

The Accountability System for the Protection of Civilians in UN Peacekeeping

NAMIE DI RAZZA



Cover Photo: Peacekeepers from Senegal serving with the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) patrol near Mopti, July 4, 2019. UN Photo/Gema Cortes.

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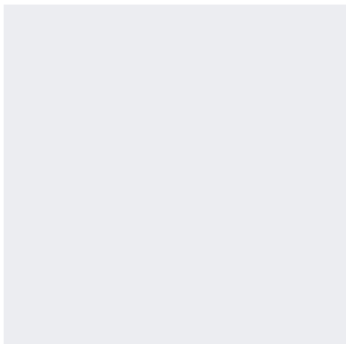
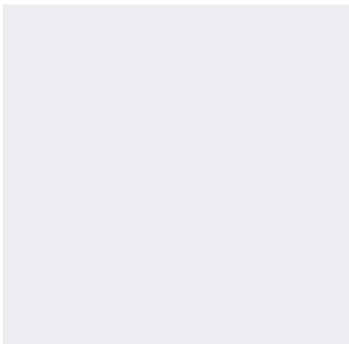
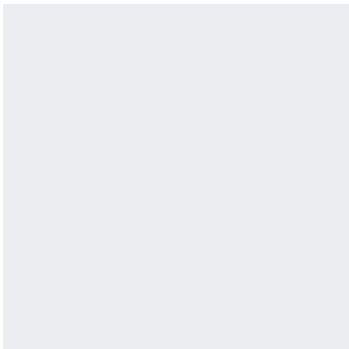
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ABBREVIATIONS

AAR	After-action review
C-34	Special Committee on Peacekeeping Operations
CAR	Central African Republic
CPAS	Comprehensive Planning and Performance Assessment System
DFS	UN Department of Field Support (replaced by DOS in 2019)
DMSPC	UN Department of Management Strategy, Policy and Compliance
DOS	UN Department of Operational Support (formerly DFS)
DPKO	UN Department of Peacekeeping Operations (replaced by DPO in 2019)
DPO	UN Department of Peace Operations (formerly DPKO)
DRC	Democratic Republic of the Congo
FC	Force commander
JAM	Joint assessment mission
JET	Joint evidence-gathering team
JPT	Joint protection team
MINUSCA	UN Multidimensional Integrated Stabilization Mission in CAR
MINUSMA	UN Multidimensional Integrated Stabilization Mission in Mali
MONUSCO	UN Organization Stabilization Mission in the DRC
OIOS	UN Office for Internal Oversight Services
OMA	Office of Military Affairs
OPSP	Office for Peacekeeping Strategic Partnership
POC	Protection of civilians
SEA	Sexual exploitation and abuse
UNMISS	UN Mission in South Sudan

Executive Summary

Over the last two decades, UN peacekeeping operations have striven to protect civilians from physical violence. The protection of civilians (POC) is now based on a clear normative and policy framework, and its practical implementation relies on a number of innovative tools, tailored and multidimensional approaches, and the more proactive posture of peacekeepers. On a number of occasions, however, UN missions have failed to prevent or respond to threats despite being aware of the risk, receiving adequate warning of an attack, or being in the proximity when abuses were committed. Numerous reports and investigations into these incidents have highlighted shortcomings in performance and called for more accountability. Despite institutional ambitions, however, there is still limited accountability for the actors involved in protecting civilians.

A robust accountability system for POC in peacekeeping operations would include four dimensions. First, it would clearly establish the roles and responsibilities of all actors. Second, it would ensure that all actors have the support and resources they need. Third, it would monitor, track, and oversee performance through a system of controls and reporting. Finally, it would put in place incentives to encourage good performance and corrective measures and sanctions to respond to underperformance. The UN's current accountability system faces the biggest challenges in the last two dimensions—performance-monitoring systems and sanction and incentive mechanisms—which are the focus of this paper.

The Secretariat has developed many tools to monitor the performance of individuals, uniformed components, and missions as a whole. Nonetheless, systemic challenges persist: the existing system tends to prioritize institutional rather than individual accountability; to focus on the performance of uniformed rather than civilian personnel; to rely on monitoring compliance rather than impact; and to use self-evaluation rather than impartial assessments. In addition to its tools to monitor performance, the Secretariat has developed mechanisms to respond to extraordinary crisis situations in which the performance of a mission is questioned. While independent reviews often provide a robust form of accountability,

internal reviews have limited capacity, resources, and leverage. Many of these tools are also misunderstood, resulting in inconsistent and duplicative processes.

These performance-monitoring tools are meaningless if there are no consequences for performance results and no follow-up to ensure that adjustments are made. The Secretariat has established many processes to examine shortcomings in a collaborative way, learn from them, and adapt internal processes. However, robust sanctioning and consequences have been largely restricted and inconsistent, military-oriented, nontransparent, and highly politicized. Beyond sanctions, there are few incentives for proactively implementing POC mandates, and those that do exist are largely restricted to uniformed personnel.

In response to these challenges, some member states have promoted performance and accountability in UN peacekeeping operations through multilateral initiatives or strengthened their national policy frameworks for POC. The Secretariat has also ramped up its efforts to clarify expectations and strengthen accountability and performance monitoring over the past few years. As they continue pursuing these initiatives, both member states and the Secretariat should consider the following:

- **Working toward a more cohesive accountability structure** by streamlining processes, improving coordination between accountability structures, broadening the scope of accountability tools to include all POC stakeholders, enhancing planning for POC, and tracking POC responses.
- **Strengthening independent, dedicated, and transparent accountability tools** by using more independent investigative teams, strengthening the role of the Office for Peacekeeping Strategic Partnership as an independent inspectorate-general for peacekeeping, providing dedicated resources for POC accountability, and striking a balance between transparency and politics.
- **Enforcing consequences** by following up on shortcomings in performance and considering POC in the force generation and selection processes, as well as going beyond punitive measures by developing incentives.

Introduction

In 1999, the UN Security Council recognized the protection of civilians (POC) as a key component of international peace and security and established the first POC mandate for a peacekeeping operation.¹ Over the last two decades, POC has seen gradual, but remarkable, progress, both conceptually and in practice. It is broadly supported by the Security Council, troop- and police-contributing countries (T/PCCs), and the Secretariat. The council has made POC a priority for most peacekeeping operations, and the Secretariat has produced a substantial amount of policy and guidance. At the field level, missions have established POC tools and mechanisms, adopted a more proactive posture, and diversified their activities to improve the implementation of POC mandates and policies. Peacekeepers mandated to protect local populations have saved many lives and often act as the last layer of protection for vulnerable communities threatened by violent armed groups and predatory state forces.

As we enter the third decade of POC in peacekeeping operations, a shift toward accountability is urgently required.

On a number of occasions, however, UN missions have failed to prevent or respond to threats despite being aware of the risk, receiving adequate warning of an attack, or being in the proximity when abuses were committed. Numerous internal and external reports and investigations into these incidents have highlighted shortcomings in performance and called for more accountability. However, many of these have remained confidential, and the actions taken to address the shortcomings they identify often escape the public eye. Despite institutional ambitions, there is still limited accountability for the actors involved in protecting civilians.

As we enter the third decade of POC in peacekeeping operations, a shift toward accountability is urgently required. Increasing accountability for POC would improve missions' readiness to deliver on their POC mandates, push UN

personnel to properly integrate POC into their strategies and plans, and ensure they connect POC outputs to impact. Accountability can be the connective tissue between policy and practice by holding actors responsible for their obligations under normative frameworks and by moderating and calibrating these frameworks to the tools and resources available.

This paper seeks to shift the debate around accountability from a punitive, confrontational narrative of blame to a positive, inclusive, and empowering one. It calls for a culture of active accountability for all actors, based on a shared willingness and commitment to assume responsibility and be answerable for the effective delivery of protection mandates. After analyzing the concept of accountability, the paper identifies the accountability mechanisms that exist and those that are needed to assess, sanction, and incentivize

performance. It then reviews recent initiatives by member states and the Secretariat to strengthen accountability mechanisms for POC. The paper concludes with recommendations for how to

build a robust, multi-actor, multilayer "system of accountability for POC"—a comprehensive network of accountability mechanisms, tools, and processes, comprising both carrots and sticks, through which all stakeholders hold each other to account.

This paper focuses on the duty of UN peacekeeping operations to proactively protect civilians to the best of their ability and the role and accountability of the Secretariat and member states. To that end, it examines issues related to performance monitoring and oversight, as well as corrective measures, sanctions, and incentives. Although this report refers to some of the lessons learned from debates on accountability for sexual exploitation and abuse or the pursuit of criminal justice for perpetrators of abuse against civilians, these topics are beyond its scope.

1 UN Security Council Resolutions 1265 (September 17, 1999), UN Doc. S/RES/1265; and 1270 (October 22, 1999), UN Doc. S/RES/1270.

Framing the Debate on Accountability for POC

The UN is expected to provide a normative compass, and there is a general sense that, if anything, member states and individuals are the ones who should be held accountable by the UN—not the reverse. However, blatant failures by the organization, including scandals related to sexual exploitation and abuse by peacekeepers and the spread of cholera in Haiti, have led to increasing calls to hold the UN accountable for misconduct and negligence. On top of this, UN peacekeepers' inaction in the face of genocide, crimes against humanity, and violence against civilians have prompted calls for strengthening accountability for the proper delivery of peacekeeping mandates. The Action for Peacekeeping initiative, launched by the secretary-general in 2018 to revitalize peacekeeping, includes an entire segment on shared commitments to strengthening performance and accountability for UN peacekeeping operations, and the Security Council recently adopted a resolution on performance and accountability.²

Accountability is both a virtue and a mechanism.³ As a virtue, it is understood as an obligation (or willingness) to accept responsibility and to transparently answer to a third party for the way this responsibility is carried out. As a mechanism, accountability depends on specific structures that enable agents to account for and report on their actions. Over the years, the Secretariat has recognized its own accountability, refined how it defines accountability, and established accountability structures and arrangements (see Box 1).

Four Dimensions of Accountability

Building on the UN's definition of accountability (see Box 1), this paper considers four dimensions of a robust accountability system for peacekeeping

operations: (1) clear roles and responsibilities through guidance and training; (2) appropriate means and resources, including human and material resources and rules, regulations, and procedures; (3) robust performance-monitoring and oversight tools to track performance; and (4) corrective measures, sanctions, and incentives for results (see Table 1). All peacekeeping stakeholders have a role to play in all four dimensions (see Table 2).

First, the UN needs to clearly establish roles and responsibilities and communicate its expectations for all actors. Responsibility refers to the duty to take care of something. It is associated with ownership of a given task and the power or right to give orders or instructions, make decisions, and enforce implementation. All mission components, as well as the Secretariat and member states, have roles and responsibilities for the protection of civilians. To avoid diffusing any sense of accountability for POC and to prevent actors from blaming failures on others or on the organization as a whole, it is critical to establish these roles and responsibilities in prescriptive dispositions, guidance, and training. These roles and responsibilities also have to be reasonably achievable to avoid setting up people to fail.

Second, missions need resources and means commensurate to the tasks or objectives they are assigned—a point often stressed by T/PCCs. Missions usually receive enough information and warning about threats to civilians, but they often lack the means to respond quickly and adequately.⁴ Lack of appropriate rules, regulations, and procedures or human and material resources and support can constitute a legitimate reason—or excuse—for failing to implement a POC mandate. Under these circumstances, attempts to hold those implementing the mandate to account can become contentious.⁵ Aligning roles and responsibilities with resources, and with the ability to access and manage these resources, is therefore key to robust accounta-

Accountability is both a virtue
and a mechanism.

² UN Security Council Resolution 2436 (September 21, 2018), UN Doc. S/RES/2436.

³ Mark Bovens, "Analysing and Assessing Accountability: A Conceptual Framework," *European Law Journal* 13, no. 4 (2007).

⁴ Phone interview with senior POC adviser, New York, February 2019.

⁵ The Brahimi report called for matching resources to POC mandates. UN General Assembly and Security Council, *Report of the Panel on United Nations Peace Operations*, UN Doc. A/55/305-S/2000/809, August 21, 2000.

Box 1. The UN's definitions of accountability

There have been several attempts to define accountability for the UN system.⁶ In 2010, the secretary-general provided the following definition:

Accountability is the obligation of the Organization and its staff members to be answerable for delivering specific results that have been determined through a clear and transparent assignment of responsibility, subject to the availability of resources and the constraints posed by external factors. Accountability includes achieving objectives and results in response to mandates, fair and accurate reporting on performance results, stewardship of funds, and all aspects of performance in accordance with regulations, rules and standards, including a clearly defined system of rewards and sanctions.⁷

However, this definition was not adopted by the General Assembly and was criticized for making accountability dependent on resources and external constraints. Instead, the General Assembly defined accountability as “the obligation of the Secretariat and its staff members to be answerable for all decisions made and actions taken by them, and to be responsible for honouring their commitments, without qualification or exception.” It includes:

- “Achieving objectives and high-quality results in a timely and cost-effective manner, in fully implementing and delivering on all mandates to the Secretariat approved by the United Nations intergovernmental bodies and other subsidiary organs established by them in compliance with all resolutions, regulations, rules and ethical standards”;
- “Truthful, objective, accurate and timely reporting on performance results”;
- “Responsible stewardship of funds and resources”; and
- “All aspects of performance, including a clearly defined system of rewards and sanctions; and with due recognition to the important role of the oversight bodies and in full compliance with accepted recommendations.”⁸

In parallel, the Joint Inspection Unit established the minimum requirements for an accountability system: a political covenant with member states; internal controls; and complaint and response mechanisms.⁹

On the basis of this definition, the secretary-general has laid out the UN Secretariat's accountability structure in a series of annual progress reports.¹⁰ It rests on six components:

- The UN Charter;
- Program planning and budgetary documents;
- Results and performance, monitored through institutional and individual performance management;
- Internal control systems;
- Ethical standards and integrity; and
- Oversight roles and functions.

Most recently, the secretary-general outlined an accountability process based on three “lines of defense”:¹¹

6 For a summary of these attempts and of the development of various components of the UN accountability system since 1994, see: Joint Inspection Unit (JIU), *Accountability Frameworks in the United Nations System*, UN Doc. JIU/REP/2011/5, 2011.

7 UN General Assembly, *Towards an Accountability System in the United Nations Secretariat—Report of the Secretary-General*, UN Doc. A/64/640, January 29, 2010.

8 UN General Assembly Resolution 64/259 (May 5, 2010), UN Doc. A/RES/64/259.

9 Joint Inspection Unit (JIU), *Accountability Frameworks in the United Nations System*.

10 The first report was UN Doc. A/64/640. For the other progress reports, see UN Docs. A/66/692, A/67/714, A/68/697, A/69/676, A/70/668, A/71/729, A/72/773, and A/73/688.

11 UN General Assembly, see: *Seventh Progress Report on the Accountability System in the United Nations Secretariat: Strengthening the Accountability System of the Secretariat under the New Management Paradigm—Report of the Secretary General*, UN Doc. A/72/773, March 1, 2018.

- “Functions that own and manage risks and are responsible for implementing corrective actions to address process and control deficiencies”;
- “Central management functions that oversee risk and internal controls and provide support and guidance in those areas,” such as the Department of Management Strategy, Policy and Compliance (DMSPC), Office of Legal Affairs, and Ethics Office; and
- “Functions that provide independent assurances,” such as the Office for Internal Oversight Services.

