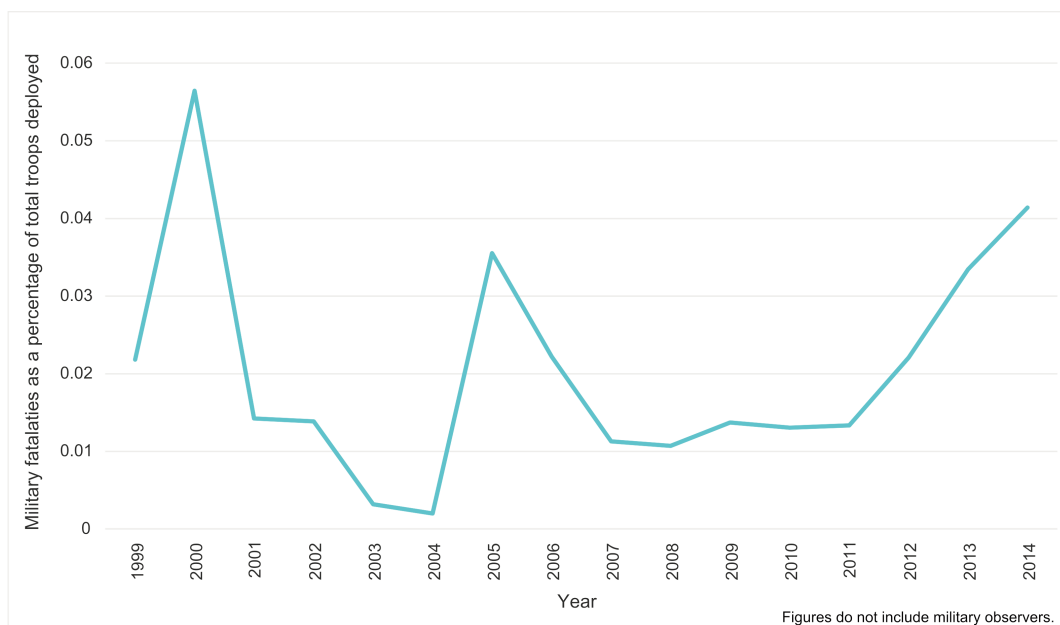
15 UN General Assembly, *Report of the Special Committee on Peacekeeping Operations*, UN Doc. A/68/19, March 21, 2014, para 36 (hereafter C34 Report 2014).

16 UN General Assembly, *SG Report to the C34*, p. 8.

17 See, for example, UN Security Council, *United Nations Peacekeeping Operations: New Trends*, UN Doc. S/PV.7196, June 11, 2014; and UN Security Council, *United Nations Peacekeeping Operations*, UN Doc. S/PV.7275, October 9, 2014.

18 "Briefing to the Special Committee on Peacekeeping Operations, Safety and Security," January 19, 2015 (copy on file with authors).

19 UN General Assembly, *SG Report to the C34*, p. 8.

Figure 1. UN military contingent fatalities from malicious acts (1999-2014)²⁰

Central African Republic), carjacking (e.g., Darfur), the shooting down of a helicopter (e.g., South Sudan), the use of improvised explosive devices (IEDs), rocket-propelled grenades, and conventional land mines (e.g., Mali). Malicious acts against peacekeepers more often resulted in death, reflecting the lethality of weapons used, types of attacks, and even the training of attackers.²¹ While nonviolent threats and other hazards, such as health epidemics (e.g., Ebola) and natural disasters (e.g., earthquakes), account for the highest loss of peacekeeping personnel, fatalities from malicious attacks show a trend of increasing.²² Special political missions, particularly those deployed into hostile environments including Syria, Somalia, and Libya, have also been subject to malicious attacks.²³

The deployment of peace operations into contexts where there is no political agreement or

peace to keep presents an immediate challenge to the safety and security of personnel. This trend has been compounded by the growing focus on the use of force to protect civilians. The instrument of UN peacekeeping was, and theoretically still is, defined by and grounded in three principles: (1) consent of the parties to the conflict to the deployment of the mission; (2) impartiality in mandate implementation; and (3) non-use of force except in self-defense and in defense of the mandate.²⁴ But in these contexts, the consent of the host state is often fragile, and that of other parties is frequently absent. The UN may be viewed as partial and/or party to the conflict through support provided to the host state. And offensive force may be required to effectively protect civilians.

In the Democratic Republic of the Congo (DRC), the Force Intervention Brigade of the UN mission

20 Data from DPKO, "Fatalities by Year, Incident Type and Appointment Type, up to 31 May 2015," June 5, 2015, available at www.un.org/en/peacekeeping/fatalities/documents/stats_5.pdf; and DPKO, "Monthly Summary of Military and Police Contribution to United Nations Operations," available at www.un.org/en/peacekeeping/resources/statistics/contributors_archive.shtml.

21 Ibid., p. 9.

22 The ratio of deaths as a result of hostile versus non-hostile acts is increasing. See "Briefing to the Special Committee on Peacekeeping Operations, Safety and Security," January 19, 2015 (copy on file with authors).

23 See "Syria UN Chemical Weapons Inspectors 'Attacked,'" BBC News, May 27, 2014, available at www.bbc.com/news/world-middle-east-27587498; "Somalia Attack: Bomb Kills UN Workers in Garowe," BBC News, April 20, 2015, available at www.bbc.com/news/world-africa-32377965; "Al-Shabaab Strikes Again, Killing 4 in Attack on UN Convoy in Somalia," CNN News, December 3, 2014, available at www.cnn.com/2014/12/03/world/africa/somalia-violence/; "Somali Islamist Rebels Attack UN Base, 22 Dead," Reuters, June 19, 2013, available at www.reuters.com/article/2013/06/19/us-somalia-blast-idUSBRE9510AJ20130619; and "Libya Crisis: UN Leaves Tripoli Amid Mob Attacks," BBC News, May 2, 2011, available at www.bbc.com/news/world-africa-13253896.

24 See, for example, DPKO and DFS, *United Nations Peacekeeping Operations: Principles and Guidelines* (hereafter Capstone Doctrine), New York, January 2008, pp. 31–41.

(MONUSCO) was mandated to “neutralize” armed groups, while in Mali, the UN mission (MINUSMA) was mandated to use all necessary means to “deter threats and take active steps to prevent the return of armed elements.”²⁵ The under-secretary-general of the UN Department of Peacekeeping Operations (DPKO) stated of MINUSMA: “This is not an enforcement mission, this is not an anti-terrorist operation, but it is clear at the same time that in an environment which will certainly see asymmetric attacks, the stabilization mission will have to defend itself and its mandate, depending on circumstances.”²⁶

The under-secretary-general’s prediction was correct. In Mali, the UN has been the target of both person-borne and vehicle-borne IEDs, a trend that is likely to continue.²⁷ From the mission’s deployment in July 2013 to March 2015, there were 25 peacekeepers killed and more than 117 injured as a result of IED attacks.²⁸ In briefing the Security Council’s working group on peacekeeping on the Mali operation, the under-secretary-general stated “what is relatively new is the challenge of asymmetric threats, such as suicide bombings, improvised explosive devices, and other tactics of irregular warfare.”²⁹

In the past, the UN security strategy has been heavily underpinned by the inherent protection offered by the UN emblem and an assumption that the local population accepts the UN mission.³⁰ Where UN missions are seen to “take sides” in the conflict, a possible unfortunate consequence of a mandate, acceptance is compromised. When the UN provides support to the host government

and/or works closely with a foreign military operation acting against nonstate actors, the parties to the conflict may perceive the UN as biased and politically motivated. When foreign forces drawdown or withdraw—as has occurred with the French Operation Serval in northern Mali—the UN becomes the main international presence on the ground and the target of nonstate actors and spoilers.³¹

It is clear that the universality of the values promoted by the UN is no longer an effective guarantee of security and access in conflict situations. It can be even more of a challenge in countries where there is a UN peace operation with a robust mandate (e.g., South Sudan) integrated with, or operating alongside, a UN country team, which may also be affected by this negative perception but less able to defend itself.³² The risk is that the UN then retreats into overbearing physical and premises security—a “UN fortress” approach—which may feed into further alienation of local populations.³³

Safety and Security in the UN System

HISTORY

The tragic bombing of the UN headquarters in Baghdad in August 2003, which killed twenty-two staff members and visitors, provided a catalyst for serious reflection on safety and security issues within the system. The subsequent “Report of the Independent Panel on the Safety and Security of UN Personnel in Iraq” (Ahtisaari Report), released

25 UN Security Council Resolution 2098 (March 28, 2013), UN Doc. S/RES/2098; UN Security Council Resolution 2100 (April 25, 2013), UN Doc. S/RES/2100.

26 UN News, “Peacekeeping Chief Gives Further Details about New UN Stabilization Mission in Mali,” April 25, 2013, available at www.unmultimedia.org/radio/english/2013/04/peacekeeping-chief-gives-further-details-about-new-un-stabilization-mission-in-mali/.

27 See Lisa Sharland, “Counter-IED Technology in UN Peacekeeping: Expanding Capability and Mitigating Risks,” Providing for Peacekeeping project, New York: International Peace Institute, April 2015, available at <https://s3.amazonaws.com/ipi-pdf-document-store/observatory/technology-IED.pdf>.

28 “23 March Security Council Working Group on Peacekeeping Operations Thematic Discussion on ‘Safety and Security of UN Peacekeepers: Asymmetric Threats,’” concept note (copy on file with authors). See also DPKO, “Fatalities by Mission and Incident Type,” available at www.un.org/en/peacekeeping/fatalities/documents/stats_4.pdf (as of April 2015); “Mali Asks UN to Send More Troops,” Al-Jazeera, October 9, 2014, available at www.aljazeera.com/news/africa/2014/10/mali-asks-un-send-more-troops-201410901613685163.html; and “Chadian Peacekeeper Killed in Attack on UN Base in Northern Mali,” Reuters, January 17, 2015, available at www.reuters.com/article/2015/01/17/us-mali-un-attacks-idUSKBN0KQ9T20150117.

29 Under-Secretary-General DPKO Briefing to Security Council Working Group, June 2013 (copy on file with authors).

30 See, for example, UN Security Council, *The Situation between Iraq and Kuwait*, UN Doc. S/PV.4791, July 22, 2003, p. 5. Special Representative Sergio Vieira de Mello stated “The United Nations presence in Iraq remains vulnerable to any who would seek to target our Organization...Our security continues to rely significantly on the reputation of the United Nations, our ability to demonstrate, meaningfully, that we are in Iraq to assist its people, and our independence.” This statement was recorded a month before the bombing of the UN headquarters in Baghdad that killed Vieira de Mello and twenty-one other staff.

31 See remarks by Under-Secretary-General for Peacekeeping, Hervé Ladsous, UN Security Council, *The Situation in Mali*, UN Doc. S/PV.7274, October 8, 2014, p. 3.

32 United Nations, *Brahimi Safety and Security Report*, para. 285.

33 *Ibid.*, para. 286, which states “What some call the ‘UN fortress’ approach—a model of protection perceived as being based on over-reliance on physical security tools like ‘T’ walls and heavily armed military escorts—associates the organization with military powers, and potentially distances it from the public it was founded to serve. This physical profile, in the eyes of many, has a direct negative impact on UN image.”

in late 2003, stated that “the current security management system is dysfunctional” and called for a drastically revised approach.³⁴ The Ahtisaari Report was followed, in early 2004, by the “Report of the Security in Iraq Accountability Panel,” which recognized that UN staff will have to face risk, but it emphasized the need “to ensure that the Organization has in place, for any given operation, a range of security measures commensurate with the degree of risk of that operation.”³⁵

In June 2004, the UN Deputy Secretary-General, Louise Fréchette, reported on the launch of several initiatives to generally strengthen the UN security system and to enhance the capacity of the Office of the UN Security Coordinator (UNSECOORD).³⁶ In December 2004, as part of a broad review of safety and security, the General Assembly approved the establishment of the Department of Safety and Security (DSS).³⁷ In doing so, it recognized “the need for the urgent implementation of a unified and strengthened security management system in order to ensure the safety and security of United Nations staff, operations, and premises at United Nations Headquarters and main duty stations, as well as in the field.”³⁸

The terrorist attack on the UN office in Algiers in December 2007, which left seventeen UN personnel dead and forty injured, led to the detailed 2008 Brahimi Safety and Security Report. The report concluded that the UN office had been vulnerable to attack due to both organizational weaknesses and individual personnel failures. It

identified a need, in particular, to build an organizational culture that “embraces security as a common and shared responsibility.”³⁹ The panel concluded that despite enhanced focus on security and reform, and increased spending on safety and security, DSS seemed to suffer from a range of the same problems that plagued its predecessor, UNSECOORD.

In 2010, the UN System Chief Executives Board for Coordination endorsed a general policy shift from focusing on “when to leave” to “how to stay.”⁴⁰ This change was closely linked to the development of Guidelines for Acceptable Risk.⁴¹ The focus shifted to managing risk proactively to enable the UN to “stay and deliver” in volatile environments.⁴² This approach was supported by the UN’s Programme Criticality initiative, which provides a tool to assist in determining which activities are the most critical for achieving the mission’s mandate and therefore warrant acceptance of a greater level of risk, or allocation of greater security resources to reduce the risk.⁴³

In 2011, the UN implemented a new security management framework and security level system. This largely replaced the older security phase system and was designed to be more objective and contextually specific, allowing for more flexible decision making by eliminating the automatic security measures of the prior system.⁴⁴ While DPKO issued policy extending the UN Security Management System (UNSMS) security risk assessment process to military contingents and

34 United Nations, *Report of The Independent Panel on the Safety and Security of UN Personnel in Iraq* (hereafter the Ahtisaari Report), October 20, 2003, Executive Summary, I.

35 United Nations, *Report of the Security in Iraq Accountability Panel (SIAP): UN Secretariat Summary of Main Findings and Conclusions*, March 3, 2004, para. 131, available at www.un.org/News/dh/iraq/SIAP-report.pdf.

36 See Åse Gilje Østensen, “UN Use of Private Military and Security Companies: Practices and Policies,” SSR Paper 3, Geneva: Geneva Centre for the Democratic Control of Armed Forces, 2011, pp. 18–19; Bruderlein and Gassmann, “Managing Risks in Hazardous Missions,” pp. 75–76.

37 UN General Assembly Resolution 59/276 (January 17, 2005), UN Doc. A/RES/59/276. In April 2004, the secretary-general had submitted to the General Assembly a report on the measures taken to enhance safety and security and requesting resources for the first phase of implementation of urgently needed new measures worldwide (UN Doc. A/58/756). The DSS mission statement is: “The Department of Safety and Security is responsible for providing leadership, operational support and oversight of the security management system, ensure the maximum security for staff and eligible dependants as well as enable the safest and most efficient conduct of the programmes and activities of the United Nations System.”

38 See UN General Assembly Resolution 59/276 (January 17, 2005), UN Doc. A/RES/59/276, xi, 4.

39 United Nations, *Brahimi Safety and Security Report*, p. 3.

40 See UN General Assembly, *Report of the Secretary-General: Safety and Security of United Nations and Associated Personnel*, UN Doc. A/65/344, September 3, 2010.

41 Jan Egeland, Adele Harmer, and Abby Stoddard, “To Stay and Deliver: Good Practice for Humanitarians in Complex Security Environments,” Policy and Studies Series, New York: OCHA, 2011, p. 8; see also, UN Chief Executives Board for Coordination, “Conclusions of the Meeting of the Finance and Budget Network,” October 27, 2011, available at www.unsceb.org/CEBPublicFiles/Content/Reports/REP_FBN_201109_CEB2011HLCMF21.pdf.

42 See UN News Centre, “Back from Afghanistan, UN Security Chief Highlights Future Challenges,” August 5, 2013, available at www.un.org/apps/news/story.asp?NewsID=45562&Cr=afghan&Cr1=#.UhajX2rD_VI.

43 See UN Chief Executives Board for Coordination, “Final Programme Criticality Framework,” CEB/2011/HLCM/18, September 8, 2011, available at www.unicef-emergencies.com/downloads/eresource/docs/programme%20criticality/2011-09-08%20-%20HLCM18%20-%20Programme%20Criticality%20Framework%20-%20Final.pdf; and Humanitarian Outcomes, “Independent Review of Programme Criticality,” July 21, 2014, available at www.humanitarianoutcomes.org/sites/default/files/Independent%20Review%20of%20Programme%20Criticality%20July%202014.pdf.