Table 1. The four dimensions of accountability

Clear roles and responsibilities	Providing clear legal frameworks, policies, guidance, and training <i>To be held accountable, all actors need to understand their roles and responsibilities for POC</i>
Support and resources	Providing appropriate material and human resources <i>To be held accountable, all actors need to be empowered with the authority, ability, and capacity to fulfill POC mandates</i>
Performance monitoring and oversight	Monitoring, tracking, and overseeing actual performance <i>To be held accountable, all actors’ actual performance must be tracked and assessed through a system of reporting and controls</i>
Corrective measures, sanctions, and incentives	Establishing procedures to ensure consequences for performance results <i>Holding actors accountable means they will be rewarded, encouraged, and sanctioned according to their performance</i>

bility.¹² Mission support components, in particular, need to prioritize POC in planning, resource allocation, and budgetary processes and to communicate resource gaps to mission leaders and headquarters.¹³ Member states also need to play their part and provide the necessary resources for POC mandates.

Third, the UN needs to establish internal controls, tools, and mechanisms to track behavior and performance. Performance monitoring encompasses both systematic, proactive assessments aimed at regularly adjusting activities to achieve better results and retroactive investigations to address alleged failures to protect civilians.

Finally, performance monitoring needs to be associated with concrete corrective measures, sanctions, and incentives to make sure there are consequences for performance results and influence future performance. A robust accountability system relies on assurances that corrective measures will be implemented at the individual and organizational levels to address the shortcomings identified. Sanctions punish actors who undermine the mission’s mandate and objectives by failing to fulfill their roles and responsibilities, acting inappropriately, or performing poorly. This “gives teeth to accountability” and can motivate good performance—and deter bad performance—

¹² Up until the recent management reform, heads of mission and managers were responsible for executing mandates but lacked the decision-making authority to allocate resources for this purpose.

¹³ UN Department of Peace Operations (DPO), “Policy: The Protection of Civilians in United Nations Peacekeeping,” November 2019.

Table 2. Tools across all four dimensions of accountability

	Clear roles and responsibilities	Support and resources	Performance monitoring and oversight	Corrective measures, sanctions, and incentives
Security Council 5th Committee	Security Council mandate	Political support Financial support Diplomatic support	Security Council visit Security Council briefing	Diplomatic efforts Security Council mandate Budget
Troop- and police-contributing countries	Pre-deployment training	Seconded expertise Contingent-owned equipment Capable troops and police units	National Investigation Officer	Disciplinary action Legal process Training
Secretariat	Policy and guidance Training Backstopping	Civilian expertise Capable leadership and logistics Workable administration	e-Performance/Compact AAR Mission evaluation OMA/Police evaluation OPSP BOI Special investigation	Disciplinary measures Force generation Medals Risk premiums
Mission	Mission concept Leadership instructions & orders Specific training Integrated fora POC adviser Mission POC strategy	Mission support, internal processes	FC evaluation e-Performance/Compact AAR CPAS JPT/JET/JAM BOI Conduct and discipline	Disciplinary measures Recognition
Independent			OIOS* Strategic review Independent special investigation Whistleblower Media NGOs	
Population			Surveys Community engagement	Protests

*OIOS is an internal oversight body of the UN but has "operational independence," with dual reporting lines to the General Assembly and secretary-general.

beyond those who were sanctioned. Incentives, on the other hand, “reward good behavior and action and deter bad behavior and action without necessarily involving recourse to legal enforcement,” setting an example for other actors as to what constitutes good behavior and encouraging them to emulate it.¹⁴

Over the years, a lot has been done to strengthen the first dimension of accountability, with the UN developing official policy, guidance, and training to clarify roles and responsibilities for POC. The second dimension—providing appropriate

resources for POC—has long been, and will continue to be, a key subject of debate, given the UN’s ongoing financial crisis and lack of clarity and agreement on what constitutes adequate resources. Recently, the third dimension—monitoring and investigating performance—has become a prominent theme of discussions in the Secretariat and among member states, leading to promising initiatives. The fourth dimension—ensuring consequences for results—remains the weakest.

This paper focuses on last two dimensions—

14 Peter Otegbeye, “Accountability: A Corrective Mechanism in Resolving Organisational Challenges,” February 2016.

performance-monitoring systems and sanction and incentive mechanisms—as they present the biggest gaps and have been at the center of recent debates over how to improve peacekeeping. However, the interplay between all four dimensions needs to be recognized to make the UN’s accountability system robust, fair, and effective.

Different Types of Accountability

In addition to these four dimensions, there are also different types of accountability. These can be grouped based on the domain subject to accountability: financial accountability for the stewardship of resources; legal accountability for violations of different bodies of law; performance accountability for the delivery of mandates and tasks; and moral accountability for upholding the values and principles of the UN.¹⁵ They can also be categorized according to the accountability holder: organizational accountability pursued internally by UN management; and political accountability pursued externally by the Security Council, other member states, and, ultimately, the general public.

For each of these types of accountability, peacekeeping stakeholders are held to account for roles, responsibilities, and standards that vary in the extent to which they are clear, objective, and understood. There are clear provisions around the management of finances; international and national legal frameworks; and organizational regulations, rules, policies, and standards. However, political and moral accountability can be more subjective and much more difficult to tackle, and institutional and individual performance can be measured on a sliding scale that is often subject to debate.

Legal Accountability

Legal accountability refers to the establishment of organizational, state, or individual criminal or civil responsibility or liability. The legal accountability of the UN remains extremely limited, given the immunity it has been conferred. The Secretariat also has limited legal authority over troops and units deployed by member states.

A few past initiatives have helped clarify the obligations and liability of UN peacekeepers, including in relation to POC. In 1999, the secretary-general issued a bulletin establishing that UN forces actively engaged as combatants would respect international humanitarian law, including the protection of civilian populations. As a statement of policy, the bulletin acknowledged the obligation of UN troops to distinguish between civilians and combatants and to “take all feasible precautions to avoid, and in any event to minimize, incidental loss of civilian life, injury to civilians or damage to civilian property.”¹⁶ It therefore recognized the UN’s obligation under international humanitarian law to protect civilians from peacekeepers’ operations.¹⁷ However, the bulletin only applies to UN peacekeepers protecting civilians from their own operations—not from third parties. While some academics have outlined peacekeepers’ positive obligation to protect civilians from others, especially under international human rights law, the Secretariat has not issued a bulletin to this effect.¹⁸

The Secretariat has also increasingly recognized that UN personnel can come under national criminal jurisdiction. It has issued guidance on misconduct that can amount to a crime and on how to cooperate with host states during investigations.¹⁹ When UN staff commit crimes and blatant

15 On the concept and alternative typologies of accountability, see: Staffan I. Lindberg, “Accountability: The Core Concept and Its Subtypes,” Overseas Development Institute, April 2009.

16 The fundamental principles and rules of international humanitarian law set out in the bulletin “are accordingly applicable in enforcement actions, or in peacekeeping operations when the use of force is permitted in self-defence.” UN Secretariat, *Secretary-General’s Bulletin: Observance by United Nations Forces of International Humanitarian Law*, UN Doc. ST/SGB/1999/13, August 6, 1999.

17 Knut Dörmann and Jose Serralvo, “The Obligation to Prevent Violations of International Humanitarian Law,” International Committee of the Red Cross, September 24, 2015.

18 Conor Foley, “The Human Rights Obligations of UN Peacekeepers,” *Global Responsibility to Protect* 8, no. 4 (2016). The UN’s legal counsel, however, recognized “the Organization’s obligations under customary international law and from the Charter to uphold, promote and encourage respect for human rights, international humanitarian law and refugee law” in 2009. This advice was endorsed by the UN secretary-general’s Policy Committee. See: Conor Foley, *UN Peacekeeping Operations and the Protection of Civilians: Saving Succeeding Generations* (New York: Cambridge University Press, 2017), p. 272.

19 UN General Assembly Resolution 66/93 (December 9, 2011), UN Doc. A/RES/66/93. On sexual exploitation and abuse, see also: the infographic on the “Management of Reports and Allegations Involving UN Personnel in Peacekeeping and Special Political Missions,” available at <https://peacekeeping.un.org/en/standards-of-conduct>.

abuse, such as sexual exploitation and abuse or killing, the UN can lift their immunity and refer them to member states for criminal prosecution, with deadlines for investigations and accountability measures to be taken in cases of substantiated allegations.²⁰ In practice, however, it is difficult to prosecute UN personnel for such crimes given the limited evidence, limited access to victims, and variations in criminal codes and legal interpretations and approaches from country to country.

It is even more difficult to hold peacekeepers legally accountable for failing to proactively protect civilians—even when Security Council mandates create a legal obligation to protect. While POC mandates cannot be strictly equated with or limited to either humanitarian or human rights law, they are based on a legally binding order from the council.²¹ However, while the council mandates missions to protect civilians and authorizes the use of all necessary means to do so, the extent of peacekeepers' legal obligation to act remains unclear for many.²² As Conor Foley notes, there is generally a “lack of clear guidance about the legal framework within which the UN expects its peacekeeping missions to act” for the protection of civilians.²³

In addition, there is a sense among many UN officials that the implementation of POC mandates is not a legal question. Many Secretariat officials stressed that the delivery of POC mandates is a performance issue and warned against confusion between legal and performance accountability. As one former senior UN official explained, “Performance accountability is completely

For many, the implementation of POC mandates is not a legal question; it is a performance issue.

different from criminal accountability. Performance should never be criminal unless there is an active omission.... Not protecting is not a criminal act.”²⁴

As a result, there are no known cases of the UN lifting the functional immunity of its staff or authorizing prosecution in cases concerning mandate implementation.²⁵ In 1995, the UN stressed that while immunity could be lifted in cases of criminal or illegal activity, this could not be done for “claims... based on political or policy-related grievances,” and this has remained the UN's official policy.²⁶ Beyond the issue of the criminal accountability of individuals, there are also limitations to the liability of the UN as an organization. The General Assembly even passed “a resolution

significantly limiting the liability of the UN for private law claims brought against it as a result of its peacekeeping activities” following the operations in Somalia, Rwanda, and the Balkans.

There are strict time limits on claims, and “claims arising from operational necessity” are excluded if they are impossible to verify in the opinion of the secretary-general.²⁷ In cases of failure to protect civilians, however, it is difficult to find evidence to establish “gross negligence” (a type of misconduct), and this failure can also result from other factors such as lack of resources or contextual challenges. As a result, the Conduct and Discipline Service and the Office of Legal Affairs rarely get involved in such cases.²⁸

At the national level, there have been some efforts to hold states liable for the failure of their peacekeepers to fulfill their obligation to protect

20 Interview with UN official, New York, January 2020. The UN secretary-general “shall have the right and the duty to waive the immunity of any official in any case where, in his opinion, the immunity would impede the course of justice.” UN General Assembly, *Convention on the Privileges and Immunities of the United Nations*, February 13, 1946.

21 Email communication with former UN official, November 2020; UN General Assembly, *Evaluation of the Implementation and Results of Protection of Civilians Mandates in United Nations Peacekeeping Operations—Report of the Office of Internal Oversight Services*, UN Doc. A/68/787, March 7, 2014.

22 In a 2014 report, the UN Office of Internal Oversight Services (OIOS) highlighted that the legal obligation to act, when host governments are unable or unwilling to protect civilians, was not well understood among peacekeepers. Ibid.

23 Foley, *UN Peacekeeping Operations and the Protection of Civilians*.

24 Phone interview with former UN senior official, March 2019.

25 Interview with senior UN official, New York, January 2020.

26 Foley, *UN Peacekeeping Operations and the Protection of Civilians*, citing UN General Assembly, *Review of the Efficiency of the Administrative and Financial Functioning of the United Nations: Procedures in Place for Implementation of Article VIII, Section 29, of the Convention on Privileges and Immunities of the United Nations, Adopted by the General Assembly on 13 February 1946—Report of the Secretary-General*, UN Doc. A/C.5/49/65, April 24, 1995, p. 10.

27 Foley, *UN Peacekeeping Operations and the Protection of Civilians*.

28 Interview with senior UN official, New York, January 2020.

civilians from third parties. In 2018, the Nuhanović case in the Netherlands established the government's legal liability for its peacekeepers' failure to protect civilians in Srebrenica.²⁹ More recently, the Dutch Supreme Court established that the "Dutch State had committed a wrongful act by evacuating the male refugees from the vehicle halls within the compound." The state was determined to be 10 percent liable, as the court assessed that there was only a "10% chance that the male refugees would have survived," even if the Dutch battalion had not evacuated the camp.³⁰

Although these cases affirm the legal accountability of a specific TCC, they do not refer to the responsibility of the UN or individual peacekeepers. They also remain the exception rather than the norm.

Performance Accountability

Performance accountability refers to the obligation to demonstrate that services are delivered efficiently and effectively. This is distinct from compliance, which refers to respect for, and conformity with, POC-related rules and policies such as operational-readiness requirements, rules of engagement, the Department of Peace Operations' (DPO) POC policy, and other internal documents prescribing the minimum requirements to implement POC mandates.³¹ While not always easy to achieve, compliance is limited to internal regulations and procedures and can easily be perceived as a bureaucratic box-ticking obligation. It does not necessarily speak to the impact of missions on the protection of civilians. Peacekeeping operations can be in compliance with UN rules and still be

While compliance can be objectively verified, performance is generally measured on a scale and is often subject to debate.

unaccountable to local communities or the Security Council for their performance.

Performance is about the effective execution of POC mandates. Assessment of performance goes beyond assessing compliance with rules and procedures; it aims at gauging the efficiency and effectiveness of UN missions in delivering on specific POC objectives. Under the recently established Comprehensive Planning and Performance Assessment System (CPAS), for example, missions identify performance areas they will continuously report on, including POC. The objective is to assess the extent to which the mission's activities and outputs are effectively contributing to an intended outcome while taking into account external factors, drivers, and challenges, and then to assess progress toward that intended outcome and, ultimately, the intended impact.³²

While compliance can be objectively verified, performance is generally measured on a scale and is often subject to debate, particularly when objectives and expectations are not clear.³³ There is also

sometimes uncertainty about whether performance refers to success in a general sense, specific outcomes of protection activities, or protection activities themselves. In this study, performance is understood as both the effective implementation of POC mandates, policies, and tasks and the achievement of organizational objectives related to POC.

Political and Moral Accountability

As an international political body composed of member states, and as an organization built by nations determined to "save succeeding generations from the scourge of war," the UN is entrusted

29 The case established that the "liability... attached to the Netherlands goes beyond attribution of liability for giving orders. It also entailed liability for the failure to give orders to do or not do something." It established that a troop-contributing country and the UN could share responsibility for the battalion's failure to protect civilians. Liesbeth Zegveld, "What Duties Do Peacekeepers Owe Civilians? Lessons from the Nuhanović Case," in *The Grey Zone: Civilian Protection between Human Rights and the Laws of War*, Mark Lattimer and Philippe Sands, eds. (Oxford: Hart Publishing, 2018).

30 However, "the Supreme Court implied that, in UN peace operations, acts of peacekeepers will normally be attributed to the UN rather than to the Dutch State. It was only because of the exceptional circumstances present in Srebrenica at the time that the Dutch State was considered to exercise effective control, thereby engaging its potential liability. In the ordinary course of events, the liability of troop-contributing States will not be engaged." Cedric Ryngaert and Otto Spijkers, "The End of the Road: State Liability for Acts of UN Peacekeeping Contingents After the Dutch Supreme Court's Judgment in Mothers of Srebrenica (2019)," *Netherlands International Law Review* 66, no. 1 (2019).

31 Senior mission leaders' compacts, for example, now include minimum requirements for implementing POC mandates. These include that a POC strategy has been established and is current, POC coordination and joint operations mechanisms have been established and are functioning, quarterly forward-looking POC threat assessment are conducted, and POC contingency plans have been prepared. See compacts for senior mission leaders and DPO, "Handbook: The Protection of Civilians in United Nations Peacekeeping," 2020, p. 27.

32 Interview with DPO official, New York, March 2019.

33 For an analysis of the definitions of performance, see Ion Elena-Iuliana and Criveanu Maria, "Organizational Performance: A Concept That Self-Seeks to Find Itself," *Annals of Constantin Brancusi University of Targu-Jiu Economy Series* 4 (2016).

with political and moral accountability.³⁴ Political and moral accountability are closely related.