44 See, for example, Paul Farrell, “Risk Management and Acceptable Risk” UN DSS presentation, 2011 (copy on file with authors).

personnel of formed police units, this has not gained much traction.⁴⁵ Only one assessment has been carried out, for UNDOF in March 2013.⁴⁶ Member states have expressed concern that such assessments are not systematically undertaken and shared with them.

MANAGEMENT AND OPERATIONAL STRUCTURE

Legally, the host state bears the primary responsibility for the safety and security of UN personnel and premises.⁴⁷ However, in practice, the UN bears most of the real burden. There are currently several providers of security in peace operations:

- host-state security services;
- UN security personnel (e.g., DSS officers);
- UN military and police (i.e., peacekeeping missions);
- UN guard units (i.e., special political missions);
- foreign armed contingents operating in partnership with the UN; and
- private security companies.

A peace operation's security capacity also may be supplemented by "over-the-horizon" support provided through inter-mission cooperation. Benefits and drawbacks accompany each provider. And each has different resource implications, consequences for political acceptance, and the ability to carry out mandated tasks. Usually a combination of providers is employed. In most UN peacekeeping operations, a small number of UN security officers undertake advisory and analysis roles, while UN military and police undertake the majority of the physical and logistical aspects of security. In UN special political missions, where there is limited or no military or police presence, a small number of UN security officers provide analysis and advice, and the mission relies primarily on national security services, a UN guard unit, or private security providers for the physical and logistical aspects.

The management of safety and security issues centers on DSS, although for military and police contingents it remains with DPKO and individual

Key security requirements in UN peace operations

- protection of premises (e.g., guarding camps; pass and ID checks);
- protection of movement (e.g., convoys, operations, small missions);
- close protection (e.g., of high-profile mission leaders); and,
- response capacity (e.g., extraction, ambush response, medical evacuation, etc.)

TCCs/PCCs. In this way, the safety and security of different categories of personnel is quite disaggregated.

The justification for the distinction being made between UN civilian and military and police contingent personnel is that the organization has a greater duty of care toward the former, because they are under the direct authority and employment of the UN, while military and police contingents retain a strong link to the contributing country, which maintains a level of authority over them. Additionally, military and police personnel accept a higher level of risk by virtue of their professions. They face different and greater threats because of the nature of their activities, but they have at their disposal different tools to mitigate and meet such threats, including the means to use force, protective equipment (e.g., armor), and often the potential for fire support and backup.

Figure 2 shows the structure of DSS. The primary functions of the department include:

- providing leadership, operational support, and oversight of UNSMS;
- providing an integrated coordination framework on security issues;
- providing security expertise to enable the planning and safe conduct of mandates;
- leading the development of security policies and procedures;
- identifying and evaluating security-related threats and risks; and

⁴⁵ Ibid.

⁴⁶ Informal briefing by DPKO to the C34, March 2013.

⁴⁷ UNDSS, "Framework of Accountability." See also, United Nations, *Brahimi Safety and Security Report*, para. 250.

- ensuring a coherent, effective, and timely response to all security-related threats and other emergencies.⁴⁸

The under-secretary-general for Safety and Security is responsible *inter alia* for leading and managing DSS; ensuring the overall safety and security of UN [civilian] personnel, premises, and assets; and providing oversight, strategic policy, and operational guidance to the designated officials for security in peace operations.⁴⁹ DSS holds no responsibility for, and generally does not engage on, issues related to the safety and security of military and police personnel, except those serving as experts on mission who fall under UNSMS.

All UN departments, offices, agencies, funds, and programs, and their field presences, are subject to the UNSMS, which is overseen by DSS. Security focal points from each of the UN entities at the headquarters level engage on security issues through the Inter-Agency Security Management Network (IASMN). With the exception of military and police contingent personnel, the policy developed by DSS applies across the UN system by virtue of its approval by the IASMN, and the High-Level Committee on Management, one of the three pillars of the UN Chief Executives Board. Within the UN system, it is unusual for policy to have this kind of broad application, which is evidence of the system-wide cooperation and importance attached to these issues. Yet, despite its wide coverage, in practice the implementation of security policy in the field remains inconsistent and often personality dependant.

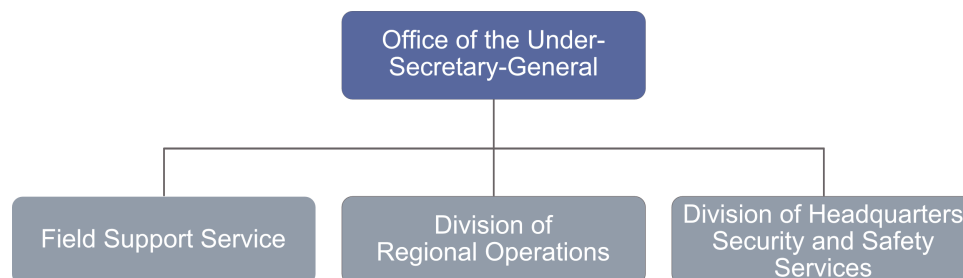
In peace operations, security management is

focused on the *designated official for security*, usually the special representative to the secretary-general (SRSG) or head of mission (HOM). The designated official is responsible for the security of UN civilian personnel, property, and premises and heads the *security management team*, which brings the peace operation together with the heads of all other UN entities present in the country to make decisions on security issues.

UN security officers are generally armed in peacekeeping operations and unarmed in special political missions. They are deployed in relatively small numbers, primarily engaged in analysis and advisory roles, with few engaged in active operational duties. In peace operations, the security team operates under a *chief security officer/adviser*, and in larger missions, that person is supported by *area/field security coordinators*.⁵⁰ Roles undertaken by UN security officers include:

- providing security advice to the designated official;
- developing security policy and plans at the mission level;
- producing overarching security risk assessments and assessments for specific activities;
- producing intelligence products on the security situation;
- engaging with local security services and other armed groups regarding UN security issues;
- planning and accompanying escorted movements;
- responding to security incidents;

Figure 2. Structure of DSS



⁴⁸ United Nations, *Secretary-General's Bulletin: Organisation of the Department of Safety and Security*, UN Doc. ST/SGB/2013/5, August 5, 2013.

⁴⁹ *Ibid.*

⁵⁰ The person who heads the security team is alternatively referred to as a chief security adviser or a chief security officer, depending whether the post is administered by DSS or DPKO. In this paper, the terminology chief security adviser shall be used to denote both.

- providing close protection;
- managing hostage situations;
- providing fire, road, and aviation safety;
- handling pass and ID duties;
- processing travel clearances;
- maintaining staff security awareness through training and exercising; and

- managing security-related finance and administration.

TCCs/PCCs carry significant responsibility for the safety and security of their own military and police contingents. Contingents are expected to deploy with their own protective equipment and carry out their own force protection activities. DPKO, in particular the Office of Military Affairs

Box 1. Department of Safety and Security policy tools

The UN Security Management System (UNSMS) encapsulates the concept of a unified system for civilian staff providing support, guidance, and standards for UN safety and security. It is based broadly on two guiding principles: first, “that the primary responsibility for ensuring the safety and security for UN staff and premises rests with the host State and, second, that the UN security management system should be unified, but decentralized to the country level.”⁵¹

The Security Level System (SLS) was developed and rolled out in 2011.⁵² It assigns different levels to areas of UN operations, ranging from 1 (minimal) to 6 (extreme). It objectively describes the general threat environment—e.g., threats, hazards, and potential causes of harm—and uses that evaluation to partly inform the Security Risk Assessment (SRA), from which more specific security decisions are made (e.g., for the duty station or particular operational activity). The SRA is the main tool for the analysis of security risks, assessing pre-defined categories of threat in terms of likelihood and impact. It is the basis for determining security risk management measures to be implemented.⁵³

1 - Minimal	2 - Low	3 - Moderate	4 - Substantial	5 - High	6 - Extreme
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As of August 2014, 42% of peacekeepers were operating in environments under substantial to extreme threat.⁵⁴

The Framework of Accountability for UNSMS was considered by the Brahimi Safety and Security Report as one of the most significant and positive developments in safety and security for the UN.⁵⁵ It sets out the accountability of certain critical UN officials in the field and at UN headquarters. It is considered binding on all personnel covered by UNSMS, including for disciplinary purposes.

The concept of Programme Criticality has been adopted and applied within the UNSMS framework. It provides tools for determining which activities are the most critical for achieving the UN mandate or mission and, therefore, warrant acceptance of a greater level of risk or a greater allocation of resources to mitigate risk.⁵⁶ This approach is intended to enable the UN to better “stay and deliver.” Inherent within the concept is an acceptance by the UN and its personnel of a certain amount of risk. The relationship between Programme Criticality and the SRA must be considered in senior managers’ determination of “acceptable risk.”⁵⁷

51 United Nations, *Brahimi Safety and Security Report*, para. 94.

52 Ibid., para. 197, stated: “Key recommendation on the UN security phase system: the existing UN security phase system should be replaced with a system in which country- and area-based security measures are determined on the basis of the Security Risk Assessment.” See also United Nations, *C34 Report 2014*, para. 48, where the committee recognized “the importance of a structured assessment process to address safety and security risks.”

53 UNDSS, “Framework of Accountability.”

54 UN General Assembly, *SG Report to the C34*, p. 8.

55 United Nations, *Brahimi Safety and Security Report*, para. 238.

56 See Egeland, Harmer, and Stoddard, “To Stay and Deliver.”

57 UNDSS, “Security Risk Management,” in *Security Policy Manual*, ch. IV, sec. A.

in New York, carries some responsibility for and can impact the safety and security of military and police contingents through the development of operational doctrine, strategic military threat assessments, and planning decisions relating to the military concept of operations, force structure, rules of engagement, camp design, and the generation and deployment of assets and particular enablers.⁵⁸ However, on a day-to-day basis, decisions relating to operational activities rest with the force commander and police commissioner, and through this chain of command, the mission also bears some responsibility.

The Challenges of Safety and Security in Peace Operations

The safety and security challenges associated with UN peace operations extend beyond the immediate concerns of malicious acts or other hazards. Some of the challenges are practical, structural, or political in nature. Strategic decisions during the planning and mandating phases can have a long-term impact. Divergent views among stakeholders on how to approach more sensitive issues, including the use of force, technology, intelligence, and private security companies, can have implications for long-term reforms and improvements to safety and security in peace operations.

POLITICS AND DIPLOMACY

A collective responsibility

UN peace operations are a collective effort, requiring a degree of buy-in across the UN membership. The realization of the Security Council's intent is shaped by the agreement of the other member states to provide the requisite finances and personnel for an operation. Due to the disaggregated nature of the mandating, financing, planning, and implementing of UN peace operations, the shifting of accountability for security responsibilities can occur. Various accusations include: the Security Council being too ambitious in its mandating practices; the Administrative and Budgetary Committee (Fifth

Committee) failing to allocate sufficient resources; the Secretariat planning inadequately and deploying too slowly; TCCs being unwilling to take on risk; security professionals managing risk too conservatively; and the host state being obstructionist.

Relevant actors need to properly understand, appreciate, and accept security risks. The Security Council should avoid the provision of mandates that, while politically expedient, are unachievable. The Fifth Committee should ensure that realistic resources are allocated to effectively implement mandates. Strong Secretariat planning will support member state decision making, and proactive management of security risks is imperative. TCCs and PCCs do need to accept heightened levels of risk in some environments, and those that do should be appropriately compensated. Host states need to be held to account for their responsibilities and the commitments they make, including under the SOFA/SOMA.

Understanding the security situation

The Security Council operates and makes decisions without reference to any objective and systematic UN information collection and analysis system of the nature similar to many states at the national level and some regional bodies (e.g., NATO). Security Council members are reliant on their own national intelligence resources and on irregular briefings from the UN Secretariat, which also operates in the absence of a structured intelligence system. As a result, Security Council members do not have a common and equally informed understanding of the security situation in countries experiencing volatility and under their consideration for a peace operation deployment, or in which a peace operation is already deployed. This can have a detrimental impact on council decision making.

Since 2010, the council has, at times, received "horizon scanning" briefings from the Department of Political Affairs (DPA), at the invitation of the council president. Such briefings are intended to have an early-warning role, providing the council with information that might support better preventive diplomacy and conflict prevention activity.

⁵⁸ See United Nations, *Secretary-General's Bulletin: Organization of the Department of Peacekeeping Operations*, UN Doc. ST/SGB/2010/1, February 5, 2010. According to the bulletin, one core function in OMA includes "[g]athering, analysing and assessing information on the military situation in the areas of Department-led operations and military threats to current and potential operations, in close coordination with Department-led operations, the Peacekeeping Situation Centre, integrated operational teams and the Department of Safety and Security," p. 11.

While the briefings have been beneficial, they have been criticized for lacking depth of analysis, incorporating policy as well as situational awareness concerns, and lacking objectivity in the selection of issues.⁵⁹ Additionally, being provided by DPA, they tend to focus on political issues, rather than broader security, humanitarian, and human rights concerns. Over time, some council members have become uncomfortable about the potential for such briefings to impose on their prerogative to determine the issues on the council's agenda. The briefings have become less frequent and have shifted from interactive discussions, as originally intended, to more formal meetings.⁶⁰

The absence of a common understanding among council members of a security situation and its likely trajectory undermines collective consideration of the issues and the potential for preventive action, and, when that fails, tailoring a response to the challenges presented. Successful conflict prevention and response relies on good intelligence (i.e., meaning *effectively processed*, as opposed to *covertly collected* information).

The council should be the beneficiary of weekly situational awareness briefings on countries in which peace operations are deployed, as well as those experiencing volatility, or on a trajectory toward instability.⁶¹ Such briefings should be systematically provided and not dependant on the invitation of a council member. They should be comprehensive, covering security, political, and humanitarian issues, and therefore provided not by a single department but by an integrated entity, such as the UN Operations and Crisis Centre, which resides in the Executive Office of the secretary-general. They should be tightly focused on situational awareness (facts), not straying into policy issues (advice), and should be forward

looking, analyzing the situation and making assessments on its trajectory (early warning). Selection of issues should be objective, based on predetermined conflict indicators. The provision of such briefings is well within the powers of the secretary-general as articulated in Article 99 of the UN Charter.⁶² While they would not undermine the prerogative of Security Council members to include or exclude items from the council's agenda, the briefings would enhance accountability, by bringing matters of concern to the attention of the council.

Such briefings would undoubtedly be resisted by some council members, being viewed as too politically sensitive; yet those sensitivities need to be weighed against the undeniable and real practical benefit. The provision of such briefings would be a critical step toward ensuring the sound, common understanding of the security threat environment on which earlier and more nuanced responses can be based, thus supporting the council to execute both its conflict prevention and response responsibilities under Chapters VI and VII of the UN Charter.

Peace operations dialogues

Informed by the common understanding of the security situation, a robust conversation needs to take place between Security Council members, the host state, major financiers, potential/existing TCCs/PCCs, Secretariat officials, and representatives of key regional organizations or other partners active in the area. In 1945, UN member states gave the Security Council the primary responsibility for the maintenance of international peace and security. While that prerogative remains firmly with the council, its decisions need to be informed by frank advice from the UN Secretariat and accurate knowledge of available finances and troop and police contributions.⁶³ The corollary

59 See Security Council Report, "In Hindsight: Horizon-Scanning Briefings," May 1, 2013, available at www.securitycouncilreport.org/monthly-forecast/2013-05/in_hindsight_horizon-scanning_briefings.php.

60 Ibid.

61 The report of the Expert Panel on Technology and Innovation in UN Peacekeeping went so far as to recommend the creation of Special Technical Missions by the Security Council "to call on, organize, and legitimate the use of technical audio, visual, monitoring and surveillance technologies, ground and airborne sensors and other technical means, to inform their decision-making, prioritize action and aid in planning," as either stand-alone missions or alongside peacekeeping or special political missions, staffed appropriately to process information. The report acknowledged that there is "no reason the Council should deny itself timely access to the same information so easily available to news outlets, celebrity advocates, or anyone else." See United Nations, *Final Report of the Expert Panel on Technology and Innovation in UN Peacekeeping*, February 2015, p. 53, available at www.performancepeacekeeping.org/.

62 Article 99 of the UN Charter states: "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."

63 In 2000, the report of the Panel on UN Peace Operations, the "Brahimi Report," recommended that the Security Council "leave in draft form resolutions authorizing missions with sizeable troop levels until such time as the Secretary-General has firm commitments of troops and other critical mission support elements." See UN General Assembly, *Report of the Panel on United Nations Peace Operations*, UN Doc. A/55/305-S/2000/809, August 21, 2000, pp.11–12. The Security Council holds meetings with TCCs and PCCs in advance of mandate authorizations and, in some instances, when there is a significant change in the security

must be a commitment on the part of the other actors to accept risk and make all efforts for effective mandate implementation.

Accountability for attacks

The UN's duty of care for the safety and security of personnel in peace operations is comprehensive and not confined to the activities that take place before and during a security incident. It includes supporting staff following a security incident and taking actions to hold to account those responsible for attacks against the UN, its personnel, and premises. A lack of accountability for such attacks remains a significant concern for TCCs/PCCs.⁶⁴

Implementation of the international legal protections for the safety and security of UN personnel is often limited. Even in circumstances where UN personnel have been deliberately killed, there is often a failure to fulfill basic obligations to investigate and prosecute those responsible, and national staff are the most vulnerable. The Brahimi Safety and Security Report found that the 1994 *Convention on the Safety of United Nations and Associated Personnel* (Safety Convention) and its 2005 Optional Protocol were “weak instruments for the protection of United Nations personnel.”⁶⁵ Most states that are party to the Safety Convention and Optional Protocol are unlikely to host a UN peacekeeping mission, and those currently hosting peacekeeping missions are not party to the convention, despite regular urging by the General Assembly.⁶⁶ Often little is done when host states violate their SOFA/SOMA obligations, including because of the need to maintain their political consent for the deployment of the peace operation. While the International Committee of the Red Cross (ICRC) does admirable work raising awareness of international humanitarian law obligations among parties to a conflict, breaches of international humanitarian law often go unpunished including due to sensitivities of some council members regarding the work of the International Criminal Court (ICC).

Holding to account both states and individuals who attack peacekeepers is an essential part of implementing the UN's duty of care. It can also act as a deterrent to potential perpetrators, encourage the confidence of prospective contributors, and uphold the inviolability of the UN's peace operations apparatus. Most importantly, it is an expression of the UN defending those who have risked their lives in the service of peace. It is the secretary-general and member states, particularly those in the Security Council, who are best placed to promote action against those who have attacked UN peace operations. It is the responsibility that comes with the privilege of being at the apex of the UN collective security system. This extends beyond the issuance of press statements when there is an attack against UN personnel.⁶⁷ While there may be a host of political sensitivities to be overcome, the legitimacy of peace operations and the honor of the fallen depend on the Security Council actively fighting impunity for attacks against the UN.

ORGANIZATION

Fragmentation of the security framework

DSS serves all UN departments, offices, agencies, funds, and programs and their global presences. UN peace operations represent a substantial portion of its client base, yet the UNSMS and its governance system is geared toward non-mission settings. While there is great merit in a security system with a common approach across all UN field presences, there must be recognition that peace operations are very different from other UN presences, and the UNSMS may not be able to be applied pro forma to such circumstances.

A number of assumptions within the UNSMS do not hold true for many peace operations. The first one is that the host state is the de jure and de facto responsible entity for the security of UN personnel and assets. This is neither the case nor necessarily desirable for many missions. The second assumption is that the organization's duty of care extends

situation on the ground, but TCCs and PCCs continue to argue that strengthened dialogue is required. See, for example, United Nations, *Report of the Special Committee on Peacekeeping Operations*, UN Doc. A/69/19, March 13, 2015, para. 41 (hereafter C34 Report 2015).

64 See, for example, United Nations, *C34 Report 2014*, para. 36.

65 *Convention on the Safety of United Nations and Associated Personnel*, 1994, entered into force January 1999, available at www.un.org/law/cod/safety.htm; United Nations, *Brahimi Safety and Security Report*, para. 253.

66 UN General Assembly, *C34 Report 2015*, para. 42.

67 See remarks by representative of Chad in UN Security Council, *United Nations Peacekeeping Operations*, UN Doc. S/PV.7275, October 9, 2014.

only to those covered by the UNSMS. In peacekeeping missions, the organization's duty of care extends to a broader group, which includes UN military and police contingent personnel. The third assumption is that security issues are discrete and can be managed through a clearly defined Framework of Accountability. In peacekeeping missions, security issues are inexorably linked with political, military, and logistical issues, the management of which is diffuse rather than integrated. The fourth assumption is that security officers in the field and at headquarters have sufficient authority to be part of the senior management team. This is not the case in most peacekeeping missions, in which security officials often have less seniority than their counterparts, although the situation is improving. And the final false assumption is that the primary security expertise lies within the security team. In peacekeeping missions, other components, in particular the military, police, and intelligence functions, also have significant security expertise.

The responsibility for the implementation of UNSMS should remain with DSS; however, the separation of security activity from the other activities of a peace operation is artificial and can result in various problems. These include complex and, at times, unclear management chains, unnecessary duplication of functions, competition for authority or resources, unclear responsibilities, and the siloing of information.

While DSS has developed a mature policy framework dealing with the safety and security of UN civilian personnel, less detailed information is available in respect of military and police contingents. Contingents are expected to have in place their own force protection measures, but the safety and security of military and police personnel goes beyond that aspect. Disaggregating civilian security from the rest of the security picture does not make sense in the UN peacekeeping context and causes an unnecessarily fragmented approach across the mission. Many situations require a coordinated approach and highlight the deficiencies of leaving the safety and security of military and police contingents primarily to national processes, for example: military, police, and civilian personnel may conduct a joint protection patrol; all categories of personnel may be taken hostage; if a UN facility is attacked, then all personnel within it face the

same threat; and all will be subject to an outbreak of disease or impact of a natural disaster.

The reality is that all elements of a peacekeeping mission operate in the same security environment, even if they do carry out different tasks and face different risks. The political and military activities of the mission will have security implications, and the mission's security posture may have political and military consequences. Moreover, it is the military and police components of the mission that are likely to undertake most of the operational security activity. The organization could do more to support military and police contingents in this regard, including through preparing military threat assessments and developing policy guidance.

Security in peace operations' environments needs to be planned and managed holistically, both in the field and at UN headquarters. This should be reflected in policy, organizational structures, staffing, and coordination mechanisms.

POLICY

Senior leadership responsibility, accountability, and command and control

Safety and security in UN peace operations is undermined by a lack of clarity regarding the distinction of responsibilities among senior UN officials, as well as by caveats and interventions on the part of TCCs/PCCs limiting the activities of their contributed military and police personnel. These issues become most pronounced in crisis situations, where safety and security issues come to the fore and fast responses enabled by clear leadership and chains of command are critical.

The secretary-general, under-secretaries-general of DPKO (in the case of peacekeeping missions), DPA (in the case of special political missions), DSS, and the Department of Field Support (DFS), along with the mission's SRSG/HOM, share responsibility for mission management. While collective responsibility may make sense during normal operations, in crisis situations, a clear, simple management chain that provides authority and accountability is critical. While the introduction of the Framework of Accountability improved the situation, lines of mission management remain complex with convoluted security responsibilities.

As the structure currently stands, the secretary-general is ultimately responsible for the management and administration of peace operations, the

implementation of their mandates, and the safety and security of UN personnel and assets.⁶⁸ At the headquarters level, the under-secretaries-general of DPKO, DPA, DSS, and DFS have differing and overlapping responsibilities for mission management, including security aspects, for which they are accountable to the secretary-general.⁶⁹

At the field level, the SRSG/HOM reports to the secretary-general through the under-secretary-general of DPKO (in the case of peacekeeping operations), or the under-secretary-general of DPA (in the case of special political missions). However, the hierarchy of the relationship between SRSGs/HOMs and their under-secretary-general counterpart is not always clear, especially since they hold the same level of seniority.

SRSGs/HOMs are responsible for all aspects of mission management, including security aspects, and, where appointed as the designated official for security, they will also have specific security responsibilities that may extend beyond the mission to the UN country team.⁷⁰ For those aspects of mission management, they are accountable to the secretary-general, through the under-secretary-general of DSS. This results in the SRSG/HOM effectively being accountable for the same issues to two under-secretaries-general, whose views may differ, and who hold the same level of seniority as the SRSG/HOM.

Although the chief security adviser has an important role to play s/he will not necessarily be part of the mission leadership team, because of the lack of seniority of such positions within many mission structures. The application of the Framework of Accountability to military and police contingent personnel, taking into account the

responsibilities of the SRSG/HOM, the force commander, and TCCs/PCCs is not clear.

In a peacekeeping mission, the safety and security of all UN personnel will be heavily dependent on the activities of the military component. The force commander exercises “operational control” over military personnel and establishes the operational chain of command.⁷¹ According to the under-secretary-general for peacekeeping, when a contingent deploys to a peacekeeping mission they are under the exclusive operational command of the force commander (or police commissioner).⁷² But many TCCs often apply national caveats and exercise command interventions, limiting the activities of their contributed personnel, and thereby undermining UN command. At the 2015 regular session of the C34, the under-secretary-general for peacekeeping stated: “Failures by units to respect the chain of command and to adequately implement the ROE [rules of engagement] have, on some occasions, led to critical failures of missions to protect civilians and on others have placed mission personnel in considerable danger. This is unacceptable.”⁷³

Clarifying and codifying the responsibilities, accountability, and commensurate authorities of senior UN leaders would improve the management of safety and security in UN peace operations. Improvements also could be made by limiting or prohibiting national caveats on the activities of military personnel, and sanctioning those TCCs/PCCs who undermine UN command and control through national command interventions. The application of a “risk premium” payment may provide the necessary incentives for the removal of caveats on operations in difficult environments.⁷⁴

68 Articles 97 and 98 of the UN Charter designate the secretary-general as the chief administrative officer of the organization, accountable to member states for, inter alia, performing the functions entrusted to him/her by the principal organs. Accordingly, the secretary-general is responsible for the management and administration of peacekeeping operations and special political missions, the implementation of their mandates, and the safety and security of UN personnel and assets.

69 See United Nations, *Secretary-General's Bulletin: Organization of the Department of Political Affairs*, UN Doc. ST/SGB/2009/13, October 1, 2009; *Secretary-General's Bulletin: Organization of the Department of Peacekeeping Operations*, UN Doc. ST/SGB/2010/1, February 5, 2010; *Secretary-General's Bulletin: Organization of the Department of Field Support*, UN Doc. ST/SGB/2010/2, March 4, 2010; and *Secretary-General's Bulletin: Organization of the Department of Safety and Security*, UN Doc. ST/SGB/2013/5, August 5, 2013.

70 DPKO and DFS, *Policy on Authority, Command and Control in UN Peacekeeping Operations*, February 15, 2008; DPA and DFS, *Policy on Delegated Authority in UN Field Missions Led by DPA and Supported by DFS*, 2010; and UN DSS, *Security Policy Manual*, ch II, sec. B.

71 According to the UN DPKO/DFS *Infantry Battalion Manual*, the head of military component may be the force commander or commander of a military component (in observer or liaison missions). See UN DPKO/DFS *Infantry Battalion Manual*, August 2012, vol. 1, p. 52.

72 “Statement by the Under-Secretary-General for Peacekeeping Mr Hervé Ladsous to the Special Committee on Peacekeeping Operations,” February 20, 2015, available at www.un.org/en/peacekeeping/documents/150219_Ladsous_C34speech_draftOUSGFINAL.pdf. According to the UN *Infantry Battalion Manual*, national contingents “should not be given or accept instructions from their own national authorities that are contrary to the mandate of the operation.” See UN DPKO/DFS *Infantry Battalion Manual*, August 2012, vol. 1, p. 52.

73 “Statement by the Under-Secretary-General for Peacekeeping Mr. Hervé Ladsous to the Special Committee on Peacekeeping Operations,” February 20, 2015.

74 See UN General Assembly, *Report of the Senior Advisory Group on Rates of Reimbursement to Troop-Contributing Countries and Other Related Issues*, UN Doc. A/C.5/67/10, November 15, 2012, paras. 111–113: “The Senior Advisory Group recommends that the Secretary-General be authorized to award bonuses to

Crisis management

“After action reviews” of UN crisis response efforts have repeatedly found that the UN lacks effective crisis management structures, policies, procedures, and training.⁷⁵ For an organization that deals with crises on a daily basis, it is concerning that the UN does not have a consistent crisis management approach with system-wide application. While the UNSMS provides guidance on dealing with certain types of incidents, it is limited to the civilian security aspects of such situations. This can result in parallel processes running during a crisis situation, undermining effective response. What is needed is a single response coordination mechanism, a crisis management team, in the field and at headquarters.

The development of crisis management plans and checklists is an essential element of robust emergency preparedness. Country security plans are supposed to include annexes detailing arrangements for various security situations (e.g., terrorist attacks, civil unrest) and hazards (e.g., natural disasters, fire). However, adequate guidance is not provided on preparing such plans, including in the often complex UN peacekeeping context, nor are there disciplinary consequences if they are not maintained. DSS has a critical role to ensuring that security plans are produced and regularly updated and that the required resources are available for their effective implementation. In addition to the suite of security plans relevant for any particular location, all missions should have in place a crisis management plan that sets out the membership and procedures of the crisis management team, information flow during crises, critical information (such as phone numbers), and checklists. They should also have in place an aviation disaster plan, mass casualty incident plan, pandemic plan, business continuity plan, IT disaster recovery plan, and integrated contingency plans dealing with the most likely and most dangerous scenarios. All of

these plans should incorporate the whole of mission response and guide the collective action of all partners. They should be systematically revised in line with the evolving security situation, and staff should be regularly exercised and trained on the plans. All missions should be required to conduct an annual crisis management simulation exercise.

One of the most practical issues hindering security effectiveness during crisis situations is the delay often experienced in the procurement of basic security equipment and reinforcement of security personnel capacity.⁷⁶ During mission start-up and crisis situations, swiftly getting security equipment and personnel on the ground is crucial to enabling the mission to carry on its work. Yet the UN procurement and recruitment rules and regulations often prevent this. To enable effective crisis response, UN rules and regulations need to have a level of flexibility to allow the procurement and recruitment processes to be abridged in special circumstances. There is also a need to consider alternatives for rapid deployments, such as private providers of logistics support and medical services and facilities.

PLANNING

Selection of the appropriate security model

The UN Security Council has a spectrum of tools at its disposal to address threats to international peace and security, from the imposition of sanctions, through the deployment of special political missions and peacekeeping operations, to the authorization of the use of force by a single member state or coalition of states. The willingness of the host state and political support among council members, regional organizations, major financiers, and potential contributors will influence the decision on the type of intervention, often as much as, and sometimes more than, the dictates of the security situation on the ground.

individual units that are operating without restrictions and caveats imposed by troop- and police-contributing countries and that have acquitted themselves well despite exceptional levels of risk.” As of January 2015, the risk premium had been awarded to UNMIL, in recognition of its service during the Ebola crisis, and MINUSMA was in the process of requesting the premium for units operating in the north; see UN General Assembly, *Overview of the Financing of the United Nations Peacekeeping Operations: Budget Performance for the Period from 1 July 2013 to 30 June 2014 and Budget for the Period from 1 July 2015 to 30 June 2016*, UN Doc. A/69/751/Rev.1, April 21, 2015, para. 71.

⁷⁵ Interview with UN official, March 2014.

⁷⁶ See remarks by David Haeri, “Overcoming Logistical Difficulties in Complex and Remote Peace Operations,” Challenges Annual Forum, October 14, 2014, available at www.challengesforum.org/Global/Forum%20Documents/2014%20Beijing%20Annual%20Forum/Session%203_Haeri_Speaker_15Oct2014.pdf?epslanguage=en. There have been some reforms as part of the Global Field Support Strategy (2010–2015) to improve the availability of funding during the initial start-up phase of peacekeeping operations. See, for example, UN General Assembly Resolution 64/269 (August 3, 2010), UN Doc. A/RES/64/269, ch. VI on Global Field Support Strategy, which authorizes the secretary-general to enter into commitments up to USD 100 million.