Moral, or ethical, accountability refers to a system of principles and values for which an individual or organization is responsible. Moral accountability has often been invoked during protection crises in countries where UN peacekeepers are deployed. As stated in the Brahimi report, “Peacekeepers—troops or police—who witness violence against civilians should be presumed to be authorized to stop it, within their means, in support of basic United Nations principles and... consistent with ‘the perception and the expectation of protection created by [an operation’s] very presence.’”³⁵ Indeed, the media and the general public tend to judge UN peacekeeping operations based on their role as protectors of local populations.³⁶ Moral accountability is related to “public reputational accountability” and “does not depend on institutionalized channels.”³⁷ The UN can be held morally accountable by NGOs, individuals, and other external actors through public condemnation.

Political accountability refers to the UN’s responsibility to its member states and, ultimately, to the general public. Political accountability relies on external actors, including member states, civil society, the media, the general public, and local populations, assessing whether the Secretariat and peacekeeping missions are adequately executing their political functions.

Organizational Accountability

Organizational accountability refers to compliance with organizational rules, procedures, and standards through the hierarchical structure of an organization. When considering organizational accountability, it is important to distinguish between individual and institutional responsibility. The secretary-general, as the chief administrative officer of the UN, is entrusted with the institutional responsibility for implementing mission mandates, as provided for by the Security Council. The link

between institutional and individual accountability is then established through performance compacts with senior managers and performance-appraisal documents for other staff to ensure they comply with internal rules and regulations, perform their assigned tasks, and answer to oversight mechanisms.

Organizational accountability therefore cascades down through the hierarchy of staff. In peacekeeping missions, the secretary-general delegates authority to heads of mission, who are subject to authority, command, and control frameworks at the strategic, operational, and tactical levels.³⁸ For missions with POC mandates, responsibility for POC falls to a broad range of personnel, from heads and deputy heads of mission, force commanders, police commissioners, chiefs of staff, directors or chiefs of mission support, and heads of units and sections all the way down to staff at the technical level.³⁹

Guiding Principles and Challenges for Ensuring Accountability for POC

Attribution, answerability, enforcement, and transparency are the guiding principles of accountability.⁴⁰ However, each of these principles can be hampered by the very nature of POC in peacekeeping. Attributing responsibility to a specific actor for a POC shortcoming is challenging due to the UN’s multidimensional, integrated approach to POC—an approach made necessary by the multilayer and complex nature of threats to civilians. Answerability can also be difficult to ensure in a peacekeeping system that favors horizontal partnerships between T/PCCs, the Secretariat, missions, and the Security Council and in missions where command-and-control structures and reporting lines can be confusing. Enforcement, particularly through sanctions for underperformance, is rarely pursued, as most solutions remain process-oriented and limited to soft corrective decisions. Finally, transparency is

34 Charter of the United Nations, June 26, 1945.

35 UN Doc. A/55/305-S/2000/809.

36 Namie Di Razza, “Massacre in Mali Demonstrates Need to Prioritize Protection of Civilians in MINUSMA’s Mandate,” *IPI Global Observatory*, April 15, 2019.

37 Robert O. Keohane, “The Concept of Accountability in World Politics and the Use of Force,” *Michigan Journal of International Law* 24, no. 4 (2003).

38 UN DPO, “United Nations Infantry Battalion Manual (UNIBAM),” January 2020.

39 UN DPO, “Policy: The Protection of Civilians in United Nations Peacekeeping,” November 2019.

40 Andreas Schedler, Larry Jay Diamond, and Marc F. Plattner, eds., *The Self-Restraining State: Power and Accountability in New Democracies* (Boulder, CO: Lynne Rienner Publishers, 1999).

often limited due to political and institutional sensitivities around peacekeeping performance.

Attribution: The Challenge of POC as a Multi-actor Endeavor and an Institutional Goal

Over the last twenty years, POC has been systematized, institutionalized, and professionalized across the UN system. Its implementation now relies on established organizational structures, making it less dependent on the personal motivation and good will of individual staff. While this has ensured the UN's consistent commitment to safeguarding civilians, the increased institutionalization of POC has not been matched by an adequate level of accountability for it. In certain circumstances, the bureaucratization of POC can also have unintended consequences and can diminish the sense of personal accountability. As POC has been institutionalized and mainstreamed across the UN, it is sometimes perceived as an elusive goal for which no single actor can be held accountable. When POC is defined as the UN's responsibility, and therefore everybody's responsibility, it can become nobody's responsibility in practice.

When POC is defined as everybody's responsibility, it can become nobody's responsibility in practice.

In certain cases, this diffusion of responsibility has been exacerbated by the establishment of dedicated POC advisers, units, or officers. POC advisers have normalized POC in missions and strengthened all actors' awareness of POC mandates. While their role is to help prioritize and coordinate POC, their colleagues sometimes wrongly perceive them as bearing full responsibility for implementing POC mandates.

In addition, the multidimensional, whole-of-mission nature of POC in peacekeeping, while key to ensure balanced and effective approaches to protection, can also be used as an excuse to diffuse responsibility for failures. The military, police, and civilian components of peacekeeping operations all share responsibility for POC, in coordination with

other protection actors and with the support of UN headquarters. Responsibility is shared by those who fail to share information, to prioritize threats, to give an order, to follow an order, or to provide the necessary resources.⁴¹

For example, much of the responsibility for failing to protect civilians from massacres in Alindao in CAR in 2018 falls on the military component, which did not physically intervene to protect civilians despite being present. However, an investigation into the incidents also pointed to shortcomings attributable to the civilian and police components. Each component's degree of responsibility can also be qualified by broader shortcomings such as the lack of resources, overstretching of military forces, dysfunctional means of communication, and bureaucratic delays affecting the recruitment and deployment of community liaison assistants (see CAR case study).

The integrated and coordinated approach to POC has therefore fed blame games, as "everybody has excuses."⁴² Civilian components might criticize their military counterparts' failure to react. Military components might get frustrated with bearing the blame for all POC failures and with seeing civilian components failing to deliver on peace processes and stabilization.⁴³ Civilian and military personnel alike might complain about the police component's unclear role, restrictive regulations, and inadequate handover and coordination processes.⁴⁴

These blame games go beyond missions in the field. The Secretariat, the Security Council, and T/PCCs tend to mutually criticize each other for failing to play their part in POC. POC failures can be imputed to certain T/PCCs' lack of dedication or proactiveness, dysfunction in the UN bureaucracy, insufficient political and financial support from the broader UN membership, and a Security Council that sometimes "considers that just writing POC in the mandate is doing [its] part."⁴⁵ Although most peacekeeping

41 Interview with senior DPO official, New York, March 2020.

42 Interview with senior DPO official, New York, January 2020.

43 Interviews with TCC representatives, New York, September–December 2018 and August 2020.

44 Charles Hunt, "Protection through Policing: The Protective Role of UN Police in Peace Operations," International Peace Institute, February 2020.

45 Interview with senior DPO official, New York, January 2020.

stakeholders recognize that POC failures are attributable to all of these factors and stakeholders, the politicization of the different shortcomings can lead them to put the blame on others.⁴⁶

Answerability: The Challenge of Peacekeeping as a Partnership

Answerability is another core trait of an accountability system. Answerability refers to an obligation to report, explain, and justify to a third party the actions undertaken to fulfill responsibilities and duties.⁴⁷ The degree to which actors are expected to provide information and give satisfactory reasons to explain what they did or did not do to a third party determines the robustness of an accountability system. This obligation is what differentiates internal monitoring and evaluation procedures from an accountability system.

Another critical question is whom peacekeeping missions are answerable to. Accountability to civilian populations is rarely considered.

Ensuring answerability for POC is challenging because peacekeeping is fundamentally a multi-actor partnership without multi-directional lines of accountability. Responsibilities are spread out and shared between a multitude of actors—from the Security Council, to the General Assembly’s Fifth Committee, to the Secretariat, to the different components of missions—but often without clear answerability structures. The level of accountability of the Security Council and the Fifth Committee is low, as these entities are not truly answerable to the Secretariat, missions, or T/PCCs.

The siloed structures of peacekeeping missions, coupled with the decentralization of decision-making authority and responsibility to the mission level and “a relatively ‘flat’ command structure,” may also hamper answerability. Despite clear UN policy

that the force commander exercises “UN operational command and control” and that military personnel “must not act on national direction or instruction,” TCCs often have substantial influence over their troops, which can undermine accountability.⁴⁸ In addition, while the special representative of the secretary-general has authority over the force commander and police commissioner, civilian heads of field offices do not have authority over the uniformed personnel deployed in their area.⁴⁹ This disempowers heads of office and aggravates the fragmentation of command structures between civilian and uniformed personnel in the field, with potentially disastrous consequences for the implementation of integrated tasks like POC.

Another critical question is whom peacekeeping missions are answerable to. To some extent, they are answerable to the Security Council, the

Secretariat in New York, countries providing troops and other personnel, and the affected populations they ought to protect. But most peacekeeping operations remain inward-looking in the way they assess and account for performance.⁵⁰ Accountability to civilian populations is rarely considered, and there are almost no mechanisms for making missions answerable to them. There is a need to make peacekeeping operations more people-centered—and more accountable to people.⁵¹ While humanitarian actors have developed the concept of “accountability to affected populations,” the notion of taking account of, giving account to, and being held accountable by local populations remains elusive for UN peacekeeping.⁵² Some missions have started to explore avenues for answering to the civilian

46 IPI workshop on accountability, 2018; Interviews with TCC representatives, September 2018 and August 2020, and UN officials, January 2019 and January 2020.

47 Bovens, “Analysing and Assessing Accountability: A Conceptual Framework.”

48 UN DPO and Department of Operational Support (DOS), “Policy: Authority, Command and Control in United Nations Peacekeeping Operations,” October 2019.

49 This is due to several constraints—including the lack of geographic alignment between military sectors and civilian field offices, and the reluctance of TCCs to have their units reporting to heads of office.

50 See also: Susanna P. Campbell, *Global Governance and Local Peace: Accountability and Performance in International Peacebuilding* (Cambridge: Cambridge University Press, 2018).

51 The “authority of ‘the Peoples of the United Nations’” is key. See: Michael Fowler and Sumihiro Kuyama, “Accountability and the United Nations System,” United Nations University, 2007. Ban Ki-moon declared that “ultimately, we are all—Secretariat and Members States alike—accountable to ‘we the peoples.’” United Nations, “On Taking Oath of Office, Secretary-General-Designate Ban Ki-moon Says Loyalty, Discretion, Conscience Will Be Watchwords for Carrying Out Duties,” UN Doc. SG/2119-GA/10558, December 14, 2006.

52 Accountability to local populations requires providers to be transparent with local populations and to consider their needs, priorities, perspectives, and capacities. This can ensure the services provided are adequate and appropriate for the local context. Alice Debarre, “Hard to Reach: Providing Healthcare in Armed Conflict,” International Peace Institute, December 2018. See also: Campbell, *Global Governance and Local Peace*.

population, such as the opinion polls conducted by the UN mission in the DRC (MONUSCO) or UN radio programs that give a voice to local communities.⁵³ However, most public-information activities remain focused on advertising the mission's good practices rather than soliciting feedback from communities.⁵⁴

Enforcement: The Challenge of Process-Oriented Solutions

Beyond answerability, accountability raises expectations of corrective actions and sanctions.⁵⁵ While the UN does take corrective action to improve the implementation of POC mandates, it often focuses on improving processes. Missions regularly assess POC through joint protection teams or joint assessment missions that identify how to address POC needs and, in certain circumstances, how to improve POC responses. The Comprehensive Planning and Performance Assessment System (CPAS) aims at providing senior missions leaders with constant mission-wide evaluations so they can adapt activities to have a greater impact. After-action reviews (AARs) also provide opportunities for mission personnel to share their perspectives on how to improve activities. Most UN performance-assessment tools are collaborative. For example, DPO's Office of Military Affairs (OMA) assesses the performance of military personnel through collaborative exercises. The same can be said for individual performance-appraisal tools that focus on performance-improvement plans and collaborative solutions and discussions.

Giving individuals or entities the opportunity to improve their performance in a collaborative, constructive way is appropriate if the failure to improve is met with concrete consequences,

including sanctions. However, sanctions are rare, and there are currently few consequences for underperformance. As the Office of Internal Oversight Services (OIOS) noted in its 2014 evaluation, peacekeepers often perceive that there will be "penalties for action, but no penalties for inaction."⁵⁶

The Secretariat also has limited authority over the contingents deployed by member states. When the UN has taken visible action to sanction failures to protect civilians, such as by sacking the force commander of the UN Mission in South Sudan (UNMISS) in 2016 following incidents in Juba, the political backlash has been fierce. As a result, the UN has reportedly become wary of punitive measures (see South Sudan case study). Following the failure of UN military personnel to protect civilians in Alindao in CAR in 2017 and Kamanyola in DRC in 2018, troops were repatriated discreetly to coincide with their planned rotation (see CAR and DRC case studies). There has not been any publicly documented action to sanction civilian personnel for blatant failures to protect civilians.⁵⁷

Enforcement is particularly challenging in the absence of a clear, agreed-upon set of rules or standards for accountability. Performance is often seen as a continuum along which missions can improve, without a broadly recognized definition of off-target performance and red lines that would trigger sanctions.

Transparency: The Challenge of Political and Institutional Sensitivities

According to the UN Joint Inspection Unit, transparency is a critical pillar of accountability. The One World Trust, an organization founded in 1951 to promote the accountability of international

53 Although such initiatives were developed by missions to poll communities on security issues and gather feedback on their perception of peacekeepers, there is no established accountability to communities. See: Patrick Vinck and Phuong Pham, "Peacebuilding and Reconstruction Polls: Eastern Democratic Republic of the Congo, Poll Report #2," Harvard Humanitarian Initiative, June 2015.

54 The UN POC handbook mentions that communities at risk are identified as a target audience for communication for two strategic aims: to reassure them of the mission's intent to protect and to advise them on possible courses of action and refer them to other sources of assistance. Missions regularly engage with communities on POC, but this is often limited to exchanging information to inform the mission's analysis of protection threats and managing local expectations of what the mission can provide. DPO, "Handbook: The Protection of Civilians in United Nations Peacekeeping."

55 For Staffan Lindberg, there are five characteristics of accountability: an agent or institution who is to give an account; an area, responsibilities, or domain subject to accountability; an agent or institution to give account to; the right of the accountability holder to require the accountable agent to inform, explain, and justify decisions with regard to the domain in question; and the right of the accountability holder to sanction the agent in case of failure to inform, explain, or justify decisions. Lindberg, "Accountability."

56 UN Doc. A/68/787.

57 The head of MINUSCA was fired following the 2015 sexual exploitation and abuse scandal, but there have not been similar developments following POC failures.

organizations, goes further. It developed the Global Accountability Framework, which defines accountability on the basis of four criteria: transparency, participation, evaluation, and complaint and response mechanisms.⁵⁸ A solid accountability system should therefore be anchored in the accessibility of information, the active involvement and decision-making influence of all stakeholders, self-evaluation to monitor performance and facilitate learning, and the possibility for stakeholders to file complaints and have them responded to.⁵⁹

In the case of POC in peacekeeping, transparency, impartiality, and inclusivity remain limited. Most tools are internal, and the dissemination of findings from performance evaluations is generally restricted due to political and institutional sensitivities. There are exceptions, like the Office for Internal Oversight Services (OIOS), which has operational independence from the secretary-general and whose audits, inspections, and evaluations are public. There have also been independent special investigations into POC failures, though only a fraction of their findings are made public, and their practices are inconsistent. For example, the executive summary of the Cammaert report on incidents in Juba was publicly released, while the Amoussou report on incidents in CAR was kept internal, and the Obiakor investigation into incidents in the DRC was completely opaque, without any public account.