Table 1. Security providers in UN peace operations

	Type	UN peacekeeping operations	UN special political missions	Content and examples
i)	Host state security	Yes	Yes	Default security provider, although generally inadequate, requiring the employment of other security providers.
ii)	UN security personnel	Yes	Yes	Deployed to all UN peacekeeping and political missions. Can be armed or unarmed. Deployed in small numbers, primarily in advisory capacities.
iii)	UN military and police	Yes	No	Deployed to all current UN contingents peacekeeping operations (with the exception of UNMIK, UNTSO, and UNMOGIP, which include only individually deployed military and police officers).
iv)	UN guard units	No	Yes	Deployed to select UN political missions (e.g., UNAMI and UNSOM).
v)	Foreign armed contingents	Yes	Yes	Operate alongside some UN peacekeeping and political missions (e.g., UNAMA [NATO/ISAF]; UNSOM [AU/AMISOM]; UNMIK [EU/EUFOR]; and MINUSMA [French/Operation Serval]).
vi)	Private security companies	Yes	Yes	Operate in some UN peacekeeping and political missions. Can be armed or unarmed (e.g., MINUSTAH, UNSOM, and UNAMA). ⁷⁷

Table 1 provides a summary of existing security providers. Peacekeeping missions will often have greater operational capacity available to them through military contingents or formed police units. In these cases, the threat and use of force can act as a deterrent, going some way toward mitigating security risks. For special political missions deployed in situations where host-state capacity is limited, creating a more permissive space in which the UN can operate often involves decisions about the employment of a private security company or UN guard unit.⁷⁸

The use of private security companies is consid-

ered in further detail on page 28. The UN currently has guard units deployed to provide protection to political missions in Iraq and Somalia, and the secretary-general identified it as an option for the previous political missions in the Central African Republic, and Libya in 2013.⁷⁹ Guard units are composed of armed military personnel, contributed by a UN member state, for the purpose of providing protection of UN premises and personnel. In the absence of extensive policy guiding the use of guard units, questions have emerged about the effectiveness of command and control; if the units can be employed to carry out

⁷⁷ UN General Assembly, *Reports on the Department of Safety and Security and on the Use of Private Security*, UN Doc. A/67/624, December 7, 2012, p. 13.

⁷⁸ Interview with UN official, March 2015.

⁷⁹ Security Council Report, "In Hindsight: UN Guard Units," May 1, 2014, available at www.securitycouncilreport.org/monthly-forecast/2014-05/in_hindsight_un_guard_units.php.

other tasks; whether units may be confused with peacekeepers and expected to use force to protect the local population rather than just UN personnel and facilities; as well as legal implications.⁸⁰ As such, many TCCs are not prepared to offer their personnel for these roles.⁸¹ Deployments of guard units also raise broader questions about whether a peacekeeping mission may be better suited to operate in the security environment, although financial or political rationales may dictate the preference for a special political mission.

Existing security planning is based on generic models correlated with the type of mission (i.e., peacekeeping or special political mission) and its size. While such models are useful, they need to be geared toward the particular needs arising from mandate delivery (e.g., operating from multiple regional bases, long supply lines, extensive community interaction, heavy emphasis on the protection of civilians) and the prevailing security environment (e.g., asymmetric threats, attacks against the UN, susceptibility to swift deterioration). Good security arrangements are an enabler of effective mandate implementation, and security should be an essential part of initial planning efforts and mission design. The models for the provision of security need to be reviewed, the benefits and challenges of each security provider better understood, the real needs of missions better appreciated, and the resulting structures properly tailored to the circumstances.

OPERATIONS

Some activities mandated in peace operations present particular challenges for security management insofar as they require significant mitigation of the security risks to enable the activities to be carried out. This is often an issue of contention among civilian staff members who, in some circumstances, do not feel that sufficient security measures are being taken to protect them and, in others, feel that the security measures implemented

unnecessarily limit their work. From the military and police perspective, TCCs/PCCs are often reluctant to undertake such activities, as they put their uniformed personnel at higher risk.⁸² Effective security management should *enable*, not *limit*, operational activity and should facilitate the ability of the mission to get into regional communities. Three operational issues that present particular security challenges are: operating in asymmetric threat environments, implementing protection-of-civilians mandates, and ensuring adequate medical and casualty response.

Asymmetric threats

Today, some peace operations are expected to function in asymmetric threat environments, such as Libya, Mali, and Syria, but without the same range of capabilities that have been available to non-UN multinational forces operating in similar situations. UN peacekeepers have been the direct target of spoiler attacks and asymmetric tactics, including the use of IEDs.⁸³ Efforts to address the threat within the context of UN peace operations are still in their early phases and remain ad hoc. Where it has been assessed that significant asymmetric threats exist, IED expertise needs to be mandatory within contingents. Gaps in policy and guidance on addressing IEDs have meant that force generation processes are less effective in identifying the required capabilities.⁸⁴

States that operated in Afghanistan and Iraq have more than a decade of experience in preparing and equipping their forces to address asymmetric threats, but they are not deploying in significant numbers to UN peace operations.⁸⁵ Some TCCs that participated in the African Union Mission in Somalia (AMISOM) also have experience dealing with asymmetric threats, but most major UN peacekeeping contributors have limited experience training for or operating in such environments, which makes them more vulnerable to IED attacks.⁸⁶ Further analysis is required within the

80 Ibid.

81 Interview with UN official, March 2015.

82 UN General Assembly, *Report of the Office of Internal Oversight Services: Evaluation of the Implementation and Results of Protection of Civilians Mandates in United Nations Peacekeeping Operations*, UN Doc. A/68/787, March 7, 2014, pp.13–14.

83 The majority of peacekeeping fatalities in MINUSMA have been as a result of IED attacks. See “23 March Security Council Working Group on Peacekeeping Operations Thematic Discussion on ‘Safety and Security of UN Peacekeepers: Asymmetric Threats,’” concept note (copy on file with authors).

84 Lisa Sharland, “Counter-IED Technology in UN Peacekeeping.”

85 Ibid.

86 See DPKO/DFS, “Uniformed Capabilities Required for UN Peacekeeping: Current Gaps, Commitments to Enable More Rapid Deployment, and other Capability Requirements,” February 19, 2015 (copy on file with authors).

UN system to identify the capabilities, technologies, and force preparation needed to better address asymmetric threats. Reports from the expert monitoring teams of UN Security Council sanctions committees on al-Qaida and the Taliban have provided useful information on cross-border and regional trends. The analysis of these committees, and other bodies, should be leveraged to improve situational awareness and inform planning and capability forecasting.⁸⁷

Protection of civilians

The protection of civilians (that is, the Security Council-mandated task directing the mission to protect the local population from physical threats) warrants particular examination. It is increasingly mandated as the primary function of UN peacekeeping operations, and it has the potential to put UN personnel at significant risk. In 1999, the UN Mission in Sierra Leone (UNAMSIL) was the first peacekeeping operation to be mandated to “protect civilians under imminent threat of physical violence.”⁸⁸ Since that time, most peacekeeping missions have been mandated to protect. Currently, 97 percent of UN peacekeepers serve in missions with protection-of-civilians mandates, and it has been identified as the primary function of the UN missions in the DRC (MONUSCO), South Sudan (UNMISS), Mali (MINUSMA), and the Central African Republic (MINUSCA).⁸⁹

The successful implementation of a protection-of-civilians mandate requires military components to be proactive in identifying and addressing threats of violence against civilians, and responding swiftly when they manifest. Decisions about the use of force to protect civilians have inherent security implications for mission personnel. In differing situations, the use of excessive or inadequate force may turn local sentiment against the mission. Protection activity can place military personnel in high-threat situations in which they may become

targeted and, on occasion, in direct conflict with perpetrators. UN civilian staff members also are placed at heightened risk through their involvement in protection activities, such as in situ information gathering, joint patrols, extractions, and bearing witness.

Beyond the immediate risks experienced during specific operations, the protection-of-civilians mandate puts UN personnel at risk in other ways. The provision of a mandate to offensively target a particular party to the conflict or group may result in UN peacekeepers losing the protection of international humanitarian law and becoming viewed as a legitimate target—an issue explored further on page 33. It may put UN personnel at heightened risk because the mission is perceived as becoming involved in the conflict and able to frustrate the military objectives of an armed group. Even if this does not manifest, UN personnel may harbor a perception of heightened insecurity, which can negatively impact the mission. In this context, a mission’s public information strategy is particularly important for shaping public opinion and managing expectations.

The mandate also carries with it certain political sensitivities. Missions are often mandated to assist the forces of the host government to execute their civilian protection responsibilities. Where the government forces are a party to the conflict, this may compromise the impartiality of UN peacekeepers and establish them as perceived combatants. It may also have flow-on effects to the political engagement of the mission with the host government. Conversely, protection of civilians by UN forces against violence perpetrated by the host government, or government-backed, forces may result in the withdrawal of host-state consent for the mission to remain in the country. A practical rather than legal withdrawal of consent, may result in an obstruction of mission activities, including limiting the freedom of movement and harassing UN officials.⁹⁰

87 For example, see the Armed Conflict Location & Event Data Project, available at www.acleddata.com/.

88 See Victoria Holt and Glynn Taylor with Max Kelly, “Protection of Civilians in the Context of UN Peacekeeping Operations: Successes, Setbacks and Remaining Challenges,” New York: United Nations, 2009, p. 3.

89 As of March 2015, there were ten UN peacekeeping missions with protection-of-civilians mandates: UNIFIL, UNMIL, UNOCI, MINUSTAH, UNAMID, MONUSCO, UNISFA, UNMISS, MINUSMA, and MINUSCA. For data, see United Nations Peacekeeping Operations Fact Sheet, March 31, 2015, available at www.un.org/en/peacekeeping/documents/bnote0315.pdf. See also UN Security Council resolutions authorizing MONUSCO, Resolution 2098 (2013); UNMISS, Resolution 2155 (2014); MINUSMA, Resolution 2164 (2014); and MINUSCA, Resolution 2149 (2014).

90 For an illustration of these dilemmas faced by the UN in South Sudan, see Aditi Gorur, “In South Sudan, UN Peacekeepers’ Biggest Challenge: Staying Neutral,” *World Politics Review*, November 25, 2014, available at www.worldpoliticsreview.com/articles/14525/in-south-sudan-u-n-peacekeepers-biggest-challenge-staying-neutral.

In many missions, civilians gather close to UN camps, in the hope or expectation of protection through proximity. During the most recent crisis in South Sudan, the UN mission (UNMISS) opened the gates to UN compounds to offer protection to civilians fleeing attack.⁹¹ While the mission should be applauded for doing what needed to be done to save lives, such actions are accompanied by deep security risks. As was experienced in the Srebrenica “safe areas,” corralling civilians into areas that are subsequently unable to be properly defended can be disastrous.⁹² Protection sites will inevitably become targets, and when they are within UN compounds, they put UN personnel at increased risk and compromise the UN’s operational ability. If the UN cannot protect itself, then it will not be able to help others. Finally, as was experienced in South Sudan, such arrangements risk bringing the conflict inside the camp, as well as opportunistic crime and disease, all of which then create additional safety and security problems.

Member states, TCCs/PCCs, and military and police contingents need to accept that heightened risks accompany the mandate to protect civilians, and operations must be resourced and structured accordingly. New approaches are needed for missions’ military concepts of operations and the types of forces generated. Proactive, pre-emptive, light, and mobile military operations are likely to be more successful than heavy, static, and reactive operations. They also are likely to be harder to target. Again, the caveating of TCCs/PCCs on the activities of their military and police contingents may lower the risks faced by that particular contingent but, in doing so, expose the broader force to greater risk and undermine operational effectiveness.

From the civilian perspective, security mitigation measures need to be planned from the outset to enable civilian personnel to undertake activities in high-threat environments in support of protection operations. The political aspects of civilian protection and the mission’s relationship with the host government need to be carefully managed, and the

organization’s independence needs to be guarded.

Planning also needs to proceed on the basis that protection sites may, at some point, be required. The building and defense of such sites needs to be assessed early—before they are required.

The above analysis does not suggest that the Security Council should cease mandating peace operations to protect civilians. It should certainly continue doing so; the protection of civilians is a critical role for the UN. However, the organization needs to address the safety and security of UN personnel and assets in close conjunction with protection issues. Having a better understanding of the expectations associated with execution of the protection-of-civilians mandate (e.g., the proactive use of force, joint military/police/civilian protection patrols, the establishment of protection sites) and the associated risks will enable better security arrangements. Resistance to the idea that the UN will become involved in politically messy and physically dangerous situations needs to be replaced with an acceptance that such circumstances will occur and planning to proceed on that basis.

Medical and casualty response

Military forces are trained and prepared to deploy into high-risk environments. However, many governments would not consider deploying their personnel, under UN command or otherwise, in the absence of adequate medical support. The UN has a duty of care to the personnel serving in peace operations to ensure that they receive timely and professional medical treatment in the event of a security incident, and that there are adequate and practiced casualty evacuation measures in place. The “Medical Support Manual for United Nations Peacekeeping Operations” currently sets out the medical personnel and equipment that a TCC must deploy, but it does not set any standards or processes of medical care. As such, the standard of care varies greatly across, and often within, missions. Western governments, in particular, have advocated for the UN to meet the “golden hour” standard of trauma medicine employed in Iraq and

91 See Somini Sengupta, “In South Sudan, Some Lessons of Rwanda Learned, Others Revisited,” *The New York Times*, January 16, 2014, available at www.nytimes.com/2014/01/17/world/africa/in-south-sudan-some-lessons-of-rwanda-learned-others-revisited.html. See also United Nations, *Report of the Secretary-General on South Sudan*, UN Doc. S/2014/158, March 6, 2014, p. 11.

92 See UN General Assembly, *Report of the Secretary-General Pursuant to General Assembly Resolution 53/35 – The Fall of Srebrenica*, UN Doc. A/54/549, November 15, 1999.

Afghanistan.⁹³

The deployment of clinics and military medical units is critical to the life support aspect of a mission.⁹⁴ The UN identifies four levels of medical support, ranging from basic triage (Level I) through to specialist and intensive care (Level IV). Level II medical units, which include essential surgical and life support, are critical enablers in peacekeeping missions and a primary priority in initial deployment. In instances where local medical facilities cannot provide the requisite emergency care, injured personnel need to be evacuated to a sufficient medical facility (often Level III or Level IV). In many peace operations environments, these casualty evacuation procedures rely on airlift to transport injured personnel for treatment. Lack of critical enablers such as helicopters can negatively impact casualty evacuation responses and the safety of mission personnel.⁹⁵ Additionally, the protocols regarding civilian helicopter use may be constrained and an ill-fit for peacekeeping tasks, including due to the application of International Civil Aviation Organization standards and UN insurance arrangements.⁹⁶ This leads to serious problems for casualty evacuations, including the authorized landing proximity to a combat zone, the prior reconnaissance of landing sites, and casualty evacuations at night. These issues, and disputes with the host state over authorization to undertake medical and casualty evacuation flights, result in unnecessary delays, threatening the lives of injured peacekeepers and reducing incentives for the use of force.⁹⁷

Some member states have expressed concern at missions' levels of preparedness to respond to events that threaten the safety of peacekeepers.⁹⁸ If peacekeepers are more likely to come under attack by operating in high-threat environments, then TCCs/PCCs want to be assured that their personnel will receive rapid and expert medical care. Medical capabilities need to be able to operate in high-threat environments and be prepared to attend to the traumatic injuries likely to be sustained. The C34 has stressed the importance of "tested casualty evacuation responses in missions" and requested an update from the Secretariat on how casualty evacuation exercises meet mission requirements.⁹⁹ Concerns about access to sufficient medical care (including hospitals and medical facilities deployed by TCCs) and medical evacuation (MEDEVAC) can influence the decision of some TCCs (especially those most sensitive to taking casualties) to deploy personnel to certain operations. Ensuring the inclusion of tailored medical capabilities in initial planning, early and rapid deployment of medical facilities, as well as developed policies, procedures, equipment, and performance standards, can assist in mitigating some of the concerns of TCCs. Indeed, guarantees of high-quality medical support might make TCCs more willing to meet the demands of the complex operational environment where they are deployed and to take on greater risks.¹⁰⁰ In Somalia and Mali, the UN has been successfully working with private providers for emergency hostile medical services including field hospitals and medical evacuation capabilities.¹⁰¹

93 The "golden hour" is essentially the time period in which appropriate medical intervention is most effective in saving lives and function, in combat situations; this often implies mobile medical units to stabilize a patient and either evacuation to proximate surgical facilities or mobile surgical teams. See J.D. Kleinke, "Combat Medicine's 'Golden Hour,'" *The Health Care Blog*, March 22, 2013, available at <http://thehealthcareblog.com/blog/2013/03/22/combat-medicines-golden-hour/>; and Donna Miles, " 'Golden Hour' Initiative Pays Off in Afghanistan," American Forces Press Service, May 5, 2011, available at www.army.mil/article/55985/.

94 One of the earliest priorities in establishing a new peacekeeping mission is to establish life support with deployment of Level II medical units and appropriate casualty and medical evacuation facilities. See DPKO/DFS, "Uniformed Capabilities Required for UN Peacekeeping."

95 See UN General Assembly, *Administrative and Safety Arrangements Relating to the Management of Military Utility Helicopters in Peacekeeping Operations*, UN Doc A/64/768, May 4, 2010, p. 2.

96 See, for example, Center on International Cooperation and the US Global Peace Operations Initiative, "Assessment of Helicopter Force Generation Challenges for United Nations Peacekeeping Operations," study, workshop, and consultations report, December 2011, available at <http://usun.state.gov/documents/organization/179150.pdf>.

97 In 2011, the Sudanese government threatened to shoot down a MEDEVAC aircraft if it did not wait for approval. The four peacekeepers injured subsequently died. See UN News Centre, "Sudan Delayed Evacuation Flight for Wounded Peacekeepers – UN Official," August 4, 2011, available at www.un.org/apps/news/story.asp?NewsID=39235#.VQmCNI6Ueap.

98 See for example, Australia's statement on behalf of Canada, Australia, and New Zealand to the Special Committee on Peacekeeping Operations, February 19, 2013, available at <https://australia-unsco.gov.au/2013/02/peacekeeping-operations/>.

99 UN General Assembly, *C34 Report 2015*, para. 55.

100 See remarks by US Permanent Representative to the United Nations, Samantha Power, "Remarks on Peacekeeping in Brussels," Brussels, Belgium, March 9, 2015, available at <http://usun.state.gov/briefing/statements/238660.htm>.

101 In Mali, for example, the UN has contracted a civilian Level II hospital in Bamako for mission personnel, staff of other UN agencies, and the civilian population in emergencies. See UN General Assembly, *Budget Performance of the United Nations Multidimensional Integrated Stabilization Mission in Mali for the Period from 1 July 2013 to 30 June 2014*, UN Doc. A/69/593, November 18, 2014, p. 45.

Identifying operational deficiencies

Good planning, adequate resourcing, and competent personnel should minimize the likelihood of operational deficiencies. However, deficiencies do still occur and need to be rapidly addressed for the safety and security of UN personnel. DPKO undertakes strategic assessments in advance of mission start-up and when there are significant changes in the mandate or environment, as well as more limited technical assessments that vary in scope and purpose. DSS undertakes security assistance visits to missions annually, and when necessary. These aim to ensure that adequate safety and security arrangements are in place for personnel covered by the UNSMS and to provide assistance where these are found lacking. However, they focus only on civilian security aspects, and consultation is carried out primarily with security officers and the mission leadership. Assessments by the UN Office of Internal Oversight Services (OIOS) of the safety and security of UN personnel can play a critical role examining the broader safety and security picture, including for military, police, and civilian personnel, and provide external, objective analysis and recommendations. However, these are large initiatives not undertaken on a regular basis.¹⁰²

One element that is absent is an avenue for individual UN personnel to raise concerns. While management structures and chains of command are critical to effective safety and security, it may be the case that, on occasion, timely and effective response to a security deficiency is best served by individuals raising an issue directly with headquarters. This could be achieved simply through allocating such a role to an existing function within DSS. The intention would not be to bring people to account, as there are administrative and legal avenues for that, but simply to raise an issue of concern, so that it might be readily addressed. The safety and security of UN personnel is an issue of such importance that a fail-safe is sometimes needed.

PERSONNEL

Recruitment and training

All UN civilian personnel are required to undertake online training on basic security in the field. Those who are deploying into high-risk environments must complete advanced online training and a practical course “Safe and Secure Approaches in Field Environments.” All personnel should receive in-country security briefings soon after their arrival.

A key aspect of effective safety and security is ensuring that UN security officers maintain a consistently high standard of professionalism. The recruitment and training of security officers remains a concern. Security is a specialist field and experience in the military or police, for example, does not in itself qualify an individual as a security officer. There remains a shortage of professional security officers at duty stations.¹⁰³ Currently, a discrepancy exists between the recruitment, training, and conditions of service of security advisers employed by DSS and those employed by DPKO/DFS (i.e., the former require specialist training before deployment, the latter do not), and particular concern has been raised about the quality and training of local UN security personnel.¹⁰⁴ In addition, the training for UN security officers generally remains introductory and does not address specialist and managerial issues. However, a recent initiative aimed at standardizing recruitment and training, and bringing it all under DSS is positive progress.¹⁰⁵ Some headway also has been made on raising the seniority of the chief security adviser in a number of missions to better reflect the responsibility of that post, commensurate with counterparts heading other sections in the mission.¹⁰⁶

During mission start-up and crisis situations, an additional burden falls on the mission’s security team, which may need to be reinforced to meet the planning, assessment, and operational requirements. DSS does not have sufficient capacity at headquarters to loan officers to the field for

¹⁰² See UN Office of Internal Oversight Service, “Internal Audit Reports,” available at <https://oios.un.org/page?slug=report> .

¹⁰³ Østensen, “UN Use of Private Military and Security Companies,” p. 25.

¹⁰⁴ See, for example, United Nations, *Report of the Special Committee on Peacekeeping Operations*, UN Doc. A/64/19, March 19, 2010, para. 41 (hereafter C34 Report 2010).

¹⁰⁵ Interview with UN official, March 2015.

¹⁰⁶ Ibid.

extended periods, and missions are often reluctant to lend their security officers to other missions because it might expose the originating missions to risk. Due to the incidence of crisis situations, a security surge capacity of highly skilled, well-trained officers would likely be very valuable and make a positive contribution to more effective crisis management. This would be well complemented by a small medical team fulfilling a similar role.

National staff / locally recruited personnel

UN peace operations comprise civilian personnel engaged under various contracts. “National staff members” are nationals of the host country or locally recruited personnel, who may be engaged in professional roles, usually within a national context, or administrative, clerical, or technical functions.¹⁰⁷ Their terms of employment (benefits and remuneration) differ from international staff, but they are covered by the UNSMS, although some key differences in policy persist. For example, national staff members are allowed to live within the community even when international staff must reside inside a camp, and they will seldom be evacuated from the country, being more likely to be internally relocated. In 2010, the UN was criticized for failing to include national staff members in casualty figures of UN personnel following the Haiti earthquake, which was justified on the basis of the difficulty of accounting for local staff members.¹⁰⁸

When the UN is under threat and activities are curtailed, a mission often relies on national staff members who have greater freedom of movement due to their membership in the local community. Their ability to assimilate into the local population may mean that they are safer than many UN personnel; however, their association with the UN may also put them at great risk.¹⁰⁹

While military and police personnel account for the most fatalities in UN peacekeeping operations, during the past ten years, the number of national (civilian) staff members’ fatalities has been significantly higher than international (civilian) staff.¹¹⁰ The UN Staff Union noted the following:

[In 2014,] South Sudan was the country with the highest number of national staff members detained or abducted. In May, alleged members of South Sudan's security forces assaulted and illegally detained two staff members in separate incidents in Juba. On 26 August, South Sudan's National Security Service detained two national staff. On 16 October, eight armed men wearing plain clothes seized a World Food Programme (WFP) staff member who was waiting in line for a flight from Malakal airport and drove him to an unknown location.¹¹¹

There are very real and practical reasons for the variation in the application of the UNSMS and differences in benefits and entitlements. Yet as national staff members take on roles that expose them to higher risk, such as human rights officers, and as peace operations are deployed into increasingly volatile environments in which they are often reliant on national staff members, the UN needs to recognize the particular risks faced by this category of personnel and plan security responses accordingly.

Personnel issues following a security event

The UN has responsibilities not only to manage the safety and security of personnel serving in peace operations but also toward those personnel and their families following death or injury. While the establishment of the UN Emergency Preparedness and Support Team has significantly improved the conduct of human resources aspects of addressing security events, room remains for improvement.¹¹²

When someone is killed or seriously injured in a UN peace operation, a series of administrative

107 See UN Careers website, “Staff Categories,” available at <https://careers.un.org/lbw/home.aspx?viewtype=SC>.

108 Interview with UN official, March 2014.

109 The UN secretary-general and member states have recognized that local staff are particularly vulnerable to attack. See UN General Assembly, *Report of the Secretary-General: Safety and Security of Humanitarian Personnel and Protection of United Nations Personnel*, UN Doc. A/68/489, September 27, 2013, para. 76; and UN General Assembly Resolution 69/133 (January 19, 2015), UN Doc. A/RES/69/133, para. 32.

110 See DPKO, “Fatalities by Year and Appointment Type up to 31 May 2015,” June 5, 2015, available at www.un.org/en/peacekeeping/fatalities/documents/stats_6.pdf.

111 United Nations, “With Increased Number of United Nations Personnel Deliberately Killed in 2014, Staff Union Calls on Organization to Do More towards Protecting Lives,” press release, January 13, 2015, available at www.un.org/press/en/2015/org1593.doc.htm.

112 For more on the Emergency Preparedness and Support Team, see www.un-epst.org/.

actions needs to take place, including the following:

- collecting information in the field on the incident and reporting it to headquarters;
- informing the contributing member state (in the case of military or police personnel) or the next of kin (in the case of civilian personnel);
- repatriating the person, if necessary;
- sending a condolence letter, in the case of death;
- conducting a board of inquiry;
- providing psychosocial support;
- administering death and disability compensation; and
- organizing an official recognition of service.¹¹³

The above actions take place in different offices and are disaggregated among military, police, and civilian personnel, which can result in confusion of responsibilities, partial or inaccurate information, and delays in action. The system would benefit greatly from a centralized team (possibly within the DFS Field Personnel Division) with an oversight function, responsible for ensuring that all elements of the process are carried out in a timely manner. This team should also be responsible for maintaining a centralized repository of information on all casualties in peace operations, which would aid analysis on safety and security trends and issues of particular concern.

RESOURCES AND CAPABILITIES

Ensuring that missions have the right resources will, to a large extent, depend on the work done at the strategic level, based on a proper understanding of the security situation and acceptance of the risks. Missions need to be mandated, resourced, and planned accordingly.

A number of challenges persist at the operational level. There have been concerns about insufficient security equipment and expertise in the start-up phase of operations and calls for greater use of technology such as closed-circuit television (CCTV), motion sensors, and the global positioning

system (GPS).¹¹⁴ Anecdotal evidence suggests that even today there may not be enough basic equipment in missions (e.g., helmets, flak-jackets, radios, flashlights, etc.) and that staff members are not well-prepared and drilled on crisis plans for a particular mission or location. DSS is currently trying to build its capacity for expertise on premises and physical protection, which will likely lead to assessments that suggest further resources are required (e.g., office configurations, blast-proof materials, etc.). The improvement of UN premises' security requires not just scientific expertise but also an understanding of impacts on mandate implementation and the local population. For example, measures such as using premises and facilities set back from the street, concrete planters instead of simple blast barriers, and internal building strengthening can serve to protect UN premises without the confrontational appearance.

Mandate and capability gap

Few issues are as difficult, and as central to the challenges of safety and security, as the consistent mismatch of UN peacekeeping mandates with the actual resources made available on the ground. Peacekeepers are deploying to more complex and diverse operating environments, with significant geographic challenges. Threats to peacekeepers continue to evolve, transcend borders, and require more comprehensive solutions. Yet peacekeepers are often not deploying with the necessary equipment, enablers, or training to implement the mandates authorized by the Security Council.¹¹⁵

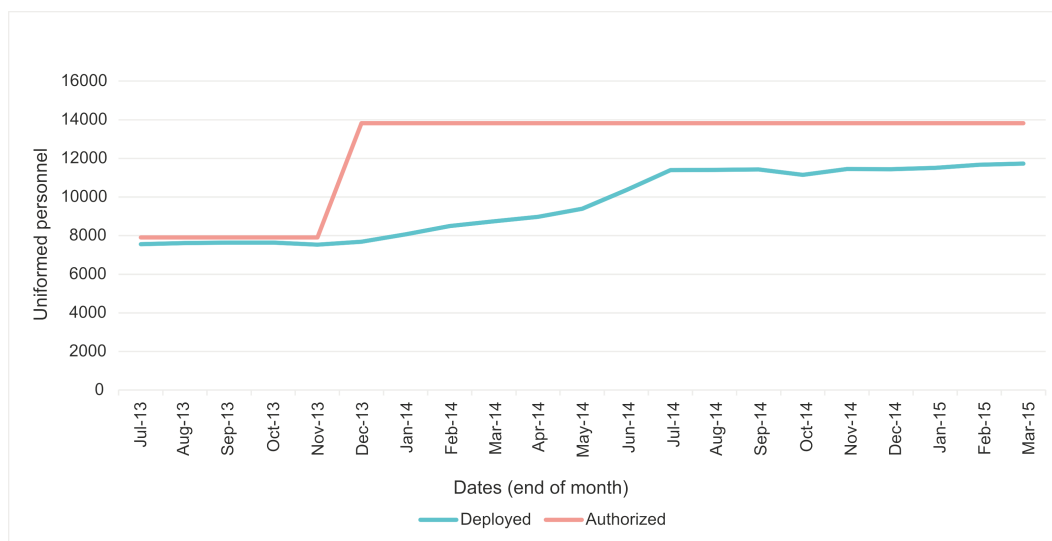
Peacekeeping missions often struggle to reach the levels of troop and police personnel authorized by the Security Council. UN missions in the Central African Republic (MINUSCA) and Mali (MINUSMA) are deployed at less than 85 percent of their authorized strength.¹¹⁶ More than a year after UNMISS was reconfigured and strengthened with an increased troop ceiling, it still has not generated the personnel necessary to reach that target (see figure 3), despite the same troop and police levels

113 See UN Department of Management/Office of Human Resources Management/Emergency Preparedness and Support Team, *Handbook for Action in Cases of Death in Service*, New York, 2011, available at <https://hr.un.org/sites/hr.un.org/files/DeathinServiceGuide.pdf>.

114 United Nations, *Brahimi Safety and Security Report*, para. 133(iii). See A. Walter Dorn, *Keeping Watch: Monitoring Technology and Innovation in UN Peace Operations* (New York: UN University Press, 2011).

115 See "Statement by Under-Secretary-General Hervé Ladsous to the Special Committee on Peacekeeping Operations," February 20, 2015.

116 As of March 31, 2015, MINUSCA had only 9,902 uniformed personnel deployed from an authorized level of 11,820; MINUSMA had only 10,320 uniformed personnel deployed from 12,640. See DPKO, "UN Peacekeeping Operations Fact Sheet," March 31, 2015.

Figure 3. UNMISS deployment levels, July 2013–March 2015¹¹⁷

being reauthorized in subsequent mandates.¹¹⁸ The peacekeeping missions deployed into these environments are required to operate across wide geographic distances with significant logistical challenges and are planned on the basis of having a minimum number of personnel to carry out mission functions.¹¹⁹ Capabilities such as medical, engineering, logistics, and aviation units can mitigate limited troop numbers, however failure to reach authorized levels of personnel creates unnecessary risks for those already deployed.

Possibly of greater concern is missions not deploying with the necessary equipment and key enablers needed to execute the mandate. Force multipliers are an important element of maintaining the “operational edge.” Immediate gaps in equipment include attack and utility helicopters, fixed-wing transport aircraft, as well as capacities such as combat engineering companies,

special forces companies, and formed police units.¹²⁰ The absence of enablers compromises operational effectiveness, undermines security, and decreases the deterrence effect.¹²¹ Article 43 of the UN Charter requires that member states make available military personnel for council-authorized deployments, and the secretary-general has called many times on the Security Council for provision of the key military assets and enabling capabilities needed to operate in increasingly challenging environments.¹²² However, this remains a significant and ongoing problem.