The UN's approach to accountability is partly determined by the fact that it is an organization of member states. Singling out any member state, even in clear instances of poor performance, can damage the UN's relationship with that state across the entire organization and threaten cooperation in areas beyond peacekeeping. Because of these political stakes, the locus of accountability is often internal. As described below, there are many tools for internally monitoring performance but few that are impartial and even fewer that are truly independent.

Most of the UN's accountability tools are internal, and the dissemination of findings from performance evaluations is generally restricted.

Mapping and Evaluating Accountability Mechanisms

The UN has a wide range of tools and mechanisms at its disposal to monitor performance and ensure consequences for results. These can be categorized based on the stakeholders being held accountable: individuals, uniformed components, or the mission as a whole (see Figure 1). They can also be categorized according to whether they are activated regularly or only in extraordinary circumstances. Finally, they can be categorized according to their purpose: to assess performance or to put in place corrective measures, sanctions, or incentives.

A series of sixteen factsheets accompanying this paper detail the scope, objectives, methodology, answerability structure, inclusivity, transparency, impartiality, outcome, follow-up mechanisms, and relevance to POC of the UN Secretariat's main accountability tools and mechanisms. This section builds on these factsheets by providing a consolidated, crosscutting analysis of their comparative advantages and gaps.

Regular Performance Monitoring

The Secretariat has developed many tools to regularly monitor the performance of individuals, uniformed components, and missions as a whole. Despite this wide range of mechanisms, however, a number of systemic challenges persist: the existing system tends to prioritize institutional rather than individual accountability; to focus on the performance of uniformed rather than civilian personnel; to rely on monitoring compliance rather than impact; and to use self-evaluation rather than impartial assessments.

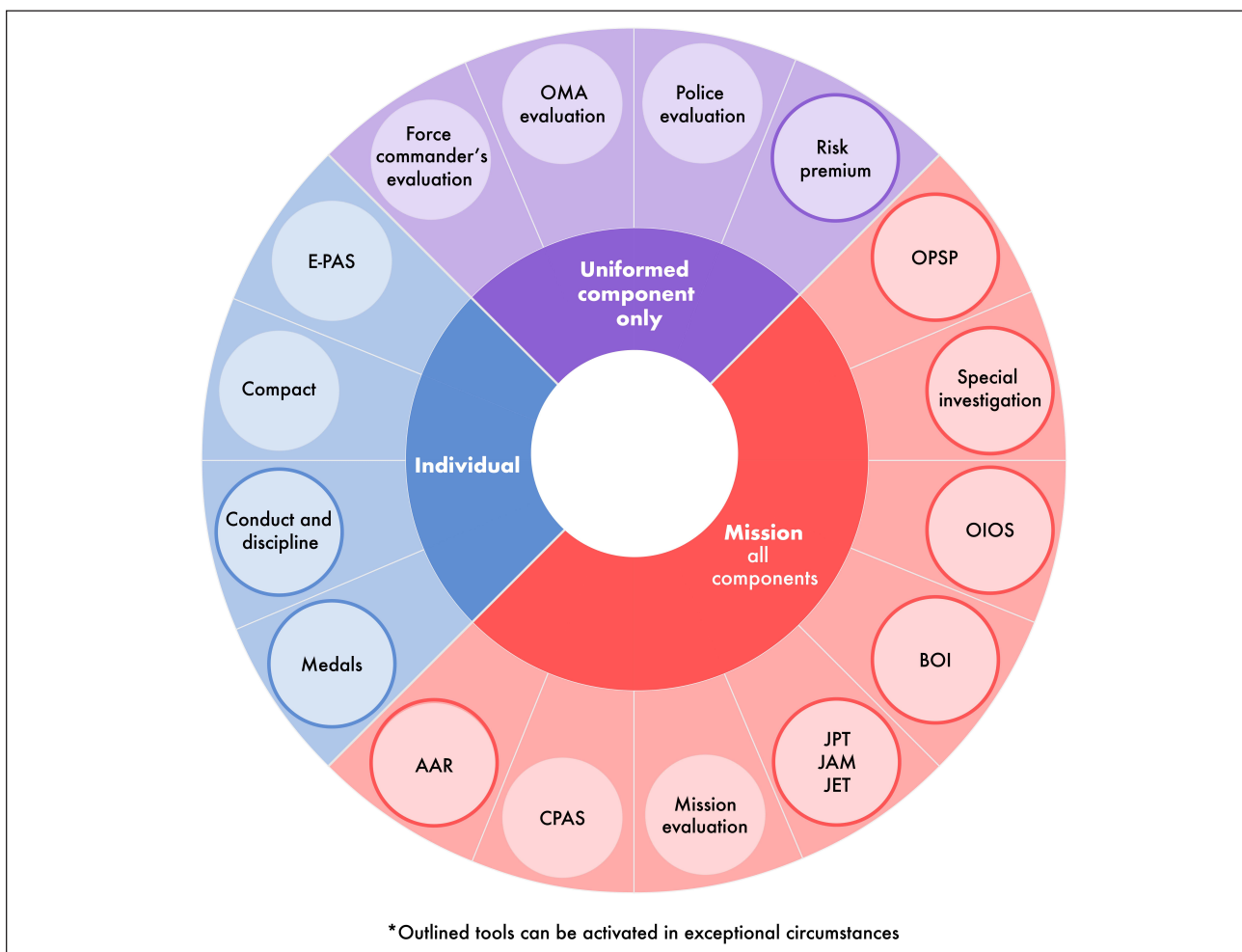
Institutional Rather Than Individual Accountability

The most robust performance-monitoring tools developed by the Secretariat relate to the organizational performance of mission components and

⁵⁸ One World Trust, "Accountability," available at <https://www.oneworldtrust.org/accountability.html>.

⁵⁹ Otegbeye, "Accountability: A Corrective Mechanism in Resolving Organisational Challenges."

Figure 1. UN Secretariat's main accountability tools, by type of actor being held accountable



sections or of entire missions: force commanders' evaluations, OMA evaluations of force headquarters, evaluations of formed police units, mission evaluations, the Comprehensive Planning and Performance Assessment System (CPAS), and after-action reviews (AARs).⁶⁰ On the other hand, there are only two tools to proactively track and monitor the performance of individual staff in the Secretariat: annual compacts between the secretary-general and senior officials at the level of assistant secretary-general and above, which lay out objectives and expected achievements; and the Performance Appraisal System (e-Performance,

formerly e-PAS) for all other staff.

Through the e-Performance system, civilian staff involved in implementing POC can be assessed by their supervisors according to specific objectives (see e-Performance factsheet). For example, they can be assessed based on their participation in POC coordination mechanisms, their development of POC guidance documents, and their conduct of POC assessments, depending on their job description and their section's workplan.⁶¹ Following the accountability addendum to the POC policy in 2018, compacts have also included a mandatory

⁶⁰ Under the framework of the CPAS, however, the UN is in the process of developing and testing a recommendation-tracking function. This would allow missions to follow up on the implementation of recommendations by both section chiefs and senior mission leaders and to hold them accountable.

⁶¹ The latest POC policy establishes that "senior leaders, including Police Commissioners, Chiefs of Staff and Directors/Chiefs of Mission Support (D/CMS) in missions with POC mandates, shall include a priority objective in their workplan reflecting their specific responsibilities for the implementation of the POC mandate, aligned with the strategic objectives of the mission. Similar responsibilities, based on the mission strategic and operational plans, should be included in the workplans and performance appraisals of other key staff." UN DPO, "Policy: The Protection of Civilians in United Nations Peacekeeping."

special objective related to POC for senior leaders heading missions mandated to protect civilians (see compacts factsheet).⁶²

However, all interlocutors recognized the limitations of individual performance-assessment tools. The e-Performance system tends to focus on POC processes and rarely addresses an individual's contributions to POC outcomes. It is also widely regarded as ineffective. There is limited reporting of underperformance by managers who wish to avoid complex litigation processes and little accountability for underperformers, who are given the opportunity to go through performance-improvement plans but are rarely sanctioned when their performance does not improve.⁶³

Compacts with senior leaders also offer little room for a frank and objective assessment, as the secretary-general has limited insight into the everyday performance and attitude of his senior representatives in the field from his remote position in New York. In addition, rather than drafting the compact's self-evaluation themselves, heads of mission tend to delegate this task to their team, with the POC adviser and military and police experts drafting the section on POC and the chief of staff clearing the report.⁶⁴ As a result, the compact evaluation tends to become just one report among many produced by the mission about its achievements, with little criticism of, or insight into, the senior leader's individual contribution to POC.⁶⁵ The UN is piloting "360-degree" evaluations of senior managers, which were made mandatory for senior leaders, but these rarely include assessments from supervisees, and they are primarily used for learning

All interlocutors recognized the limitations of individual performance-assessment tools.

rather than accountability.⁶⁶ As a result, senior leaders are rarely held accountable for POC failures. For example, some interlocutors complained that there were no systems for holding to account heads of mission support who refused to authorize the deployment of aviation assets and other resources that could have saved civilians' lives.

Revamping the system for selection, retention, promotion, and mobility could strengthen individual performance and accountability. However, the comprehensive human resources reform that the secretary-general promised at the beginning of his tenure has been slow to come. The competency framework for staff is in the process of being revised to instill some changes in the institutional culture, which could ultimately have cascading effects on performance. However, the development of new dispositions related to staff mobility and staff development is on hold, and there has not been any indication that they will include mechanisms to strengthen accountability for underperforming staff.⁶⁷

A Focus on Uniformed Rather Than Civilian Components

A mapping of existing accountability tools for POC reveals an imbalance between the number of tools developed to assess peacekeeping missions' uniformed and civilian components.⁶⁸ In addition to inspections related to contingent-owned equipment, the Secretariat has recently put in place evaluation systems to proactively and regularly monitor the performance of the military and police components. These include police evaluations, force commanders' evaluations of military units,

62 The standardized language for POC refers to "fulfilling leadership responsibilities to implement the mission's protection of civilians' mandate." It includes "compliance of the Mission with organizational and DPO/DOS policies and guidance on the protection of civilians in United Nations peacekeeping, including minimum requirements to implement the POC mandate (POC strategy established, POC coordination and joint operations mechanisms established, quarterly POC threat assessment conducted, POC contingency plans prepared, POC military and police orders issued)." Beyond the standardized POC language, senior leaders can also add specific objectives related to POC in their compact.

63 On the e-Performance system and the administration of justice processes, see: Namie Di Razza, "People before Process: Humanizing the HR System for UN Peace Operations," International Peace Institute, October 2017.

64 In some cases, this task has fallen to the Secretariat's POC team in New York, which compiles the report based on second-hand information from the field.

65 Phone interview with senior UN official, February 2020.

66 The UN is piloting 360-degree evaluations for other staff, with different iterations and methodologies in different departments and without a clear strategy to make them systematic.

67 See: Di Razza, "People before Process."

68 DPO also conducted its own mapping of performance and accountability mechanisms for peacekeeping missions, in which the lack of accountability tools for civilian staff was identified as an important gap. Phone interview with UN headquarters official, July 2020.

OMA evaluations of force and sector headquarters, and quarterly and monthly performance meetings in New York to review TCCs' performance. The Office for Peacekeeping Strategic Partnership (OPSP), which is mandated to conduct regular reviews of peacekeeping missions, has also tended to focus on military components in the past. This can be attributed to its limited resources, the composition of the team, and an internal policy that emphasized its role in making recommendations on the issues affecting the implementation of mandated tasks for uniformed personnel.⁶⁹ However, it has striven to ensure a more comprehensive approach in recent years (see OPSP factsheet).

Although there is a performance-monitoring system to evaluate civilian staff at the individual level, there is no dedicated mechanism to systematically assess the performance of civilian sections and components in the field or at headquarters.⁷⁰ As a result, TCCs often stress that their military performance is subject to constant and systematic review, while the same level of scrutiny is not applied to civilian components. At the same time, blatant failures to physically protect civilians are often more directly attributable to uniformed components—especially when troops in the immediate proximity of the incident did not physically intervene to stop abuse.⁷¹

In certain circumstances, however, the performance of uniformed components can be influenced by the performance of civilian components, and investigations into past failures to protect civilians have highlighted shortcomings in planning, analysis, reporting, and decision making attributable to the civilian component and civilian leadership. Even if civilian-led POC activities are defined

in policies, handbooks, and standard operating procedures, civilians are rarely held accountable for conducting and sharing analyses, discussing and coordinating responses, engaging in dialogue with relevant actors to de-escalate threats, or facilitating the provision of resources.

One challenge is the tenuous link between outputs and outcomes. The tasks included in the workplans of civilian staff are often related to outputs such as the establishment of and participation in POC coordination mechanisms or the production of daily reports. Many interlocutors highlighted the difficulty of measuring the quality of these outputs and of establishing causality between outputs and protection outcomes such as the achievement of

There is no dedicated mechanism to assess the performance of civilian sections and components.

political solutions, de-escalation of tensions between communities, or increased respect for human rights. This makes it hard to hold civilian staff accountable for the

mission's impact on POC.

Some initiatives were recently developed to fill this gap. In the field, MINUSMA is piloting a system that would require each action in response to a POC crisis to be registered and time-stamped, including action by civilian personnel. It uses an "early warning tracking form" to automatically notify all mission components of POC crises and register their assessments and responses.⁷² As a performance tool for the entire mission, the CPAS has also offered new opportunities to assess the performance and impact of all components through an integrated and collaborative analysis of the relevance, effectiveness, and sustainability of the different sections' outputs and progress toward intended outcomes and impact (see CPAS factsheet). At the headquarters level, the OPSP has recently broadened the scope of its independent reviews beyond uniformed personnel, especially for

69 The General Assembly did not limit the scope of OPSP reviews to uniformed components, and the broad function of identifying gaps that have an impact on a mission's mandate delivery is mentioned in the Secretariat's policy. However, the policy focuses on uniformed personnel in many paragraphs related to the rationale and general description of the office, and it defines OPSP reviews as "formal examination[s] of the capabilities and capacities of the United Nations uniformed field personnel." UN DPKO/DFS, "Policy: The Functions and Role of the Office for Peacekeeping Strategic Partnership (OPSP)," April 2015.

70 Mission evaluations conducted by DPO's evaluation team used to include evaluations of the work of civilian sections but have been put on hold since the development of the CPAS. In developing the integrated performance and accountability framework, the Secretariat has identified regular performance monitoring of headquarters staff who are expected to backstop missions through guidance and support as a priority area.

71 Phone interview with senior UN POC adviser, February 2020.

72 Standard operating procedures on "Early Warning Rapid Response" were adopted in June 2020 and are being rolled out. The mission piloted the system in the Mopti region, where the majority of alerts are expected. At the time of writing, the mission was planning to have the system operational by January 2021. Phone interview with MINUSMA official, March 2020.

multidimensional issues like POC (see OPSP factsheet). Because of its small size, however, the OPSP has limited resources, and it lacks a senior civilian staff member with expertise on political, civilian, and crosscutting issues.⁷³ As one former UN official stated, having a POC expert within the OPSP “would be better than ten POC officers [in the field].”⁷⁴ Several financial contributors and TCCs expressed their support for the OPSP embracing a multidimensional approach, including by adding a civilian expert to the team.⁷⁵

From Compliance to Impact

Many interlocutors highlighted that UN accountability systems focus more on compliance than on impact.⁷⁶ As described by Charles Hunt, the existing tools provide an audit rather than an evaluative function, asking whether missions are “doing the right things” rather than if they are “doing things right.”⁷⁷

For example, the Office for Internal Oversight Services (OIOS) conducts audits, which are premised on the assumption that the entity being audited has a degree of control over the outcome in question. Spending, for example, can easily be audited, but it is much harder to audit POC performance, which depends on many external factors. Beyond its audit function, OIOS also conducts “evaluations,” including independent evaluations of the implementation of POC mandates.⁷⁸ However, it has often been criticized by missions and DPO officials for its lack of POC expertise, its focus on compliance and standardized approaches, and its limited contribution to tailored, innovative solutions (see OIOS factsheet).⁷⁹ The Department of Peacekeeping

Operations (DPKO) and Department of Field Support (DFS) criticized OIOS’s 2014 POC report because it focused on the failure to use force to protect civilians and neglected other types of POC responses. Some interlocutors in the field also regretted the conclusions and recommendations of OIOS’s country-specific reports on POC. The 2019 report on the UN mission in Mali (MINUSMA), for example, recommends expediting the recruitment of community liaison assistants and establishing community alert networks—two POC tools developed by MONUSCO that risk harming civilians in Mali, due to systematic attacks by violent extremist groups against civilians seen as cooperating with the mission.⁸⁰

One of the main challenges with assessing impact is developing appropriate indicators. Reporting is often framed around results-based budgeting, with indicators focusing on outputs like the number of patrols, the establishment of POC coordination mechanisms and alert networks, and the recruitment of protection officers and community liaison assistants.⁸¹ It is challenging, however, to establish causality between outputs and the mission’s impact on POC, which depends on a wide range of factors.