Slow deployment of capabilities also puts peacekeepers at greater risk during the start-up of a mission. Rapid deployment is essential for stabilizing a security situation before it escalates further.¹²³ The UN Standby Arrangements System (UNSAS) is meant to facilitate this process, but it does not work as intended.¹²⁴ DPKO has acknowledged that the timeframe of six months for

117 Data taken from “UN Peacekeeping Fact Sheet Archive,” available at www.un.org/en/peacekeeping/resources/statistics/factsheet_archive.shtml. Authorized mandated level for UNMISS provided in UN Security Council Resolutions 1996 (2011), 2132 (2013), 2155 (2014) and 2187 (2014).

118 As of March 31, 2015, 11,734 uniformed personnel were deployed from an authorized military and civilian police ceiling of 13,823. See DPKO, “UN Peacekeeping Operations Fact Sheet,” March 31, 2015.

119 UN peacekeeping missions cover approximately 7.5 million square kilometres. See Rudy Sanchez, statement to the Special Committee on Peacekeeping Operations, February 20, 2015, available at www.un.org/en/peacekeeping/documents/150220C34DFSspeechAsDelivered.pdf. The C34 has expressed concern “that some troop formations continue to be stretched to cover geographical areas that exceed their capacities” and requested a briefing on the causes at its next session; see UN General Assembly, *C34 Report 2015*, para. 52.

120 These gaps are most prevalent in MINUSMA and MINUSCA. See DPKO/DFS, “Uniformed Capabilities Required for UN Peacekeeping.”

121 Concept note for the meeting of the working group on peacekeeping of the Security Council, chaired by Pakistan, June 2013, point iv. (copy on file with authors).

122 During the UN Chiefs of Defence Conference in March 2015, the UN secretary-general appealed for more contributions, particularly “from developed countries with more technologically advanced militaries.” See United Nations, “Secretary-General, at Defence Chiefs Conference, Requests ‘Unity and Backing’ for UN Peacekeepers, Notes Rise in Year-on-Year Deaths of Troops,” press release, March 27, 2015, available at www.un.org/press/en/2015/sgsm16626.doc.htm.

123 “Statement by Under-Secretary-General Hervé Ladsous to the Special Committee on Peacekeeping Operations,” February 20, 2015.

124 *Ibid.*, p. 6. As of February 2015, the registry for UNSAS Level 4 commitments (rapid deployment) was empty.

generating key capabilities during the start-up phase of a mission is insufficient.¹²⁵ Inter-mission cooperation may be a short-term way to address the problem, but it is still not fast enough and generates legal, political, and consent challenges in the shifting of equipment and forces across national borders.¹²⁶ It is also limited in application when several missions are struggling to generate the same capabilities.

Political and financial incentives could address some of the concerns that prevent member states committing their military assets in advance of or during the early phases of a peacekeeping operation. Adoption of a premium for rapid deployment of enabling capacities is one reform that might address this gap.¹²⁷ If this is to be effective, then the Secretariat needs to put in place processes to identify, verify, and assist with the generation of such capabilities.¹²⁸ Internal guidance on force generation processes would assist in clarifying business processes for DPKO and DFS to support rapid deployment.¹²⁹

Member states also need a better awareness of the current and forecasted gaps of capabilities in peacekeeping missions. DPKO and DFS have developed a paper on capability requirements for the UN's current and future commitments, as well as those needed to enable rapid deployment.¹³⁰ DPKO also created, in 2015, a strategic force

generation and capabilities planning cell to coordinate outreach to member states around the provision of key mission enablers. However, many member states are unwilling to write a “blank check” commitment to provide enabling assets in advance of a mission (e.g., when there is no information about key life-support capabilities). In an effort that might address some of these concerns, DPKO and DFS have acknowledged that under certain circumstances, capabilities provided during the initial phase of a mission may not need to be under UN command.¹³¹

Improving confidence in adherence to performance standards would also provide some assurances. Both the C34 and Security Council have underscored the need for military and police contingents to arrive in the field with adequate basic equipment and training, which has been a continuing problem for some TCCs and PCCs.¹³² As one major TCC noted, the lack of operational readiness and pre-deployment training in one contingent may impact the security of neighboring contingents and even the entire mission.¹³³ The Office for the Peacekeeping Strategic Partnership has an important role in identifying potential gaps in performance that may have an impact on mandate implementation. DPKO has acknowledged that it needs to be “more vocal in identifying the costs” of non-performance for mission effectiveness.¹³⁴

125 Ibid., p. 4.

126 The current mandate for the UN mission in Côte D'Ivoire includes provision for a quick-reaction force that may be deployed to the UN Mission in Liberia. See UN Security Council Resolution 2162 (June 25, 2014), UN Doc. S/RES/2162, para. 32.

127 This was recommended by the Senior Advisory Group on rates of reimbursement to troop-contributing countries and other related issues. See UN General Assembly, *Report of the Senior Advisory Group on Rates of Reimbursement to Troop-Contributing Countries and Other Related Issues*, UN Doc. A/C.5/67/10, November 15, 2012, para. 114.

128 The premium for enabling capacities would pay a percentage of reimbursement on personnel and equipment if rapidly deployed, i.e., 25 percent if deployed within thirty days; 15 percent if deployed within sixty days; and 10 percent if deployed within ninety days. See UN General Assembly, *SG Report to the C34*, para. 93. See also UN General Assembly, *Overview of the Financing of the United Nations Peacekeeping Operations: Budget Performance for the Period from 1 July 2013 to 30 June 2014 and Budget for the Period from 1 July 2015 to 30 June 2016*, UN Doc. A/69/751/Rev.1, April 21, 2015, para. 71.

129 The Mali After Action Review undertaken in 2014 found that business processes involving DPKO and DFS needed to be reviewed to provide better alignment. It recommended development of standard guidance on force generation. See Haeri, “Overcoming Logistical Difficulties in Complex and Remote Peace Operations.”

130 See DPKO and DFS, “Uninformed Capabilities Required for UN Peacekeeping: Current Gaps, Commitments to Enable More Rapid Development, and other Capability Requirements,” May 1, 2015.

131 Ibid., p. 3.

132 UN Security Council Resolution 2086 (January 21, 2013), UN Doc. S/RES/2086, provided at para. 11: “*Underlines* the importance of deploying peacekeepers with professional skills, training, experience, excellence and in adherence to the United Nations zero tolerance policy for misconduct, and in this regard, encourages troop- and police-contributing countries, in the spirit of partnership, to continue to contribute professional military and police personnel with the necessary skills and experience to implement multidimensional peacekeeping mandates, including appropriate language skills at relevant levels.” And the C34 Report (2015) provided at para. 44: “The Special Committee underlines the importance of pre-deployment and in-theatre training and briefings, and of providing peacekeeping personnel with adequate equipment to fulfil the mandate, including self-defence and related equipment, in accordance with United Nations standards and in a timely manner, in order to prevent casualties and ensure the safety and security of United Nations peacekeepers.”

133 Statement of the Pakistani delegate, meeting of the working group on peacekeeping of the Security Council, chaired by Pakistan, June 2013 (copy on file with authors).

134 “Statement by Under-Secretary-General Hervé Ladsous to the Special Committee on Peacekeeping Operations,” February 20, 2015, p. 6.

Private security companies and other private service providers

In recent years, the use of private security companies by the UN has grown.¹³⁵ This is, in part, a response to the deployment of peace operations without military components into more volatile environments. Private security personnel in peace operations are mostly unarmed and primarily employed to carry out static facility protection and access control. Nevertheless, the UN working group on the use of mercenaries, which is mandated by the UN Human Rights Council, has raised concerns regarding the use of private military and security companies by the UN.¹³⁶

The UN Security Policy Manual sets out a relatively clear basis for the use of *armed* private security companies by the UN. It provides that on “an exceptional basis to meet its obligations” the UN “may use private companies to provide armed security services when threat conditions and programme need warrant it.”¹³⁷ The “fundamental principle” is that “this may be considered only when there is *no possible provision* of adequate and appropriate armed security from the host State, alternate member State(s), or internal United Nations system resources such as the Security and Safety Services or security officers.”¹³⁸ In 2012, the IASMN created “Guidelines on the Use of Armed Security Services from Private Security Companies.”¹³⁹ DSS also is leading an internal working group on the use of *unarmed* private security companies.¹⁴⁰

While there are difficult issues relating to private security companies, including authority to use force, human rights and accountability concerns, and contractor protections under the SOFA/SOMA, their services do not generally invoke the extent of problems identified with private military companies that are actively engaged in armed conflict (i.e., mercenaries).¹⁴¹ They can also be a more cost effective alternative to nationally contributed military or police personnel, and better suited to some duties. However, transparency is critical to the effective use of private security companies in UN peacekeeping, in particular, those that are armed.

Efficiencies can be gained not only through the employment of private security companies but also other private service providers. A number of companies provide emergency hostile medical services, such as field clinics and hospitals, air ambulances, and medical evacuations.¹⁴² Others provide rapid deployment and emergency logistical support, such as cover from view screen, and blast and ballistic protection to assist the construction of forward-operating bases.¹⁴³ The preference for member state-provided capabilities should not undermine efficiency or jeopardize the safety and security of the UN.

INFORMATION

Intelligence

Situational awareness is composed of the knowledge, understanding, and assessed trajectory of a security situation, based on systematically

135 Østensen, “UN Use of Private Military and Security Companies,” p. 64; and see also, Rosalind Adams, “UN Embroiled in Private Security Controversy,” Media Global News, August 17, 2012, available at www.globalpolicy.org/pmscs/51848-un-embroiled-in-private-security-controversy.html.

136 The working group on the use of mercenaries as a means of violating human rights and impeding the exercise of the rights of peoples to self-determination was established in July 2005 pursuant to the Commission on Human Rights Resolution 2005/2. For mandate, see Human Rights Council Resolution 7/21 (2008); see also Østensen, “UN Use of Private Military and Security Companies,” p. 66. See also, UN General Assembly, *Note by the Secretary-General: Use of Mercenaries as a Means of Violating Human Rights and Impeding the Exercise of the Right of Peoples to Self-Determination*, UN Doc. A/65/325, August 25, 2010, pp.10–12. This suggests widespread use of private security services of private military and security companies. Most were local companies, providing guard services for the office, as well as residential security for the staff.

137 UNDSS, “Armed Private Security Companies,” in *Security Policy Manual*, ch. IV, sec. I, para 2.

138 *Ibid.*, para 3 (emphasis added).

139 See, for example, José L. Gómez del Prado, “The Privatisation of War: ‘Private Security Companies’ on Contract with UN ‘Humanitarian’ and ‘Peace Keeping’ Operations,” Centre for Research on Globalization, July 9, 2013, available at www.globalresearch.ca/the-privatisation-of-war-private-security-companies-on-contract-with-un-humanitarian-and-peace-keeping-operations/5342155; and UNDSS, *UNSMS Security Management Operations Manual, Guidelines on the Use of Armed Security Services from Private Security Companies*, November 8, 2012, available at http://psm.du.edu/media/documents/international_regulation/united_nations/internal_controls/un_unsms-operation-manual_guidance-on-using-pmsc_2012.PDF; and Kristen Boon, “New Guidelines for Armed Private Security Companies Doing Business with the UN,” *Opinio Juris* (blog), April 3, 2013, available at <http://opiniojuris.org/2013/04/03/new-guidelines-for-armed-private-security-companies-doing-business-with-the-un/>.

140 Interview with UN official, March 2015.

141 For example, on human rights issues, see Østensen, “UN Use of Private Military and Security Companies,” pp. 58–63. For protections under SOFA/SOMA, see Scott Sheeran, “UN Peacekeeping and the Model Status of Forces Agreement,” UN Peacekeeping Law Reform Project, University of Essex, 2010, pp. 28–29, available at www.essex.ac.uk/plrp/documents/model_sofa_peliminay_report_august_2010.pdf. See also, Traci Hukill, “Should Peacekeepers Be Privatized?” *National Journal*, May 19, 2004.

142 For example, see RMSI Rapid Deployment Medical and Rescue, at www.rmsi-medicalsolutions.com/.

143 For example, see Hesco Rapid In-theatre Deployment (RAID) System, at www.hesco.com/products/rapid-deployment/raid-rapid-deployment-system.

collected and analyzed information. Good situational awareness is essential to ensuring the safety and security of civilian, military, and police personnel in UN peace operations.¹⁴⁴ Having a professional and efficient intelligence system stretching from the field to headquarters is critical for supporting preventive and responsive action, mandates, plans, and operational activities. A lack of information and analysis means that a UN peace operation may be unable to take proper protection measures against specific threats, putting at risk the lives of UN personnel and undermining operational effectiveness.

Although there is little doubt about the value of better situational awareness for UN peace operations, obstacles remain. In the past, intelligence capabilities have been limited in UN peace operations by the political and legal restrictions imposed (expressly and implicitly) by host states and other UN member states, who are concerned about interference in internal affairs and apprehensive that information gathered for UN operations may be mishandled or exploited in other contexts.¹⁴⁵ Host-state consent, sovereignty, and legality have been central to discussions on this in the C34, although less so in the Security Council.¹⁴⁶ However, the political climate is now much more conducive for making real progress in this area.

The use of modern technologies for situational awareness has been an area where UN practice has not kept pace with needs.¹⁴⁷ Satellites, aircraft such as unmanned aerial vehicles, ground-based sensors,

and other surveillance technology can record and transmit imagery for dissemination and further analysis. This can improve situational awareness for UN peacekeepers concerning potential attacks by armed groups, troop dispositions and movements, convoy protection, and route clearance.¹⁴⁸ However, for UN peacekeepers to benefit from the information gathered, it requires expertise in interpretation and processing of the images by UN staff, contingents, or contractors, which may be lacking. The report of the Expert Panel on Technology and Innovation in UN Peacekeeping has gone to some length to address many “myths,” “assumptions,” and concerns about the introduction of new technology into peacekeeping missions.¹⁴⁹ However, stakeholder interests will continue to politicize these efforts. Investing in the capacity development of TCCs (e.g., on unmanned aerial vehicle deployment and operation), while more resource intensive, may help to provide better incentives and improve support for use of such technologies.

The C34 has called for a UN policy on monitoring and surveillance technology, which inter alia takes into account the “legal, operational, technical and financial considerations and especially the consent of the countries concerned,” and continues to request an update assessing lessons learned from the deployment of unmanned aerial vehicles in MONUSCO.¹⁵⁰ The experience and results of the Security Council decision to deploy privately operated unmanned aerial vehicles in MONUSCO is important for future use in other missions.¹⁵¹ Rwanda resisted the deployment of

144 See UN General Assembly, *SG Report to the C34*, para. 38.

145 A January 2013 letter from the secretary-general (in the context of deploying unmanned aerial vehicles to MONUSCO) noted that consultations with major TCCs to MONUSCO had identified the need inter alia for additional information capabilities to enhance situational awareness and permit timely decision making. See UN Security Council, *Letter Dated 27 December 2012 from the Secretary-General Addressed to the President of the Security Council*, UN Doc. S/2013/43, January 22, 2013. See also, UN General Assembly, *C34 Report 2015*, paras. 45-46: “The Special Committee stresses that the use of technology in a peacekeeping context must uphold the principles enshrined in the Charter of the United Nations, namely the respect for sovereignty and territorial integrity of Member States, and adhere to the fundamental principles of peacekeeping, in particular regarding the consent of the host State,” and “The Special Committee acknowledges the use of modern technology in peacekeeping missions, for improving situational awareness.”

146 For example, see Security Council Resolution 1353 (June 13, 2001), UN Doc. S/RES/1353, Annex B operational issues (“stresses the need to improve the information and the analysis capacity of the United Nations Secretariat” with no reference to consent, unlike the C34).

147 As Dorn notes in *Keeping Watch*: “In an age when technology has been widely used to enhance war-fighting, it’s only appropriate to make greater use of technology for peacekeeping.” Dorn notes on pg. 3 that the UN “Contingent-Owned Equipment Manual” lists thirty-four types of communications technology but only six monitoring technologies. See also, John Karlsrud and Frederik Rosen, “In the Eye of the Beholder? UN and the Use of Drones to Protect Civilians,” *Stability: International Journal of Security and Development* 2, No.2 (2013).

148 See Fiona Blyth, “UN Peacekeeping Deploys Unarmed Drones to Eastern Congo,” *Global Observatory*, February 27, 2013, available at <http://theglobalobservatory.org/2013/02/un-peacekeeping-deploys-unarmed-drones-to-eastern-congo/>.

149 United Nations, *Final Report of the Expert Panel on Technology and Innovation in UN Peacekeeping*, February 2015, pp. 22–25, available at www.performance-peacekeeping.org/.

150 The C34 emphasizes the element of host-state consent, see United Nations, *Report of the Special Committee on Peacekeeping Operations*, UN Doc. A/63/19, March 20, 2009, para. 42; and *C34 Report 2010*, para. 43.

151 See Rwanda’s permanent representative’s statement to the force commanders briefing of the Security Council, including comments on use and handling of information. Permanent Mission of Rwanda to the UN, “Remarks by Permanent Representative, Eugene-Richard Gasana at the UN Security Council Briefing on Peacekeeping Operations,” June 26, 2013, available at <http://rwandaun.org/site/2013/06/26/remarks-by-permanent-representative-eugene-richard-gasana-at-the-un-security-council-briefing-on-peacekeeping-operations/>.

unmanned aerial vehicles, and other states also had concerns.¹⁵² Such concern did not, however, prevent the creation of a new military intelligence unit in MINUSMA, the All Sources Information Fusion Unit, the primary task of which is to gather, process, and analyze intelligence for the mission. The Dutch also have provided MINUSMA with unmanned aerial vehicles and combat helicopters, the functions of which include gathering situational information.¹⁵³

In most UN peacekeeping missions, situational awareness is centered on the Joint Operations Centre, Joint Mission Analysis Centre, the Security Information and Operations Centre, the military J2 (intelligence) cell, and, in some cases, police criminal intelligence units. Humanitarians often have a humanitarian information center, which also can play a key role in situational awareness. These bodies can be fragmented and do not always work well together. In many cases, early warning and predictive analysis of deteriorating security situations has proved lacking. While UN situational awareness activities have come a long way, a number of major problems remain, including the following: the absence of an overarching system or architecture; stove-piping of information; inconsistent approaches to the intelligence cycle; lack of experienced staff; the entanglement of the information analysis and political streams resulting in a lack of objective assessment; difficulties securely handling information; and irregular production and dissemination.¹⁵⁴

Many of the building blocks for the establishment of a UN intelligence system are already in place. UN personnel, in the field and at headquarters, gather information from a wide variety of sources, in the course of their everyday work, and more use is being made of modern technology for this purpose. There are numerous analysis capacities at both field and headquarters levels and a plethora of guidance documentation on various processes. Given the increasingly volatile environ-

ments into which UN peace operations are deploying, it is time for member states to set aside residual concerns and support the development of a proper intelligence system within the UN. This would require identifying the primary clients (mission leadership, headquarters leadership, and the Security Council), assigning overarching leadership and direction of the system, ensuring consistent and sensitive collection policies, developing a common collation platform, uniting existing situational awareness bodies, ensuring staff members have relevant backgrounds and professional training, systematically producing consistent products, implementing information-handling protocols, and appropriately managing dissemination. The safety and security of UN personnel, the operational effectiveness of missions, and Security Council decision making would all benefit from leveraging existing entities and processes to create such a professional intelligence system.

Communications and outreach

Interaction with the local population is a critical aspect of effective mandate implementation, information gathering, and maintaining a positive public perception of the mission.¹⁵⁵ However, in high-threat environments, it can present complex security issues and heightened risk, particularly for civilians. A balance must be reached between ensuring the safety of UN personnel and enabling them to interact with the local community. The Programme Criticality tool attempts to employ a systematic assessment to find this balance. Yet, at the end of the day, it often comes down to the approach of the security team and the decisions of the SRSR/HOM. There is no easy solution to this dilemma.

While the risks are inevitable, there are some actions that can be taken to ease the situation. A real understanding and acceptance of the security risks at the strategic and operational level is a good start, particularly if it translates into appropriately

152 "Rwanda Opposes Use of Drones by the UN in Eastern Congo," Reuters, January 9, 2013. A Rwandan delegate stated, "Africa shall not become a laboratory for intelligence devices from overseas."

153 See Government of the Netherlands, "The Netherlands to Contribute to UN Mission in Mali," news release, November 1, 2013, available at www.government.nl/news/2013/11/01/the-netherlands-to-contribute-to-un-mission-in-mali.html; and the Ministry of Defence website, available at www.defensie.nl/english/topics/mali/contents/dutch-contributions-in-mali.

154 For discussion on some of these issues, see Walter A. Dorn, "The Cloak and the Blue Beret: Limitations on Intelligence in UN Peacekeeping?," *International Journal of Intelligence and Counterintelligence* 12, no. 4 (1999): 442.

155 See DPKO/DFS, "Understanding and Integrating Local Perceptions in Multidimensional UN Peacekeeping," 2013, available at www.peacekeepingbestpractices.unlb.org/PBPS/Library/Civil_Affairs_Survey_of_Practice_Local_Perceptions_Nov_13.pdf.

mandated, resourced, and planned missions. Knowing that the UN has the ability to respond robustly should something go awry (i.e., via safe haven facilities, medical care, rapid reaction and extraction capabilities, and evacuation plans) also helps. Good intelligence is critical, and an effective communications strategy can play an important role in keeping UN personnel safe. Perhaps one of the most important, if less tangible, aspects is empowering the SRSG/HOM with the responsibility and authority to judge the situation on the ground and act accordingly. This, however, needs to be underwritten by the support of UN headquarters.

Stringent security measures can negatively impact on situational awareness and ultimately the safety and security of UN peacekeepers. As one study noted “the implementation of tighter security measures often results in limiting interactions with the population and with potential sources of threats,” thereby further hindering the capacity to assess the security environment.¹⁵⁶ UN peacekeepers need to build relationships to enhance their situational awareness, for example, by proactive patrols and civil outreach that engage the community in the context of implementing the protection-of-civilians mandate.¹⁵⁷ As the Brahimi Safety and Security Report notes “where the community is able to protect the UN—and sees the UN as worth protecting in the first place—it has done so, often by sharing information about local threats.”¹⁵⁸

Ensuring more women are deployed to front line engagement roles in peacekeeping missions is critical to these efforts.¹⁵⁹ Female peacekeepers can engage with local women and gather information on potential security threats as they perceive them,

thereby assisting not only the local population in addressing their protection concerns but also in ensuring the peacekeeping mission is well prepared for a more diverse range of threats that may impact perceptions of their work and, in turn, their security.¹⁶⁰

Expectations of what a UN peace operation may be able to achieve are often unrealistic. When peacekeeping missions deploy and there is no immediate change in the security situation, this can lead to resentment within the local population, create hostility with the host state, and diminish support among international partners. There is limited understanding of what the UN can achieve, or indeed does achieve, to offer a counternarrative.¹⁶¹ The UN DPKO/DFS guidelines on the protection of civilians for military components acknowledge the importance of expectation management and the need to consolidate messages for target audiences about the protection objectives of the mission.¹⁶² Public information strategies should be viewed as a component of efforts to improve support within the local population, and thereby create a more conducive security environment. Such initiatives need to be coordinated across UN presences encompassing the mission and country team.

LEGAL

Host-state responsibility

Legally, the host state bears the primary responsibility for the security and safety of UN personnel and premises. This derives from the inherent function of the state to maintain law and order in its national territory and from the 1946 *Convention on the Privileges and Immunities of the United Nations*.¹⁶³ Such responsibilities are also reflected in

156 In the context of humanitarian action, see Feinstein International Famine Center at Tufts University, “The Future of Humanitarian Action: Implications of Iraq and Other Recent Crises,” January 2004; see also, Dan Murphy, “In Iraq, Aid Group Favors Talk Over Barbed Wire,” *Christian Science Monitor*, December 18, 2003.

157 Blyth, “UN Peacekeeping Deploys Unarmed Drones to Eastern Congo.” (“In MONUSCO, various measures are in place to provide information, such as civil-military coordination, Community Liaison Assistants (CLAs) and stretching its force into Forward and Temporary Operating Bases (FOBs/TOBs) to ensure local integration and access to ‘ground truth’.”)

158 United Nations, *Brahimi Safety and Security Report*, para. 277.

159 See, for example, DPKO/DFS, “DPKO/DFS Guidelines: Integrating a Gender Perspective into the Work of the United Nations Military in Peacekeeping Operations,” March 2010, available at www.un.org/en/peacekeeping/documents/dpko_dfs_gender_military_perspective.pdf. See also UN Security Council Resolution 2185, which recognizes that increased participation of female police peacekeepers can assist with building trust in the local community.

160 DPKO/DFS, “Protection of Civilians Implementing Guidelines for Military Components of United Nations Peacekeeping Missions,” February 2015, pp. 3-4, p. 7; In early 2015, the first Special Female Military Officers Course was held at the Centre for United Nations Peacekeeping in Delhi, India.

161 Interview with UN official, March 2015.

162 See, for example, DPKO/DFS, “Protection of Civilians Implementing Guidelines for Military Components of United Nations Peacekeeping Missions,” p. 11.

163 *Convention on the Privileges and Immunities of the United Nations*, Article 105, February 13, 1946; UN General Assembly Resolution 59/276 (January 17, 2005), UN Doc. A/RES/59/276, xi-3 (“Emphasizes that the primary responsibility for ensuring the safety and security of United Nations staff and premises rests with the host country, and also emphasizes the role of the relevant host country agreements in defining this responsibility”); and United Nations, *Brahimi Safety and Security Report*, para. 250.

the 1994 Safety Convention and its 2005 Optional Protocol, as well as in the SOFA or SOMA concluded between the UN and the host state.¹⁶⁴

Member states that are party to the Safety Convention and its Optional Protocol are expected to prevent attacks against UN staff and personnel, to establish such attacks as crimes punishable by law, and to extradite or prosecute those responsible.¹⁶⁵ However, as many states that host UN peacekeeping operations are not party, the UN has developed a practice of including elements of the convention in the SOFA/SOMA, and the Security Council may request this in the mandating resolution.¹⁶⁶

Despite the clear legal position, in practice, the UN bears most of the burden for ensuring the security of its personnel, property, and premises. Peace operations are often deployed because the host state is unable or unwilling to maintain security. The idea that the host state will de facto provide for the safety and security of UN personnel and premises is therefore inaccurate. The fulfillment of such obligations is often prevented or inhibited by ongoing conflict, limited capacity, minimal ability to exercise effective control over security forces, conflict of interests, and, at times, a lack of legal clarity.¹⁶⁷ In some cases, “the host state might not even have a clear incentive to provide security for UN personnel.”¹⁶⁸ The Brahimi Safety and Security Report thus encouraged a more “realistic understanding” that all “the UN can and

should expect from the host state is that it provides security *to the best of its ability*.”¹⁶⁹

Information sharing is a key element of the security relationship between the organization and host state, but it can also be somewhat fraught in the UN peace operations context.¹⁷⁰ There may be a reluctance to share information in situations where: the UN threat assessment runs contrary to that of the host state; the host state’s forces pose a threat to civilians; a UN assessment may put people at risk; or if it is politically sensitive.¹⁷¹

From the perspective of the peace operation, being overly reliant on the host state for security and close sharing of information may jeopardize both the mission’s actual and perceived impartiality. In accordance with the principles of UN peacekeeping, missions need to be, and be seen to be, impartial in the execution of their mandates, and to maintain the consent for their deployment from the main parties to the conflict.¹⁷² While missions can certainly not afford for the host state to be working against them, working too closely with the host state may not always be desirable. The Security Council’s decision to reconfigure the mission in South Sudan (UNMISS) occurred, in part, due to the challenges of supporting the host state in a civil war context.¹⁷³

Given the importance of host-state responsibility, it is regrettable that there is no articulation or detailed shared understanding of what fulfillment of the responsibility means in practical terms.¹⁷⁴ A

164 The 1994 convention extends to UN operations that are conducted “for the purpose of maintaining or restoring international peace and security; or...[w]here the Security Council or the General Assembly has declared that there exists an exceptional risk to the safety and security of the personnel participating in the operation” (see Article 1(c)(i) and (ii)). The 2005 Optional Protocol extends this protection to potentially include all other UN operations, whether related to the delivery of humanitarian, political, or development assistance (see Article II).

165 *Convention on the Safety of United Nations and Associated Personnel*, 1994, Articles 9, 13–15.

166 For example, SOFAs for UNMIS (para. 48), UNAMI/Iraq (Article V, para. 7.a to 7.e), UNAMI/Jordan (paras. 9–12), UNAMIS (Article VI, para. 2). See also Scott Sheeran, “UN Peacekeeping and the Model Status of Forces Agreement.” The C34 has consistently recommended “that key provisions of the Convention, including those regarding the prevention of attacks against members of the operation, the establishment of such attacks as crimes punishable by law and the prosecution or extradition of offenders, be included in status-of-forces, status-of-mission and host country agreements.” See UN General Assembly Resolution 58/82 (January 8, 2004), UN Doc. A/RES/58/82; United Nations, *C34 Report 2010*, para. 34; United Nations, *C34 Report 2008*, para. 38; and United Nations, *C34 Report 2009*, para. 36.

167 For example, see United Nations, *Brahimi Report*, para. 18; and Østensen, “UN Use of Private Military and Security Companies,” pp. 20–22.

168 *Ibid.*, pp. 20–25.

169 United Nations, *Brahimi Safety and Security Report*, para. 261 (emphasis added).

170 The Brahimi Safety and Security Report notes that “[t]he central element of the cooperation and trust between the two sides is information sharing about security conditions” (para. 261).

171 United Nations, *Brahimi Safety and Security Report*, para. 260.

172 DPKO/DFS, *Capstone Doctrine*, 31–40.

173 See UN Security Council Resolution 2155 (May 27, 2014), UN Doc. S/RES/2155; and UNMISS, “UNMISS Background,” available at www.un.org/en/peacekeeping/missions/unmiss/background.shtml.

174 The Brahimi Safety and Security Report thus states that “[t]he first duty of the UN is to understand fully what it can—and cannot—expect from the host State in terms of support sought by the Organisation for security” (para. 259). Following the Brahimi Safety and Security Report, the Security Policy Manual, chapter II, section E, on relations with host countries, was concluded, and includes a requirement for the mission to report to the under-secretary-general of DSS if the host country is not fulfilling its security support obligations.

revision of the UN model SOFA, which is the assumed starting point for legal arrangements, is clearly needed and would greatly advance improving the situation.¹⁷⁵ There have been examinations of SOFA/SOMA agreements and associated practice to determine inter alia whether they adequately reflect the respective responsibilities of the host state and UN, and if, in practice, compliance with the agreements was being fully met.¹⁷⁶ For example, the restriction of movement experienced by UN peacekeepers in Darfur was found to be partly due to deficiencies in the SOFA.¹⁷⁷

The safety and security of personnel in UN peacekeeping would benefit from a two-pronged approach to the challenge represented by host-state responsibility. The first must focus on clarifying the legal responsibilities and turning them into practical obligations, the implementation of which is monitored. The second functions at the operational level, where there must be a recognition that in the environments into which peace operations are deployed, the host state will likely be unable or unwilling to provide security for the UN mission, and that it may not, in fact, be in the interests of the mission for the host state to do so. Planning of the security component should, therefore, not proceed on that basis.

Protection under international humanitarian law

Pursuant to the 1999 secretary-general's bulletin on the observance by UN forces of international humanitarian law, UN peacekeepers are expected to adhere to international humanitarian law standards, including in their use of force. These include principles of proportionality, distinction and military necessity, prescriptions on the treatment of detained persons, prohibitions on the targeting of civilians and civilian installations, and prohibitions on the use of certain weapons and methods of combat.¹⁷⁸

The usual position is that UN peacekeepers are also *protected* by international humanitarian law. As UN military personnel are usually not “parties to the conflict,” as defined by the Geneva Conventions and their Additional Protocols and customary international law, they are assumed to form part of that group of protected persons “civilians,” against whom targeting is prohibited. However, the UN has become more exposed in some operations, as in the DRC and Mali, to being considered a party to the conflict. In MONUSCO, both the UN's support for military operations of national Congolese forces, as well as the Force Intervention Brigade being mandated to “neutralize” specific armed groups in eastern DRC, has meant that the ICRC, the custodian of international humanitarian law, has taken the view that the UN military forces lost that protection.¹⁷⁹ The consequence of the ICRC's view is that the UN military forces in the DRC are now a “legitimate target,” having become a “party to the conflict.” This is the case for the entire UN military presence, whether the Force Intervention Brigade or the regular MONUSCO contingents. The impact of this legal development on the safety and security of the UN in the DRC is not yet clear. Any part of the UN military presence in the DRC may be considered a legitimate target, and this may heighten the threat against all parts of the UN presence, including civilians. To date, however, that does not seem to have occurred.