Many interlocutors recommended expanding and deepening indicators for both outputs and outcomes and conducting robust longitudinal research to provide better evidence of missions’ impact.⁸² MINUSMA has undertaken initiatives in that direction, including a “spatio-temporal incident mapping” system. It is also improving coordination between its POC unit and military component to crosscheck POC incidents with the force’s pattern of operations to identify the mission’s impact on POC and determine how to

73 In the past, civilian experts from other DPO divisions have participated in OPSP reviews in an ad hoc manner. At the time of writing, the OPSP was considering filling this gap by creating a civilian post funded by extra-budgetary contributions.

74 Phone, interview with former senior UN POC adviser, March 2019.

75 Interview with UN headquarters official, January 2020, and TCC representatives, August and September 2020.

76 Interviews with UN officials, March 2019–September 2020. The board of auditors, which serves as an independent structure to assess the UN system’s performance, has been described by a UN official as “using outdated benchmarks to measure us,” such as the percentage of budget utilization, with the expectations that expenses exactly match the allocated budget, which “makes no sense in peacekeeping.” A focus on financial risks rather than reputational, strategic, or operational risks in the field remains problematic, especially when it comes to the implementation of POC mandates.

77 Charles Hunt, “Measuring UN Peacekeeping: Time to Replace Auditing with Proper Evaluation,” *The Conversation*, April 1, 2020.

78 OIOS has published three reports on POC, in 2014, 2017, and 2018.

79 Phone interview with UN official, March 2020.

80 On the inadequacy of traditional POC tools in Mali, see: Namie Di Razza, “Protecting Civilians in the Context of Violent Extremism: The Dilemmas of UN Peacekeeping in Mali,” International Peace Institute, October 2018.

81 Interview with UN headquarters official, New York, October 2019.

82 Laura Bosco, “Prioritizing UN Peacekeeper Accountability,” *IPI Global Observatory*, January 9, 2017.

improve responses.⁸³

The CPAS is also expected to address this issue by assessing the relevance, extent, and duration of outputs to make sure they are bringing about the intended outcomes.⁸⁴ In addition to this assessment of outputs, the CPAS entails an assessment of outcomes, using indicators to measure progress toward the intended outcomes and the effect of the mission on key stakeholders. The CPAS also produces an impact assessment, using indicators to measure progress toward the intended impact and the effect of the mission on the drivers of change (see CPAS factsheet).⁸⁵

Self-Evaluation Rather Than Impartial Assessments

The UN's answerability structure—or who is held accountable by whom—is key to ensuring a robust accountability system for POC (see Table 3). Many accountability tools are managed by the Secretariat or the mission and are based on self-evaluation, presenting inherent issues of impartiality and accuracy. Staff take an active role in assessing their own performance through the e-Performance system or compacts. There are also many self-evaluation exercises for headquarters and missions, including the CPAS, which enables missions to report on their own performance, and AARs, which are conducted by the staff involved in the action being reviewed. Although self-evaluations are valuable to promote a robust culture of accountability, they offer a limited view of performance when staff are not willing to be self-critical.

Some performance-monitoring tools are overseen by those with authority over the actor being assessed and are thus supposed to offer a more

critical account. For example, force commanders' evaluations of military units provide an opportunity to make thorough assessments and share them with UN headquarters (see force commander's evaluation factsheet). However, force commanders' proximity to and reliance on military units and TCCs can prevent them from offering an accurate and honest picture of shortcomings, and there have been some concerns that they would give high scores to all units across the board. Headquarters also has limited means to verify force commanders' reporting. The Secretariat recently provided more guidance to force commanders to ensure the evaluations are more accurate and is currently revising the procedures.

One of the main reasons evaluations are not more thorough, regular, and impartial is the lack of resources and expertise. The teams from missions' force and sector headquarters that evaluate military units do not always have the comprehensive training, expertise, and resources needed (see force commander's evaluation factsheet). Internal discussions at the Secretariat revealed that there is a need to professionalize the evaluation process and get funding for professional evaluation officers—either former military officers or seconded military officers with an evaluation background.⁸⁶ Moreover, evaluations can take five days for each unit, and units are spread out over dozens of locations in each mission, which can strain limited travel budgets.

Because of resource constraints, UN headquarters has not been conducting assessments of force and sector headquarters, even though these are codified in official standard operating procedures (see OMA evaluation factsheet). The Policy, Evaluation and Training Division's evaluation team, which used to conduct mission evaluations, has also

83 A data-driven study was recently conducted by MINUSMA's POC unit to better document the impact of military operations, showing a strong positive correlation between patrols during military operations and a reduction in POC incidents in the area of deployment. The results also confirmed that the most severe POC incidents—defined as the total number of civilians affected—take place far away from patrols. The study assessed the longer-term impact of patrols after the departure of the force from the area, showing a strong positive protective effect in the immediate vicinity within one week of a patrol's presence, which remains noticeable two weeks after the patrol, albeit less strongly. Beyond the two weeks, the protective effect diminishes, and POC incidents reappear in some localities. The study did not show any trends of retaliatory attacks against civilians after the mission leaves an area. Melanie Sauter, Sebastian Frowein, Marcello Cassanelli, "Spatio-temporal Incident Mapping: A Data-Driven Tool to Advance the Protection of Civilians during Force Operations," MINUSMA, June 2020.

84 Relevance refers to the degree to which an output is appropriately designed and able to effectively influence the target population to bring about an intended outcome. Extent refers to whether an output is effectively reaching enough of, and the right members of, a target population to bring about the intended outcome. Duration refers to whether an output is delivered to a target population efficiently and for an adequate amount of time to sustainably achieve the intended outcome. Each output receives a score based on these metrics.

85 The POC handbook includes an annex with key indicators, including capacity indicators (the capacity of armed actors, host states, or communities to carry out violence or protect), perception indicators (view of the protection situation), and situation indicators (patterns and trends of violence). DPO, "Handbook: The Protection of Civilians in United Nations Peacekeeping."

86 Phone interview with DPO official, March 2020.

Table 3. Answerability structure for accountability

held accountable by ↗	Individual	Mission	Uniformed component only	Civilian component only	Secretariat	T/PCCs	UN Security Council	Independent	Population
Individual	<ul style="list-style-type: none"> • e-Performance • Compact • Whistleblow- 	<ul style="list-style-type: none"> • e-Performance • Conduct and discipline • JPT/JAM/JET • Medals 	<ul style="list-style-type: none"> • Medals • Military Observers/Staff Officers Assessments • Individual Police Officer Performance Appraisals 	<ul style="list-style-type: none"> • e-Performance 	<ul style="list-style-type: none"> • e-Performance • Compact • Conduct and discipline • Medals • OPSP 	<ul style="list-style-type: none"> • National justice systems • Disciplinary action • National investigation officer 			<ul style="list-style-type: none"> • Conduct and discipline
Mission	<ul style="list-style-type: none"> • Whistleblow- 	<ul style="list-style-type: none"> • AAR • BOI • CPAS • JPT/JAM/JET 			<ul style="list-style-type: none"> • AAR • BOI • Mission evaluation • Special investigation • OPSP 				<ul style="list-style-type: none"> • Perception polls • Community engagement • Local protection /security committees • Protests
Uniformed component only	<ul style="list-style-type: none"> • FC evalua- • Police evaluation • Whistleblow- 	<ul style="list-style-type: none"> • AAR • BOI • JPT/JAM/JET • Risk premium • Medals 	<ul style="list-style-type: none"> • FC evaluation • Police evaluation • Risk premium 		<ul style="list-style-type: none"> • AAR • OMA evaluation • Risk premium • Special investigation 	<ul style="list-style-type: none"> • National justice systems • Disciplinary action • National investigation officer 	<ul style="list-style-type: none"> • Special investigation • Strategic review • Mandate • Visits • Performance briefings 	<ul style="list-style-type: none"> • BOI • OIOS • Special investigation • Media 	
Civilian component only	<ul style="list-style-type: none"> • Whistleblow- 	<ul style="list-style-type: none"> • BOI • JPT/JAM/JET 							
Secretariat	<ul style="list-style-type: none"> • Whistleblow- 				<ul style="list-style-type: none"> • DPO self-evaluation • Special investigation 	<ul style="list-style-type: none"> • MOU 			
T/PCCs	<ul style="list-style-type: none"> • Whistleblow- 	<ul style="list-style-type: none"> • BOI • JPT/JAM/JET • Risk premium 	<ul style="list-style-type: none"> • FC evaluation • Police evaluation 		<ul style="list-style-type: none"> • BOI • OPSP • Risk premium • MOU • COE evaluation • OMA evaluation • Police evaluation • Performance meetings • Pre-deployment visits • Force generation • Relocation, repatriation, reimbursement 	<ul style="list-style-type: none"> • National investigation officer • National justice systems • Disciplinary action • Training 			

suspended them to focus on the rollout of the CPAS (see mission evaluation factsheet).⁸⁷ More impartial tools within the UN lack capacity, in the case of the OPSP, or subject-matter expertise, in the case of OIOS.⁸⁸ Independent tools like strategic reviews of peacekeeping operations are not systematic or consistent, and even if they can address POC performance, they only do so as part of broader assessments.

In addition, there is no formal process that would enable external actors, including civilian populations themselves, to hold missions accountable for their performance on POC. Although the local population can seek to hold specific individuals accountable for criminal matters and sexual exploitation and abuse through the formal conduct and discipline complaint mechanism and OIOS's hotline, this mechanism rarely applies to perform-

⁸⁷ Requests for additional funding for DPKO/DPO's evaluation team have consistently not been approved by member states negotiating the support account in the General Assembly's Fifth Committee.

⁸⁸ The OPSP has a limited number of experts and has relied on extra-budgetary funding and seconded personnel.

Box 2. Misconduct related to sexual exploitation and abuse versus POC failures

Accountability frameworks for sexual exploitation and abuse (SEA) have received a lot of attention in recent years and have been greatly strengthened, streamlined, and standardized. Security Council Resolution 2272 recognized the secretary-general's power to repatriate whole contingents involved in SEA. The two parallel, coordinated processes that take place when an allegation is reported—one led by the UN Secretariat and the other by the member state—have been formally laid out in great detail.⁸⁹ A framework has been put in place with expedited timelines for investigation and provisions for publication of a TCC's failure to cooperate or investigate. A transparent database on SEA allegations lists countries with nationals involved in SEA and the status of investigations and court proceedings.⁹⁰

However, these processes are not easily transferrable to peacekeeping performance. While SEA is about preventing and sanctioning behavior that violates clearly defined rules, peacekeeping performance generally relates to inaction or inadequate or ineffective action. It can be difficult to define when performance is sufficiently inadequate to warrant sanctions. As one TCC official recognized, POC failures are “very difficult to prove,” and “not every underperformance issue is the same,” as they can result from mandates, caveats, political processes, lack of resources, or other factors.⁹¹

As a result, while DPO was developing the addendum on accountability for POC, many officials recognized that the model of accountability for SEA was not appropriate. The UN, understandably, generally remains wary about any blanket designation of failure to intervene to protect civilians as misconduct and distinguishes between accountability for performance and accountability for misconduct. The conduct and discipline system can therefore only apply to POC in cases amounting to misconduct, like the violation of a mission's standard operating procedures, directives, rules, regulations, administrative instructions, or orders (see conduct and discipline factsheet).

ance issues like the failure to protect civilians (see Box 2). Community engagement activities, such as local protection committees, as well joint protection teams and other multidimensional teams assessing protection concerns, have provided informal opportunities for civil society representatives to share their concerns on protection and on the mission's performance. Pilot perception polls in the DRC have also strengthened the feedback loop between MONUSCO and local communities, but they do not hold the mission accountable, per se; they have not meaningfully informed the mission's planning and operations and are not attached to clear consequences or corrective actions.⁹² In the past,

There is no formal process that would enable external actors, including civilian populations themselves, to hold missions accountable for their performance on POC.

local communities have resorted to demonstrations and protests to publicly criticize and sanction a mission's performance (see DRC case study).

Special Assessments and Extraordinary Mechanisms

In addition to its tools to regularly and proactively monitor performance, the Secretariat has developed mechanisms to respond to extraordinary situations in which the performance or behavior of mission personnel is questioned. These include conduct and discipline processes, boards of inquiry, and independent special investigations. OIOS or the OPSP can also

89 UN Peacekeeping, “Standards of Conduct,” available at <https://peacekeeping.un.org/en/standards-of-conduct>.

90 UN, “Data on Allegations: UN System-wide,” available at <https://www.un.org/preventing-sexual-exploitations-and-abuse/content/data-allegations-un-system-wide>.

91 Phone interview with TCC representative, August 2020.

92 Patrick Vinck and Phuong Pham, “Peacebuilding and Reconstruction Polls: Eastern Democratic Republic of the Congo, Poll Report #5,” Harvard Humanitarian Initiative, January 2016.

look into performance shortcomings and participate in ex post facto assessments to identify lessons and make recommendations. At the mission level, human rights investigations, joint protection teams, joint assessment missions, and joint evidence-gathering teams are particularly relevant for POC crises.

The Limited Means and Impact of Internal Mechanisms

There are three main internal tools that can be easily activated to look into performance and conduct issues in the event of an incident: after-action reviews, boards of inquiry, and conduct and discipline processes. However, conduct and discipline processes are only rarely applicable to POC (see Box 2 and conduct and discipline factsheet).

After-action reviews (AARs) have been used to learn lessons from POC campaigns and activities, including MINUSMA's AARs into the mission's POC campaigns in Koro and Bankass and the massacre in Ogossagou in Mali (see AAR factsheet). They can be activated by any team or unit and are voluntary, collaborative exercises that strictly focus on learning and improving processes rather than establishing responsibility or sanctioning underperformance.

Boards of inquiry (BOIs), now managed by the Department of Operational Support (DOS), are a more formal managerial tool to review and record the facts behind "serious occurrences," identify gaps in procedures and policies, and improve managerial accountability (see BOI factsheet).⁹³ They can be activated either by mission leaders, as in Mali in response to the Ogossagou massacre in 2019, or by UN headquarters, as in South Sudan to investigate incidents in Malakal in 2016 (see South Sudan case study). Since the revision of the BOI

standard operating procedures in 2020, the Secretariat clarified that BOIs can be used for "any occurrence... resulting in the death or serious injury of a third party when UN personnel member(s) is involved" and "POC related contravention of the rules of engagement or the directive on the use of force."⁹⁴ BOIs have the potential to provide a strong form of accountability by recommending systemic improvements to internal processes and serving as a basis for administrative action.