Even where the UN is not a party to the conflict, the UN military forces will lose their international humanitarian law protections “when in situations of armed conflict they are actively engaged therein as combatants, to the extent and for the duration of their engagement.”¹⁸⁰ However, this approach is not entirely consistent with the UN Safety Convention and Optional Protocol, which criminalize attacks on UN peacekeepers. In practice, it may thus be difficult to tell at any particular time whether the

175 See UN Peacekeeping Law Reform Project of the University of Essex School of Law, “UN Peacekeeping and the Model Status of Forces Agreement,” background paper prepared for the experts' workshop hosted by the New Zealand High Commission, London, UK, August 26, 2010, available at www.essex.ac.uk/plrp/documents/model_sofa_peliminay_report_august_2010.pdf.

176 See, for example, *ibid.*

177 See, for example, Sheeran, “UN Peacekeeping and the Model Status of Forces Agreement,” paras. 158, 160.

178 United Nations, *Secretary-General's Bulletin: Observance by United Nations Forces of International Humanitarian Law*, UN Doc. ST/SGB/1999/13, August 6, 1999.

179 UN Security Council Resolution 2098 (2013). See also, Scott Sheeran and Stephanie Case, “The Intervention Brigade: Legal Issues for the UN in the Democratic Republic of the Congo,” New York: International Peace Institute, November 2014, available at www.ipinst.org/wp-content/uploads/publications/ipi_e_pub_legal_issues_drc_brigade.pdf.

180 United Nations, *Secretary-General's Bulletin on Observance by United Nations Forces of International Humanitarian Law*, Section 1.1.

UN military force, or a part thereof, is considered a legitimate target or not.

The Geneva Conventions were developed to regulate the use of force between regular armies, and their application was later expanded to irregular forces and nonstate actors, in both external and internal armed conflicts. The conventions do not consider the unique role of UN peacekeeping operations, and as a result, there is a question of how well international humanitarian law recognizes the existence of an entity with international legitimacy, mandated to use force by the UN Security Council for particular purposes. The safety and security of personnel in UN peace operations would benefit from clarification of the protection of peacekeepers under international humanitarian law and other relevant international legal instruments.

Recommendations

Substantial analysis of UN safety and security issues has occurred since 2003, following the bombing of the UN headquarters in Iraq, and the system has made efforts to improve and strengthen its security policies and arrangements. However, security issues are often perceived as primarily technical matters and are not prioritized as strategically or politically important, despite their centrality to the effectiveness of peace operations.¹⁸¹ Furthermore, the analysis and focus has been on the UN system across the board, and perhaps not sufficiently on the needs and particularities of UN peacekeeping and special political missions. The key issues can be complicated, interconnected, and politically challenging to address. We offer several recommendations aimed at improving safety and security in UN peace operations.

POLITICS AND DIPLOMACY

1. **Hold an annual UN Security Council open debate on the safety and security of personnel in UN peace operations.**¹⁸² A concrete outcome from the session should include commitment across the membership to specific improve-

ments, in the form of a thematic resolution.

2. **Instigate regular peace operations dialogues among council members, the host state, major financiers, potential/existing TCCs/PCCs, Secretariat officials, and representatives of key regional organizations or other partners active in the area.** These should be unofficial, unscripted, and frank conversations intended to inform Security Council-mandating activity.¹⁸³
3. **Provide weekly situational awareness briefings to the Security Council on the situation in countries in which peace operations are deployed and those experiencing volatility or on a trajectory toward instability.** The briefings should be systematic (not requiring the invitation of a council member), comprehensive (covering security, political, and humanitarian issues), and provided by an integrated UN entity (such as the UN Operations and Crisis Centre). They should be tightly focused on situational awareness (facts), not straying into policy issues (advice), and should be forward looking, analyzing the situation and making assessments on its trajectory (early warning). Selection of issues should be objective, based on pre-determined indicators. Such briefings would support a common understanding of the security situation and inform strategic-level decision making. The briefings should be geared toward informing preventive and responsive action, and supporting mandating activity.
4. **Take legal and political actions to hold to account perpetrators of attacks against UN peace operations.** This must include holding host states to their responsibilities under international law and as articulated in the SOFA/SOMA, and supporting prosecutions for breaches of international humanitarian law and international criminal law, including through the ICC.

181 See Kemp and Merkelbach, "Can you get sued?"; and Bruderlein and Gassmann, "Managing Risks in Hazardous Missions," p. 78.

182 Recommended in the Brahimi Safety and Security Report in respect of staff security, para. 267(iv).

183 The 2009 New Horizons Report recommended establishing "informal mission-specific coalitions of engaged stakeholders to assist the Secretary-General in securing and sustaining the necessary political and operational support." See DPKO/DFS, "A New Partnership Agenda: Charting a New Horizon for UN Peacekeeping," New York, July 2009, p.41, available at www.un.org/en/peacekeeping/documents/newhorizon.pdf. Some peacekeeping missions have had informal coalitions (e.g., the Group of Friends of Haiti and Core Group on Timor-Leste) that provided input into the mandating process.

ORGANIZATION

5. **Articulate the organization's duty of care toward all categories of UN personnel, including military and police contingents, and the responsibilities of TCCs/PCCs toward their own personnel.** The substance and parameters of the organization's existing duty of care are unclear, as are the differences between the duty owed to civilian personnel and that shared with TCCs/PCCs and owed to military and police contingents.
6. **Manage safety and security issues in peace operations in a holistic manner.** Both in the field and at headquarters, it is important to avoid a fragmented approach to security issues, one that disaggregates the security of military, police, and civilian personnel, or conceives security as independent from the mission mandate. All UN peace operations personnel operate in the same security environment, even if they do carry out different tasks and face different risks. The political and military activities of a mission can have security implications, and the security posture of a mission can have political and military consequences. It is critical that the operational and strategic implications of security issues are understood.
7. **Expand the mandate of DSS to include a level of responsibility and support for the safety and security of military and police contingent.** While TCCs/PCCs rightly retain the primary responsibility for the safety and security of their contingent personnel, existing resources should be transferred to bolster the capacity of DSS and enable it to undertake military threat assessments, and provide advice to TCCs/PCCs on force protection. DSS would need to work in close concert with the DPKO Office of Military Affairs on these issues.

POLICY

8. **Develop policy guidance for military and police contingents on safety and security/force protection issues.**¹⁸⁴ The guidance should

clarify responsibilities, personnel and equipment needs, and coordination with other mission actors. It also should enhance understanding of how military and police contingents contribute to overall mission security.

9. **Through a policy instrument, articulate the authority and accountability of senior UN leaders, in missions and at headquarters, for the safety and security of UN personnel (civilian, military, and police).** This should clarify the relationship between the SRSG/HOM and relevant under-secretaries-general at headquarters, and it should cover the responsibilities of deputy SRSGs, the force commander, and director of mission support. It should also clarify the application of the Framework of Accountability in peace operations settings. The development of such policy instrument should be accompanied by an initiative to limit or prohibit national caveats on the activities of military personnel, and sanction TCCs/PCCs that undermine UN command and control by national command interventions.
10. **Develop a consistent UN approach to crisis management.** This should be codified in a policy applying to all UN presences—peacekeeping operations, special political missions, and country teams. The policy should: cover activity both in the field and at UN headquarters; clearly articulate crisis management roles and responsibilities; establish crisis response coordination mechanisms (crisis management teams); prescribe the production of crisis management plans; and establish a mandatory regime of crisis management exercises. It should also clarify the relationship between the security management team and crisis management team.
11. **Ensure robust crisis preparedness through the production and exercising of relevant plans.** These include: a crisis management plan (setting out the membership and procedures of

¹⁸⁴ See, for example, recommendations by William R. Phillips, "Enhancing Peace Operations' Capacity to Face Threats Against Peacekeepers," background paper for Challenges Annual Forum, Beijing, October 14-16, 2014, p.7, available at www.challengesforum.org/Global/Forum%20Documents/2014%20Beijing%20Annual%20Forum/Philips_Enhancing%20Peace%20Operations%20Capacity%20-%20Background%20paper%20Beijing%2030Sept2014.pdf?epslanguage=en; and Challenges Forum, "Building Capacity for Peace Operations in Response to Diversified Threats: Challenges Annual Forum Report 2014," Stockholm, 2014, p. xv, available at www.challengesforum.org/en/Reports--Publications/Challenges-Annual-Reports/Challenges-Annual-Forum-Report-2014/?retUrl=/Templates/Public/Pages/PublicReportList.aspx?id%3d962%26epslanguage%3den.

the crisis management team, information flow during crises, critical information, and checklists); security plan; aviation disaster plan; mass casualty incident plan; pandemic plan; business continuity plan; IT disaster recovery plan; and integrated plans for dealing with the most likely and most dangerous scenarios. A capacity should be developed at headquarters to plan and support the execution of annual crisis management simulation exercises in all peace operations.

12. **Establish a procedure to allow UN rules and regulations on procurement and recruitment processes to be abridged/expedited in special circumstances (mission start-ups and crisis situations) for security purposes.** This will enable greater efficiency in ensuring sufficient security equipment and personnel when they are most critical.

PLANNING

13. **Review the continued appropriateness of the models for the provision of security in UN peace operations and ensure that security arrangements are properly tailored to mission requirements and operating environments.** This exercise should include an analysis of the real needs of missions and comparative advantages of various providers, including UN guard units and private security companies. Security considerations must be part of initial planning and mission design, and the security strategy must be conceived holistically (covering military, police, and civilian personnel) and as an essential part of effective mandate implementation.

OPERATIONS

14. **Ensure that missions deploying into asymmetric threat environments have the required capabilities, technologies, and force preparation.** Greater clarity is required on the role of peace operations in asymmetric threat situations. Missions should also leverage the analysis of Security Council sanctions committees and other bodies to identify regional trends and trajectories of asymmetric threats.
15. **Develop missions' security and protection-of-civilians strategies in close concert.** Acceptance that the UN will become involved in complex and dangerous situations in pursuit of

its protection-of-civilians mandate, and that such activity could engender attacks against the mission, should inform planning and resourcing considerations. Military components should be lighter, more mobile, and more willing and able to use force. Security arrangements for civilians should be planned to enable them to operate in high-threat environments in support of protection activities when necessary. Early consideration needs to be given to the planning, construction, and defense of civilian protection sites.

16. **Commit to ensuring that missions are able to meet the "golden hour" standard of trauma medicine, including having the required capability for 24/7 medical evacuation.** This can be achieved through developing standards and processes of medical care and establishing an assurance unit to audit the standards of care being provided. Ensuring 24/7 airlift for casualty evacuations, including from combat zones, is difficult but essential for supporting night operations. Medical aspects must be a core component of initial mission planning, and a medical capacity must be among the first on the ground. Reimbursement rates for medical capabilities should be reviewed to enable the UN to be more competitive in the international market place, and private medical service providers should be used when more efficient.
17. **Institute a last resort avenue for individuals to raise issues of concern regarding security in peace operations, directly with headquarters.** Such a role could be allocated to an existing function within DSS. The intention would not be to bring people to account, as there are other avenues for that, but simply to raise an issue of concern, so that it might be readily addressed.

PERSONNEL

18. **Consolidate responsibility under DSS for the recruitment, training, and performance of all security officers.** Existing resources should be transferred to empower DSS with the capability and responsibility for ensuring that security officers maintain a high standard of professionalism across all missions.
19. **Establish a security surge capacity and a medical surge capacity for mission start-ups**

and crisis situations. This would be composed of a team of highly experienced security professionals and a smaller team of medical professionals, both advisers and operational personnel, able to be deployed on short notice (within 48 hours) across all peace operations, as required. This will enable the necessary high-quality capacity for planning, assessment, and operations when it is most needed.

20. **Recognize the particular risks faced by national staff, and plan security responses accordingly.** Review the treatment of national staff members under the UNSMS to ensure that it accounts for the particular role that they increasingly play in high-risk environments.
21. **Centralize responsibility for oversight of the personnel processes that take place following a casualty in a UN peace operation.** An existing capacity should be identified (such as within the DFS Field Personnel Division) to take on a centralized oversight function and responsibility for ensuring that all elements of the administrative and personnel processes that take place following a casualty in a UN peace operation are carried out in a timely manner. The same capacity should be responsible for collecting, collating, verifying, and maintaining casualty information.

RESOURCES AND CAPABILITIES

22. **Prioritize and incentivize capabilities that enhance safety and security as part of the force-generation process.** Rapid deployment of critical capabilities and force enablers should be financially incentivized and flexibly managed. Projected priorities should be communicated clearly to member states, with an explanation of how they enhance mission safety and security.
23. **Use unarmed private security companies and other private service providers, such as medical and logistical companies, where doing so would be the most efficient and effective way of ensuring safety and security in UN peace operations.** A preference for member state-contributed capabilities must not be allowed to compromise effectiveness and jeopardize safety and security. In engaging private security companies, the UN must ensure that a sufficient regulatory framework is

in place and human rights standards are met.

INFORMATION

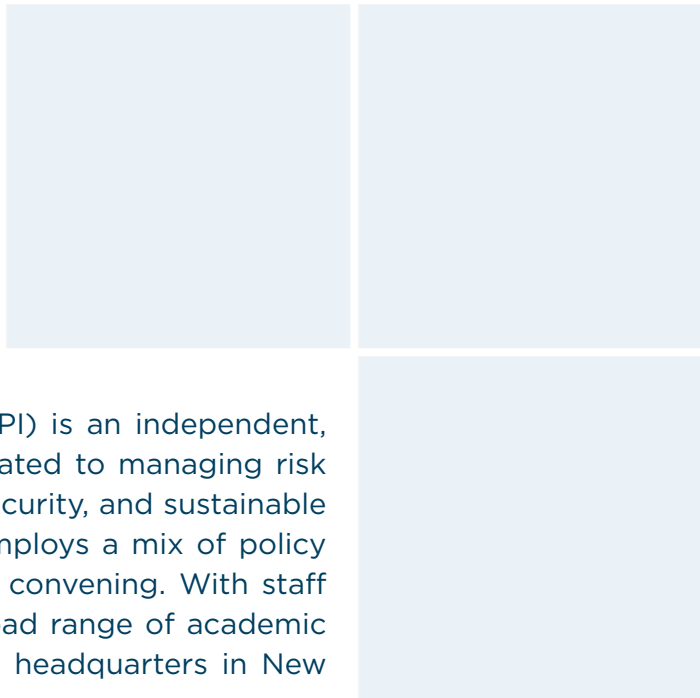
24. **Develop a professional and efficient UN intelligence system.** Given the increasingly volatile environments into which UN peace operations are deploying, good situational awareness based on professional intelligence (i.e., meaning *effectively processed*, as opposed to *covertly collected* information) is essential. A UN intelligence system should stretch from the field to headquarters. The primary clients should be mission leadership, headquarters leadership, and the Security Council. It should include: an overarching leadership and direction capacity; consistent and sensitive collection policies appropriate to the purposes of the UN; a common collation platform; unification of existing situational awareness bodies; staff members with relevant backgrounds and professional training; systematic output of consistent products; implementation of information-handling protocols; and professionally managed product dissemination. The system should be geared toward informing preventive and responsive action at the field and headquarter's levels, supporting mandating, and planning and operational activities. It should inform but operate independently from the political and policy streams. A well-structured, professionally staffed intelligence system that systematically produces high-quality assessments in support of UN peace operations would improve safety and security for military, police, and civilian personnel.
25. **Recognize the value and importance of UN personnel interacting with the local population, including in high-threat environments, and plan to enable such activity.** This must include missions having the ability to respond swiftly should something go awry (i.e., safe haven facilities, medical care, rapid reaction and extraction capabilities, and evacuation plans).

LEGAL

26. **Strengthen the shared understanding between the UN and host state on security responsibilities including through revision of the UN model SOFA/SOMA.** Security issues should be

identified and discussed with the host state at the earliest opportunity. Member states should revise the model SOFA to incorporate relevant elements of the 1994 Safety Convention, its 2005 Optional Protocol, and developments in practice. This would assist in providing a clearer and more substantive articulation of host-state and UN responsibilities.

27. **Clarify the legal protections for UN peacekeepers and premises under international law.** This should include an examination of the application of the Safety Convention and Optional Protocol, the Rome Statute, and international humanitarian law.



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