However, these mechanisms have limited capacity, resources, and leverage to contribute to accountability for POC. Conduct and discipline units in

Internal mechanisms that can be activated in cases of specific POC incidents have limited capacity, resources, and leverage to contribute to accountability.

particular are already overwhelmed with cases of sexual exploitation and abuse and have limited bandwidth to look at performance issues like the refusal to follow orders to protect civilians. Some interlocutors in the field called BOIs "useless" and without

teeth to enforce their findings and recommendations.⁹⁵ As a result, they reportedly elicit little interest or sense of accountability from mission personnel.⁹⁶ Some also highlighted the lack of granularity in the methodology of BOIs and the ad hoc nature of AARs as limiting their impact. One former human rights officer who had documented shortcomings in a particular POC incident, including names of specific individuals who had failed in their responsibilities, explained that there was little appetite within the mission to collect this information: "I had evidence... radio transmissions, people who did not answer.... Nobody in the mission wanted this information."⁹⁷ Although the updated BOI standard operating procedures are a major step toward accountability for POC, the fact that BOIs are now managed by DOS could decrease their influence and the level of interest in them in the future.

⁹³ BOIs used to be both DPO and DOS tools.

⁹⁴ The phrasing "when UN personnel member(s) is involved" can limit the use of BOIs for POC incidents resulting from the inaction of peacekeepers (i.e., when peacekeepers did not get "involved"). UN DOS, "Standard Operating Procedure: Boards of Inquiry," June 2020.

⁹⁵ Fifteen percent of UN staff respondents perceived BOIs as an accountability tool, while 13 percent thought that BOIs facilitated the processing of compensation claims. OIOS, *Inspection of Boards of Inquiry in Peacekeeping Operations*, Report No. IED-20-002, June 2020.

⁹⁶ Interviews with UN officials, March 2019 and February 2020.

⁹⁷ Interview with former UN human rights officer, New York, October 2019.

Ad Hoc, POC-Specific, Field-Based Tools

Given the limited scope and impact of internal processes like AARs, BOIs, and conduct and discipline processes, some missions have come up with their own ad hoc tools and structures to increase accountability. These can serve as preliminary investigations to inform BOIs, misconduct processes, investigations by headquarters, or independent investigations. For example, MONUSCO established joint evidence-gathering teams (JETs) to secure evidence about POC crises more quickly than through formal BOIs. In some cases, MONUSCO also assessed POC responses using joint protection teams (JPTs) and joint assessment missions (JAMs), and MINUSCA used joint investigation teams—all of which are flexible multidimensional tools that can be easily put together and quickly deployed (see JPT, JAM, and JET factsheet). Human rights teams have also integrated information on missions' POC shortcomings in reports on human rights abuses, including in the case of the failures in Kiwanja in 2008 and Bor in 2014 (see DRC and South Sudan case study).⁹⁸ Having human rights officers investigate their colleagues can pose internal challenges, however, and has long been discouraged.

The deployment of independent teams to assess and review missions' performance in response to specific POC incidents is a tool that is widely respected—and also feared.

Independent Reviews: A Stronger Sense of Accountability

The deployment of more impartial independent teams to assess and review missions' performance in response to specific POC incidents has proven to be a tool that is widely respected—and also feared—among mission personnel.⁹⁹ In particular, OIOS, the OPSP, and special investigations led by independent experts have often been recognized as necessary instruments that offer critical views on peacekeeping performance.

OIOS recommendations are mandatory, which

increases accountability for addressing the gaps identified by audits and evaluations (see OIOS factsheet). The 2014 evaluation of POC efforts led by OIOS attracted a lot of attention. It publicly highlighted structural issues contributing to underperformance on POC, such as ambiguity between refusal and failure to follow orders, the impact of dual lines of command on the use of force, the pressure exerted by member states on POC performance, tactical gaps, and the need for better guidance on and understanding of the obligation to protect. While DPKO strongly objected to some aspects of the assessment, it implemented the mandatory recommendations by strengthening guidance, training, and coordination

on POC. Independent special investigations are also perceived as important accountability tools, especially when they are announced by the secretary-general and publicly reported on, like the Cammaert investigation in

South Sudan in 2016 (see special investigation factsheet and South Sudan case study).

The OPSP, established in 2013, is also a promising and robust accountability structure (see OPSP factsheet). Informally, the OPSP is often referred to and perceived as the “inspectorate-general” of DPO, a name that the General Assembly never formally adopted due to political sensitivities.¹⁰⁰ It comprehensively analyzes the factors contributing to the ability of peacekeeping missions to implement their mandates and provides recommendations to address gaps.¹⁰¹ The positioning of the OPSP under the direct authority of the under-secretaries-general for peace operations and operational support, who are briefed on each review, confers it legitimacy. Unlike assessments conducted by OMA, which tend to be seen as “evaluations by the military and for the military,” the OPSP has provided frank, bold assessments and actionable recommendations—including the repatriation, relocation, or re-

⁹⁸ However, the public version of the human rights investigation report on Bor does not include findings about UNMISS's POC response, which only appeared in internal versions. UNMISS, “Attacks on Civilians in Bentiu & Bor,” April 2014.

⁹⁹ “What scares them is a special panel, or OIOS,” explained one former UN official. Phone Interview with senior UN official, March 2019.

¹⁰⁰ The opposition of a group of member states to the establishment of an “inspectorate-general” to “evaluate” peacekeeping personnel within the Secretariat during the sixty-seventh session of the General Assembly eventually led to the OPSP's current name and function, with the word “partnership” emerging as a compromise. Interviews with UN officials, January 2020 and July 2020.

¹⁰¹ UN DPKO/DFS, “Policy: The Functions and Role of the Office for Peacekeeping Strategic Partnership (OPSP).”

tasking of units.

More generally, the composition of teams investigating POC failures can determine their level of independence and credibility. To ensure buy-in and legitimacy, there is a need to have teams led by “people that are totally independent” and who have expertise and experience in peacekeeping.¹⁰² The fact that the current head of the OPSP is a three-star general from a major TCC who previously served as a force commander in a UN peacekeeping operation helps the office get unrestricted access to information on the ground, engage constructively with T/PCCs, and make credible recommendations. Similarly, the investigations led by General Carlos Alberto Dos Santos Cruz and General Patrick Cammaert were conferred particular legitimacy by these individuals’ backgrounds and personal records supporting a robust POC posture. While most “independent” investigations have been led by former UN officials accompanied by Secretariat staff, having truly independent members on the team can also demonstrate the will to conduct an objective assessment rather than a cover-up.

Misunderstood, Confusing, and Duplicate Processes

Consultations revealed a lack of knowledge and understanding of the different accountability tools. One senior POC adviser acknowledged not knowing how to launch a BOI investigation and feeling helpless when it comes to pursuing accountability for POC failures.¹⁰³ Interlocutors had different views on the scope and objective of BOIs and on the applicability of misconduct processes to POC performance issues. One senior official who led a special investigation referred to it as a “board of inquiry.” Interlocutors in the field and from TCCs knew little or nothing about the OPSP.¹⁰⁴

Different accountability tools are also not always

used coherently. In one instance, for example, two different AARs were conducted by different components of a mission without clarity on the added value of having parallel processes and without a plan to consolidate findings.¹⁰⁵ In cases where multiple investigations, inquiries, and fact-finding missions have been activated, as in Alindao in CAR and Kamanyola in the DRC, the added value of each tool has not been clear, leading to duplication (see CAR case study and DRC case study). Sometimes, the concurrent use of different tools has produced adverse effects, such as when victims are interviewed several times, adding to their trauma; units are kept longer on the ground to complete an investigation; or those whose actions

Accountability tools are not always used coherently, and their scope and methodology is often inconsistent.

are in question have the opportunity to “rehearse” excuses and stories for subsequent investigations.¹⁰⁶

Even looking at each tool individually, the nature, scope, and methodology is often inconsistent. For example, special investigations have varied widely: the scale and scope of the incidents leading to investigations have differed; some investigations have been announced by the secretary-general and others by the under-secretary-general; and the level of transparency and handling of public information has varied, with executive summaries being released for some but not others (see special investigation factsheet).¹⁰⁷ While these independent investigations provide robust analysis of POC underperformance and are generally taken more seriously than internal processes, they are only activated in cases of grave POC failures or negligence. Recently, the under-secretary-general for peace operations launched a “special assessment” into violence in Beni in the DRC instead of a “special investigation,” raising questions about whether the Secretariat wanted to lower the inquiry’s visibility (see DRC case study). The absence of standards for special investigations was only partially addressed by new standard operating

¹⁰² Phone interview with senior UN official, March 2019.

¹⁰³ Phone interview with senior POC advisor, February 2020.

¹⁰⁴ Phone interview with UN mission official, February 2020.

¹⁰⁵ Phone interview with UN mission official, March 2020.

¹⁰⁶ Interviews with UN headquarters official, January 2019, and mission officials, February 2020.

¹⁰⁷ Evan Cinq-Mars, “Special Investigations into Peacekeeping Performance in Protecting Civilians: Enhancing Transparency and Accountability,” *IPI Global Observatory*, September 19, 2019.

procedures released in 2020, and the decision about whether and when to activate them remains subject to interpretation.

Corrective Actions

Performance monitoring is meaningless if there are no consequences for performance results and no follow-up actions to ensure that adjustments are made. Corrective actions have been one of the biggest gaps in the accountability system for POC. The Secretariat has pursued many corrective actions, but robust sanctioning and consequences have been largely restricted to military components, nontransparent, and highly politicized.

The Limits of Legal Action

UN personnel are often perceived as impossible to hold accountable due to their legal immunity.¹⁰⁸ On the issue of the legal personality and liability of the UN, see: Foley, *UN Peacekeeping Operations and the Protection of Civilians*. Members of military contingents and military staff officers cannot be judged in the host country, as they always remain under the exclusive criminal jurisdiction of their state (see conduct and discipline factsheet).

When a crime has been committed by a mission's military component, the TCC is required to deploy a national investigation officer to look into it with the assistance of the UN. The UN conducts parallel processes such as BOIs, administrative investigations led by conduct and discipline units, or investigations by OIOS or the UN Department of Safety and Security. While the UN can take administrative actions such as placing staff on administrative leave or repatriating, reprimanding, or terminating them, criminal processes are the responsibility of the state. The UN can also follow up with national authorities and share its concerns if it deems the measures they take to be insufficient.¹⁰⁹ As for civilians, the UN can refer

credible allegations that a crime was committed, lift the immunity of its civilian staff, and request that relevant member states prosecute UN staff and experts on mission.¹¹⁰

However, these processes apply to situations where a crime has been committed, which is generally not the case for instances of underperformance leading to POC failures. In these instances, the Secretariat has yet to determine what conduct and circumstances should result in legal action in relevant member states.

There are similar challenges for civil legal action. Within each peacekeeping mission, the UN has established internal administrative processes such as local internal claims review boards to “deal with claims against the UN, whether of a contractual or tort basis.” Given the rise of claims by third parties in recent years, the UN has also established a “special comprehensive liability regime” to address tort and contract claims, including injury, death, and damage to property—with significant exclusions for “operational” and “military” necessity.¹¹¹ In practice, the legal route has not proven to be a viable way to seek accountability for POC. For example, in the case “Mothers of Srebrenica,” which was related to the failure of peacekeepers to protect civilians in Bosnia, the UN declined to accept responsibility, including by asserting its immunity in Dutch courts.¹¹²

A Focus on Improved Processes and Collaborative Learning

History has shown that field missions are adaptive and constantly learn from their shortcomings after major POC crises. Past failures to protect civilians have pushed missions to increase their awareness and analysis of POC threats and vulnerabilities, develop new tools to liaise with communities and influence actors with leverage over threats, and adapt their coordination and planning processes.

108 “There is the issue of the generally absolute immunity of the UN from any kind of jurisdiction in the courts of UN Member states.” Bruce Rashkow, “United Nations Peacekeeping: Strengthening Accountability for Injuries to Third Parties,” American Bar Association, June 5, 2018. On the issue of the legal personality and liability of the UN, see: Foley, *UN Peacekeeping Operations and the Protection of Civilians*.

109 Interview with UN headquarters official, New York, January 2020.

110 The UN can lift immunity for military personnel to be tried and sanctioned in their own country, which happens implicitly when the secretary-general requests a TCC to prosecute or sanction one of its personnel. The UN can also lift functional immunity for police and civilian staff, who can either be prosecuted by their country of citizenship or the host state, in certain cases.

111 Rashkow, “United Nations Peacekeeping.”

112 “Dutch Court’s ‘Pioneering Role’ in Srebrenica Case,” *Deutsche Welle*, July 16, 2014.

In practice, most accountability tools are about organizational learning, informing decision making, and improving internal processes—but not sanctioning (see Table 4). At the level of individual performance, both the e-Performance system and 360-degree evaluations are more geared toward career development and learning rather than accountability (see e-Performance factsheet). At the mission level, many of the tools focus on lessons learned and are based on collaborative approaches.

For example, AARs are collaborative, informal, voluntary exercises that allow all actors involved in the operation to share their perspectives on what worked and what did not (see AAR factsheet). Their main added value is to enable frank, critical, and self-reflective discussions and facilitate learning. AARs are supposed to be integrated into subsequent training, plans, and practices, but due to their nonbinding nature and the lack of monitoring and enforcement mechanisms, their impact has been limited.¹¹³

Field missions are adaptive and constantly learn from their shortcomings after major POC crises.

The CPAS is another collaborative tool mainly focused on performance monitoring for learning purposes (see CPAS factsheet). It is a reporting tool, not a managerial tool. As described by interlocutors in the field, the CPAS has facilitated the sharing of information and triggered discussions between units, sections, and components on their impact on POC. However, many have indicated that it is too early to assess its impact on accountability for POC.

One challenge is that the UN tends to report “best practices,” while independent reviews and external analysts, think tanks, and NGOs focus on “worst practices.” For example, the performance sections

that were recently added to the secretary-general’s country-specific reports tend to focus on “performance optimization,” with the 2020 report on the UN mission in CAR (MINUSCA) listing ways the mission “continued to enhance its performance.”¹¹⁴ End-of-assignment reports are one of the only tools staff can use to be more honest, critical, and reflective about shortcomings. However, these reports are only mandatory for senior leaders and managers, and the standard operating procedures specify that they “should not be used to report unsatisfactory conduct or misconduct of personnel.”¹¹⁵

Even if the Policy, Evaluation and Training Division strives to identify and compile positive and negative lessons learned in the field, the Secretariat has not developed processes to systematically look at failures. By contrast, UNICEF’s

office of innovation, for example, looks at failures once a week with “Failure Fridays” to encourage constructive internal reflection on what should be improved. It also holds public “FAILfares”

aimed at “improving the lives of children by encouraging adults to talk about their failures.”¹¹⁶

One of the challenges for the Secretariat is the possible politicization of conversations on shortcomings and failures. There are often legitimate concerns that exposing shortcomings to member states could lead to detrimental corrective measures such as budget cuts or changes in peacekeeping mandates that do not align with needs on the ground. Reports of failures can also be politicized and feed competition among member states.

The Secretariat’s 2020 policy on knowledge management and organizational learning

113 Significant recommendations “with broader implications” for the mission should be “tabled for discussion and follow-up by senior management at the appropriate level,” either through ad hoc or existing entities—but this is not mandatory. UN DPO and Department of Political and Peacebuilding Affairs (DPPA), “Policy: Knowledge Management and Organizational Learning,” September 2020.

114 UN Security Council, *Central African Republic—Report of the Secretary-General*, UN Doc. S/2020/545, June 16, 2020.

115 End-of-assignment reports are “personal, analytical accounts by senior personnel of good practices, challenges and lessons identified in mandate delivery, and recommendations on how to address any gaps identified going forward.” They are required for the special representative or deputy special representative of the secretary-general, force commander, deputy force commander, heads and deputy heads of police components, heads of mission support, chiefs of staff, heads of divisions or sections, senior advisors, and heads of field offices. UN DPO and DPPA, “Standard Operating Procedure: End of Assignment Reports,” September 2020.

116 These have been developed by the Office of Innovation. UNICEF, “FAILFaire: Improving the Lives of Children by Encouraging Adults to Talk about Their Failures,” December 6, 2013.

Table 4. Outcomes of accountability tools

		Disseminate and integrate internally	Account for publicly	Improve internal processes	Inform selection of personnel	Recommend sanctions	Establish incentives
Individual	e-Performance						
	Compact						
	Conduct and discipline						
	Medals						
Mission/ All Components	AAR						
	CPAS						
	JPT/JAM/JET						
	Mission evaluation						
	BOI						
	OIOS						
	Special investigation						
	OPSP						
Uniformed component only	FC evaluation						
	OMA evaluation						
	Police evaluation						
	Risk premium						
Civilian component only							

Red = independent tools

recognizes the importance of “enabling an honest reflection on failures” and encourages managers to create a safe environment to allow for the “candid and open admission of errors and a commitment to learning from them.” However, it also stresses that the objective of learning lessons is to enhance the organization’s body of knowledge, not “to penalize individual or collective underperformance,” drawing an important line between learning and accountability.¹¹⁷ Both learning and accountability processes play an essential role in improving future performance, as long as the right balance is struck between incentives and sanctions and between voluntary adaptation and forced change. However, almost all of the UN’s tools aim at improving processes voluntarily.

A Disconnect between Performance Evaluation and Planning Exercises

A responsive accountability system should link formal evaluations to planning and operations. In some cases, these processes have been linked. For example, following the independent investigations in Malakal and Juba, the action plan devised by UNMISS and the headquarters taskforce made major changes to the mission’s posture, strategy, and configuration and improved its training, crisis-response capacity, and operational-readiness standards (see South Sudan case study).

More often, however, performance evaluations and operational planning are conducted as separate processes owned by different entities, and the

¹¹⁷ UN DPO and DPPA, “Policy: Knowledge Management and Organizational Learning.”

findings of reviews, inquiries, and investigations are not always well integrated into the full cycle of decision making, planning, action, and learning. Because after-action reviews are voluntary and nonbinding, they do not always translate into improved practices (see AAR factsheet). The OPSP's direct reporting to the under-secretary-general was described by one official as both "a blessing and a curse," allowing for unsanitized reports and bold recommendations but making it harder to implement these recommendations at the operational and technical levels (see OPSP factsheet).¹¹⁸ The Secretariat's integrated operational teams are responsible for coordinating the implementation of mission-specific recommendations made by the OPSP, but some have reported a lack of ownership over follow-up and limited action to push for corrective action in the longer term. In addition, the DPO team expected to backstop missions in implementing their POC mandates is located in the Policy, Evaluation and Training Division, not the integrated operational teams. It therefore focuses on policy and training development and has limited bandwidth to provide operational advice and support to missions. The team does not include senior-level staff, reducing its influence over operational planning and decision making and its ability to pursue accountability for POC failures.¹¹⁹

Performance evaluations and operational planning are often conducted as separate processes owned by different entities.

At the mission level, a robust knowledge-management system requires the close involvement of heads of mission and heads of office in integrating lessons learned. It also requires stronger strategic planning units with dedicated expertise and capacity to close the loop between the assessment of past activities and the planning of future ones.¹²⁰ Learning processes are meant to be the connective tissue between evaluations and integrated planning cycles and between missions and headquarters. In many cases, however, lessons and recommendations end up being applied through marginal

changes and endorsed and integrated into mission planning as an administrative box-ticking exercise. "Follow-up is always about a report, a table.... It is purely administrative," explained one field mission representative.¹²¹ On the contrary, when senior mission leadership, UN headquarters, and T/PCCs have been involved in ensuring the implementation of recommendations, performance evaluations have led to meaningful structural changes (see South Sudan case study).

When one looks at reports from BOIs, AARs, OIOS, or special investigations, the repetitiveness and similarity of POC-related recommendations is striking. These reports persistently focus on generic, systemic recommendations aimed at improving processes: increasing resources; strengthening strategic communication; restructuring or reorganizing processes, entities, or activities such as early-warning mechanisms or community liaison assistants; improving coordination; or addressing blockages related to mission support.¹²² They rarely offer meaningful corrective measures to deter future failures, including sanctions against personnel. Currently, sanctions tend to occur where

there is a mix of media attention, political pressure, and committed leaders. What is needed is for sanctions to be consistently applied even without these factors in place while ensuring procedural fairness and due process.

Disciplinary and Administrative Action

Disciplinary measures can be taken at different levels and different steps of assessment processes, though they are mostly up to senior leaders in the mission or at headquarters. Force commanders' evaluations, for example, can lead to the development of performance-improvement plans with remedial measures at the mission level (see force commander's evaluation factsheet). When the involvement of headquarters is necessary, an integrated performance analysis can be conducted

118 Interview with two UN headquarters officials, New York, January and March 2020.

119 The team only has one support-account-funded P4 post, supported by two temporary P3 and one P2 staff.

120 The Policy, Evaluation and Training Division is currently working on a project to strengthen planning units.

121 Phone interview with senior UN field officials, February 2020.

122 Phone interview with senior UN official, February 2020.

by the Secretariat and shared with TCCs during a performance-feedback meeting at the technical level. More serious incidents may require the UN military adviser at OMA to get involved with the TCC and force commander. They may also be addressed in monthly performance meetings with the under-secretary-general for peace operations who can then engage with the TCC at the highest level through the light coordination mechanism and visits to capitals. The Security Council can also be briefed every quarter about performance issues, which can lead to political action and pressure from member states. The process for UN police is similar, starting with monthly operational inspections and quarterly evaluations of formed police units (see police evaluation factsheet).

For uniformed personnel, there is a wide array of possible corrective actions following a force commander's evaluation, police evaluation, or independent investigation and review. Measures range from enhanced training and pre-deployment visits to T/PCCs to the relocation, re-tasking, or repatriation of units.¹²³

Following UNMISS's failure to protect civilians in Juba, the secretary-general sacked the force commander (see South Sudan case study). In Alindao in CAR, corrective measures pursued by OMA following the OPSP investigation included the relocation of one unit, additional and enhanced training, partial repatriations, and enhanced pre-deployment visits to the TCC for the next rotation (see CAR case study). Shortcomings that are documented during contingent-owned equipment evaluations based on quarterly inspections or communicated by force commanders' code cables, can also lead to deductions from reimbursements to T/PCCs and can prompt the under-secretary-general to send official letters to contributor governments.¹²⁴

Reports from investigations rarely offer meaningful corrective measures to deter future failures, including sanctions against personnel.

However, corrective actions are difficult to pursue in practice and are applied inconsistently. The UN lacks the capacity to take multidimensional corrective actions in all instances of underperformance. The politicization of corrective actions, as seen following the dismissal of UNMISS's force commander in 2016, also leads to inconsistent practices (see South Sudan case study). Repatriations and dismissals are high-level decisions made at the level of the under-secretary-general that entail political negotiations with member states, given the UN's limited authority and power to sanction uniformed personnel. For repatriations, in particular, "everybody needs to be on board," and almost all interviewees brought up the political pressure on evaluation and accountability mechanisms for troops.¹²⁵ Similarly, sanctions that involve withholding or deducting from reimbursements to T/PCCs (which are possible when there are recurring gaps in contingent-owned equipment or in cases of sexual exploitation and abuse) are not currently being considered for performance gaps, given the potential friction they could create with member states.¹²⁶

As a result, sanctions are rare. Interlocutors said they were "not aware of the repatriation of a single contingent," had "no memory of sanction[s]," or "could count [instances of repatriation] on one hand."¹²⁷ Several representatives of TCCs recognized that sanctions were controversial and that repatriation "almost never happens."¹²⁸ When it does happen, it often aligns with the scheduled rotation of troops, which allows TCCs to save face while the UN maintains the appearance of pursuing accountability. There is also political pressure on accountability mechanisms for senior leaders, who are "defended" by their state and cannot easily be held accountable.

123 The decisions of monthly performance meetings are documented, but some decisions are also made outside of these meetings.

124 For an example of an internal memo on the underperformance of specific units sent by a force commander, see: the memo and operational assessment report from MINUSCA leaked to Code Blue: "Open Letter: Leaked Documents Reveal Scandalous Inaction by UN to Prevent Sexual Abuse," June 6, 2017.

125 Interview with DPO official, New York, 2020.

126 Disincentives include the withholding of reimbursement in cases of alleged sexual exploitation and abuse and non-functioning contingent-owned equipment, which can trigger a proportional deduction from the reimbursement for the cost of troops on top of the deduction from the reimbursement for the cost of the equipment. Phone interview with DPO official, August 2020; UN General Assembly Resolution 65/289 (September 8, 2011), UN Doc. A/RES/65/289.

127 Phone interviews with UN officials, March 2020.

128 Phone interviews with TCC representatives, August and September 2020.

Despite the emphasis on a comprehensive approach to POC, recommendations and corrective actions following POC-related shortcomings are also military-oriented, further fueling TCCs' criticism of accountability mechanisms. Even if the e-Performance system provides for the possibility of sanctions, there is a widely shared perception that underperforming staff from both the substantive and support sides will never be fired.¹²⁹ There is no widely known case of a staff member being dismissed or having a salary increase withheld because of POC-related underperformance (see e-Performance factsheet). The lack of mobility and rotation can contribute to complacency, with civilian staff remaining in the field for years, in contrast to uniformed personnel. As for senior leaders, sanctions can in theory include the revocation of delegated authorities, termination of contracts, and personal financial liability, but these measures have rarely been taken.

The politicization of corrective actions leads to inconsistent practices.

That said, the burden of blatant POC failures generally falls on UN troops, given the nature of their responsibilities and unique position to provide direct physical protection. While they should be given significant leeway to make difficult judgments, and while poor civilian administration also needs to be addressed, soldiers should still be held to account when they flagrantly and chronically fail to meet the basic requirements of a force mandated to protect civilians. These requirements should be clarified and serve as red lines for underperformers.

Force Generation and the Selection of Personnel

Performance is informally taken into account in force generation and selection processes. These decisions are informed by data and reports produced by the OPSP, BOIs, force commanders'

evaluations, the Conduct and Discipline Service, and inspections of contingent-owned equipment. The historical operational performance of a T/PCC is also one of the criteria used in deciding whether to conduct assessment and advisory visits. These visits are meant to assess the preparedness and readiness of pledged units and to "enable the Member State to... address gaps in training, human rights screening and accountability structures"—though these "accountability structures" generally refer to sexual exploitation and abuse and misconduct rather than performance.¹³⁰ Monthly performance meetings chaired by DPO and DOS's joint chief of staff also provide regular opportunities to monitor and discuss performance to inform future selection decisions.¹³¹

The screening process for the selection of personnel includes some human rights provisions and verification of misconduct, but POC performance in

past deployments is not an explicit criterion.¹³² Even if performance-monitoring tools were used to inform selection, they might be of limited utility, as they tend to provide a general view of performance and rarely prioritize POC. For example, POC is one out of nine equally weighted criteria in the force commander's evaluation.

In addition, there are not many new decisions to be made about the selection of TCCs for future deployments given recent reductions in peacekeeping personnel. The pool is also limited, and there are concerns that it would be difficult to find replacement units that would perform better.¹³³ These well-known constraints can indirectly discourage missions from reporting underperformance.

For senior mission leaders, the politicization of nominations often impedes performance assess-

¹²⁹ In recent years, less than 0.5 percent of Secretariat staff received an e-Performance rating of either "partially meets expectations" or "does not meet expectations." Since 2007, administrative actions were taken in seventy-four cases (twenty-four withholdings of a salary increment, thirty-nine non-renewals of contract, and eleven terminations. UN, "Integrated Peacekeeping Performance and Accountability Framework," September 2020.

¹³⁰ UN DPO and DOS, "Standard Operating Procedure: Planning and Conducting Assessment and Advisory Visits (AAVs)," August 2020.

¹³¹ These meetings bring together the under-secretary-general, military adviser, police adviser, director of the Policy, Evaluation and Training Division, regional directors, and representatives of the OPSP and DOS.

¹³² Conduct in UN Field Missions, "Vetting," available at <https://conduct.unmissions.org/prevention-vetting>. See also: Namie Di Razza and Jake Sherman, "Integrating Human Rights into the Operational Readiness of UN Peacekeepers," International Peace Institute, April 2020.

¹³³ "Accountability requires independence, but the Secretariat is fundamentally in a position of dependence" due to troop shortages that limit options for replacements. Bosco, "Prioritizing UN Peacekeeper Accountability."

ments from informing selection decisions.¹³⁴ The authority, command, and control framework also divorces responsibility for selecting personnel from responsibility for assessing their performance and extending their contracts. For example, police commissioners are assessed by the special representative or deputy special representative of the secretary-general but selected by the Police Division, which does not have access to this performance assessment and only sees the end-of-assignment report.¹³⁵

The Structural Lack of Transparency on Corrective Actions

The politicization of sanctions also explains the lack of transparency around corrective actions. The public handling of special investigations, for example, has varied widely depending on the political dynamics surrounding the POC incident being reviewed. There was a public summary of the Cammaert investigation, but the findings of the Obiakor investigation were not publicly reported (see special investigation factsheet). The reasons for these differences remain unclear.¹³⁶ Civil society groups have often criticized the UN for its lack of transparency and have called on the organization to release the results of inquiries and investigations.¹³⁷

Force commanders' evaluations are strictly internal, and the Secretariat prioritizes closed-door discussions and advocacy to address their findings. When the OPSP was first established, the limited circulation of its reports, even within the UN Secretariat, was raised as an issue, though they are now disseminated more widely to both headquarters and mission officials. The only independent structure that publicly releases reports is OIOS.

In some cases, even senior POC advisers have not received reports on a major POC incident.

Even end-of-assignment reports, which should by default be unclassified documents, remain internal, and the author or the department can decide to classify some paragraphs.¹³⁸

In some instances, even senior POC advisers have not received full BOI or AAR reports on a major POC incident. "A lot of products stay with the senior leadership team," according to one former mission official, with technical and operational staff only receiving partial information, even if they are in charge of remedying the issues.¹³⁹ Investigations can also take months, or even years, to complete, making it difficult to implement timely corrective measures. The Action for Peacekeeping initiative's Declaration of Shared Commitments included a pledge to "enhance measures to share the findings of Secretary-General commissioned reviews and special investigations, as appropriate," illustrating recent efforts to bridge this gap.

As described by one headquarters official, there are two kinds of transparency: "transparency to the [Security]

Council and transparency to the public.... We are doing it more with the council."¹⁴⁰ Quarterly informal briefings on performance provide opportunities to share information on underperformance with the Security Council, though the nationality of the units being discussed is not disclosed.¹⁴¹ Formal reporting to member states on mission performance "remains ad hoc, at best."¹⁴² This is partly because "TCC/PCCs have been assured that evaluations of performance will not be shared with other Member States."¹⁴³

For comparison, the countries with nationals involved in allegations of sexual exploitation and abuse are publicly listed on the UN website along

134 Jeffrey Feltman, "Restoring (Some) Impartiality to UN Senior Appointments," *Cairo Review of Global Affairs*, October 2020.

135 Phone interview with senior DPO official, March 2020.

136 Cinq-Mars, "Special Investigations into Peacekeeping Performance in Protecting Civilians."

137 For example, in the case of Alindao in CAR, Amnesty International argued that "the report of the investigation should be made public, and its recommendations should lead to concrete action." "CAR: Up to 100 Civilians Shot and Burnt Alive as UN Peacekeepers Leave Posts in Alindao," December 18, 2018.

138 UN DPO and DPPA, "Standard Operating Procedure: End of Assignment Reports."

139 Interview with former mission official, New York, February 2020.

140 Phone interview with DPO official, New York, July 2020.

141 Ibid.

142 R. Clarke Cooper, "Improving Accountability and Performance of United Nations Peacekeeping," December 2019.

143 Arthur Boutellis, "Impact-Driven Peacekeeping Partnerships for Capacity Building and Training," white paper, International Peace Institute, June 2020.

with the status of investigations and court proceedings (see Box 2). Although this public listing has been a groundbreaking step in strengthening accountability and transparency for misconduct, it was opposed by many TCCs, and any attempt to replicate this model for performance issues is likely to face strong resistance. As Laura Bosco highlights, although “‘naming’ is central to effective transparency... similar openness is rare in cases of poor peacekeeper performance,” and in cases like South Sudan, “DPKO consistently refused to name under-performing units.”¹⁴⁴

With limited transparency through official channels and internal complaint mechanisms that remain focused on misconduct rather than performance issues, some UN officials have turned to whistleblowing to pursue accountability for underperformance on POC. For example, Aicha Elbasri, UNAMID’s former spokeswoman, provided documents to the media to draw attention to UNAMID’s failure and unwillingness to call out the government for deliberately targeting Darfuri civilians and UNAMID peacekeepers.¹⁴⁵ After she testified to the US House of Representatives Committee on Foreign Affairs, the prosecutor of the International Criminal Court called for a “thorough, independent and public inquiry” into the allegations of manipulation of UNAMID’s reporting.¹⁴⁶ The secretary-general conducted a review that found a tendency to underreport abuse against civilians and attacks against peacekeepers.¹⁴⁷ However, several interviewees stated that adequate whistleblower protections have not been put in place and that “the system is against you.” In the past, whistleblowers have lost their jobs or decided to leave the UN.¹⁴⁸

Incentives

Sanctions are not sufficient to strengthen accountability—and they are not always the right solution. As Charles Hunt and Shannon Zimmerman argue, “In some cases, repatriation [of underperforming contingents] may actually hurt civilians by reducing the number of peacekeepers in a given mission.”¹⁴⁹ A robust system of accountability should balance between collaborative processes, sanctions, and incentives. As the UN POC handbook highlights, “Success breeds success,” and “leaders and managers should... empower personnel to innovate and openly commend or reward initiative and exemplary POC actions. This will result in enhanced motivation and will also create new and more efficient ways of operating.”¹⁵⁰

TCCs have repeatedly advocated for increasing incentives to perform well, including by publicly recognizing units for good performance—not only through diplomatic letters of appreciation.¹⁵¹ There are few tools to directly incentivize good POC performance.¹⁵² The UN’s Performance and Accountability Framework, developed in 2020, identified this gap, and there are ongoing discussions on how to shift toward a more incentives-based approach.

Two types of incentives could apply to peacekeeping personnel implementing POC mandates: medals and risk premiums. Medals, which can be used to incentivize individuals, are rarely awarded for POC-related performance (see medals factsheet). One exception is the Captain Mbaye Diagne Medal, which can be given to civilian or uniformed personnel. However, this

¹⁴⁴ Bosco, “Prioritizing UN Peacekeeper Accountability.”

¹⁴⁵ The documents detail several incidents where UNAMID did not disclose information regarding attacks on civilians, the extent to which UNAMID could not adequately protect civilians, and the Sudanese government’s actions in Darfur. Colum Lynch, “They Just Stood Watching,” *Foreign Policy*, April 7, 2014.

¹⁴⁶ US House of Representatives Committee on Foreign Affairs, “Peacekeepers: Allegations of Abuse and Absence of Accountability at the United Nations,” April 13, 2016; International Criminal Court, “Twentieth Report of the Prosecutor of the International Criminal Court to the UN Security Council Pursuant to UNSCR 1593 (2005),” 2015.

¹⁴⁷ UN Secretary-General, “Statement Attributable to the Spokesman for the Secretary-General Review of UNAMID Reporting,” October 29, 2014.

¹⁴⁸ Interviews with UN officials, January 2020. One important case of a whistleblower being fired by the UN (although not for exposing POC underperformance, per se) is Anders Kompass, who revealed the sexual exploitation and abuse scandal in CAR.

¹⁴⁹ Charles Hunt and Shannon Zimmerman, “Twenty Years of POC in Peace Operations,” *Journal of International Peacekeeping* 23, nos. 1–2 (2019).

¹⁵⁰ DPO, “Handbook: The Protection of Civilians in United Nations Peacekeeping.”

¹⁵¹ Phone interviews with TCC representatives, August and September 2020.

¹⁵² Incentives are widely discussed in the context of the increase in female peacekeepers in peacekeeping operations, including financial incentives for TCCs.

medal is given only in extraordinary circumstances, and the bar for receiving it is very high.¹⁵³ There are other awards, like the “military gender advocate of the year” and the “police officer of the month,” but their impact on POC performance is limited, since neither uses POC performance as one of the main criteria. Many interlocutors also agreed that UN personnel would not change their behavior to get an award and that the effectiveness of medals remains to be seen.

Risk premiums offer a second option for incentivizing good POC performance (see risk premium factsheet). Uniformed contingents can receive risk premiums—additional compensation beyond the ordinary rate—if they do not have restrictions and caveats, are exposed to exceptional risk, and have performed “above and beyond the call of duty.”¹⁵⁴ These are afforded exceptionally, at the discretion of the force commander or police commissioner.

While there are limited incentives for uniformed personnel to implement POC mandates, there are none for civilians.

It is too early to assess the impact of risk premiums on POC performance. While they could be used to incentivize uniformed personnel to better protect civilians, they could also demotivate and disincentivize those not receiving them. Moreover, premiums were not designed specifically for POC. As one DPO official recognized, the link between premiums and POC was “left deliberately vague,” and they are applied based on operational risks and conditions rather than performance. To fill this gap, the Contingent-Owned Equipment Working Group recently recommended a new type of premium for uniformed personnel based on performance on specific operational activities—like POC.¹⁵⁵

Another limitation is that risk premiums are awarded to individuals rather than T/PCCs. As a result, they may not deter T/PCCs from using caveats—a significant barrier to effective POC in practice. This gap could be partly filled by a new

premium payable to T/PCCs that extensively deploy temporary operating bases, which could incentivize them to accept multiple temporary deployments to POC hotspots. However, extending the presence of uniformed personnel does not necessarily mean they will deliver better POC results, and it could even worsen POC responses if troops are spread out beyond their capacities and become worn down.

While there are limited incentives for uniformed personnel to implement POC mandates, there are none for civilians. The e-Performance system does not offer an accurate picture of performance, as “everybody gets a fine e-PAS” and “you don’t even have to get the e-PAS done” in practice, as one DPO official put it.¹⁵⁶ The UN human resources

system is often criticized for failing to incentivize outstanding performance. Promotion could be an incentive but cannot be offered promptly in a human resources system that requires

applying and going through a long competitive process for any new position. There is little difference in career development between underperformers and outstanding performers. As for POC advisers and focal points, their work and initiatives receive little recognition.

Another way to incentivize personnel is to adopt clear and realistic standards of performance that are grounded in mandates and the resources available. Realistic expectations, coupled with practical tools to properly prioritize threats to civilians and maximize impact, can encourage peacekeeping stakeholders to embrace the level of risk-taking expected for the implementation of POC mandates. Having the assurance that they will be held accountable against reasonable expectations and for realistic responsibilities could be a powerful incentive for personnel to perform better on POC.

¹⁵³ Since its initial honorary presentation to the family of Captain Diagne in 2016, the medal has only been awarded once, in 2019, to Private Chancy Chitete, a Malawian soldier killed during operations in the DRC. UN Secretary-General, “Secretary-General’s Remarks at Captain Diagne Medal Ceremony,” May 24, 2019.

¹⁵⁴ UN DPO and DOS, “Guidelines, Award of Risk Premium (Formed Units),” July 1, 2019.

¹⁵⁵ Phone interview with DPO official, August 2020.

¹⁵⁶ Phone interview with DPO official, January 2020.

Recent Initiatives to Strengthen Accountability Frameworks for POC

Both UN member states and the Secretariat have undertaken many recent initiatives to strengthen accountability for POC. Some of these have sought to prioritize performance monitoring and accountability through diplomatic commitments and new policies. Others have sought to refine the existing tools and mechanisms described above.

Member-State Initiatives

Member states play an important role in promoting performance and accountability in UN peacekeeping operations through multilateral initiatives. Some member states have also strengthened their national policy frameworks for POC and sought to track the conduct and performance of their personnel—though with limited impact.

The Kigali Principles: A Voluntary Pledge to Champion POC

To address shortcomings in the performance of uniformed personnel mandated to protect civilians, a group of T/PCCs and major financial contributors to UN peacekeeping operations adopted the Kigali Principles on the Protection of Civilians at a high-level meeting in 2015. The eighteen principles are a set of nonbinding commitments and pledges to enhance the implementation of POC in peacekeeping operations. Among other things, they focus on the training of troops, their performance, and their readiness to identify and address threats, including through the use of force to protect civilians. They also relate to the provision of adequate resources and capabilities for POC and

Member states play an important role in promoting performance and accountability through multilateral initiatives.

the establishment of accountability and oversight mechanisms in cases of failure to protect or misconduct. This is a positive step toward enhancing the accountability of T/PCCs for POC.

The Kigali Principles have attracted broad support. By late 2018, forty-seven countries had endorsed them, including twelve of the top twenty TCCs. More than 50 percent of uniformed personnel come from countries that have endorsed the principles. In 2017, Secretary-General António Guterres called on all states to endorse the principles “as an urgent priority,” and in 2018, signatories sent a letter to encourage him to further pursue accountability for POC.¹⁵⁷

However, the Kigali Principles are nonbinding, and their implementation is difficult to monitor. They are mentioned in the reports of the Special Committee on Peacekeeping Operations (C-34) “as non-United Nations voluntary principles,” but the committee refrained from encouraging T/PCCs to endorse them.¹⁵⁸ Rwanda, the US, and the Netherlands have been strong champions of the principles and have hosted high-level meetings to follow up on implementation and encourage more endorsements, but the COVID-19 pandemic has slowed these efforts.

Nonetheless, as a form of “soft law” or “persuasive authority,”

the Kigali Principles can encourage countries to do better on POC, and they provide a reference baseline that could increase accountability in the future.¹⁵⁹ Some member states have publicly shared good practices to honor their commitments. Rwanda and Uruguay, for example, do not use any caveats when they deploy peacekeepers and have integrated lessons learned in the field into the training cycle through post-deployment learning sessions.¹⁶⁰

¹⁵⁷ UN Secretary-General, “Remarks to Security Council Open Debate on the Protection of Civilians in Armed Conflict,” May 25, 2017; “Letter from Member States Concerning the Kigali Principles,” July 31, 2018, available at: <https://www.permanentrepresentations.nl/documents/publications/2018/7/31/letter-to-the-sg-concerning-kigali-principles>.

¹⁵⁸ UN General Assembly, *Report of the Special Committee on Peacekeeping Operations: 2020 Substantive Session*, UN Doc. A/74/19, 2020.

¹⁵⁹ Email communication with independent researcher, 2018.

¹⁶⁰ IPI event on the Kigali Principles, May 2020.

Peacekeeping Stakeholders in the Special Committee on Peacekeeping Operations

The debates and reports of the Special Committee on Peacekeeping Operations (C-34) provide critical insights into the evolution of the debate on accountability for POC among financial contributors and T/PCCs. Since first included in the C-34's 2009 report, the language on POC has evolved to include more robust calls for better performance and more accountability. The C-34 initially focused on the need to match mandates and resources and to develop the appropriate normative frameworks, guidance, and training. The committee requested the Secretariat to develop matrices on missions' POC capabilities, make sure that POC strategies were developed and updated, and better collect and disseminate lessons learned and best practices. Beginning in 2012, it recognized the need for the "effective routine assessment" of POC strategies.¹⁶¹ In 2015, the committee called on the Secretariat to "ensure that peacekeeping missions improve their reporting on all incidents related to the POC, taking into account their capacities and areas of responsibility" and stated that "all relevant information should be brought to the attention of UN Headquarters and the Security Council in a timely manner."¹⁶²

Beyond POC, in 2020, the C-34 requested the Secretariat to develop an "integrated performance policy framework" based on "clear standards for all relevant civilian and uniformed personnel working in and supporting peacekeeping operations in the Secretariat and missions" (see Box 4). It also requested the Secretariat to give a briefing on the POC policy review and "the development of performance evaluation standards for the protection of civilians."¹⁶³ By calling for this framework to be based on objective data and methodologies, the committee has pushed the Secretariat to develop better systems for assessing peacekeeping performance, such as the Comprehensive Planning and

Performance Assessment System (CPAS), the revised force commander's evaluation, clearer standards and tasks for POC, and a detailed mapping of accountability measures.

While member states generally agree on mandating the Secretariat to strengthen its own performance frameworks and tools, the conversation becomes more difficult when it comes to what member states should do to enhance POC via political and budgetary changes and what T/PCCs should do to better operationalize POC mandates. The C-34 illustrates the constant debate—and blame game—among Security Council members, financial contributors, and T/PCCs over accountability. As a negotiated text that is adopted unanimously, the C-34 report is a compromise among these stakeholders, none of which want to be held to greater account than the others. The result is that few are held to account at all. The report emphasizes shared responsibilities and external factors influencing performance—especially resource constraints and political strategies. While such language can incentivize all actors to play their role in POC, it reinforces the challenge of attributing POC failures to specific actors.

The discussion on caveats, in particular, remains contentious in the C-34. As explained by one diplomat, "It is difficult to have a frank discussion on caveats," and the word itself "produces allergies everywhere."¹⁶⁴ Some member states championing POC, particularly the signatories of the Kigali Principles, have advocated for deploying peacekeepers without any caveats. However, they also recognize that some contributors are not ready to do so and that not all caveats are detrimental to the implementation of POC. The C-34 has therefore reached agreement on the possibility of accepting official caveats that are declared prior to deployment through a clear procedure while avoiding improvised, unofficial caveats, which tend to hamper timely and effective responses to threats.¹⁶⁵ As one diplomat from a major TCC

161 UN General Assembly, *Report of the Special Committee on Peacekeeping Operations: 2012 Substantive Session*, UN Doc. A/66/19.

162 UN General Assembly, *Report of the Special Committee on Peacekeeping Operations: 2015 Substantive Session*, UN Doc. A/69/19.

163 UN Doc. A/74/19.

164 Phone interview with a member-state representative, August 2020.

165 The C-34 stressed "the importance of avoiding caveats that may impinge upon the operational effectiveness in delivering mandates" and stated that "national caveats not declared and not formally accepted by the Secretariat may adversely limit mandate implementation." The C-34 also stressed the importance of "avoiding all caveats which have a detrimental impact on mandate implementation and performance." UN General Assembly, *Report of the Special Committee on Peacekeeping Operations: 2018 Substantive Session*, UN Doc. A/72/19; and UN Doc. A/74/19.

stated, it is important for T/PCCs to “show [their] cards” to enable the Secretariat to make the right decision when it selects contributors.¹⁶⁶

The Involvement of the Security Council in Calling for Accountability

At the Security Council, the debate over “accountability” has focused on ending impunity for violations of international humanitarian and human rights law and prosecuting perpetrators. Accountability has also been an important theme in discussions on sexual exploitation and abuse perpetrated by peacekeepers. Until recently, however, the council had rarely discussed the accountability of peacekeepers for fulfilling their protective role. Resolution 2436, unanimously adopted in 2018, appears to be the council’s first attempt to push for accountability in a comprehensive manner. The resolution stresses the need to improve “posture, behavior, leadership, initiative and accountability... at all levels both at Headquarters and in the field” and to institutionalize “a culture of performance” (see Box 3).¹⁶⁷ By referring to inaction in the face of threats against civilians, insufficient contingency planning, risk-averse leadership, and inadequate preparedness, Resolution 2436 gave prominence to POC, and US Ambassador to the UN Nikki Haley stated that it “will foster more trust in the civilian protection role of the UN.”¹⁶⁸

While the resolution represents progress, it was the fruit of compromise. After difficult negotiations, and the council was “almost ready to abandon its unity on the text.”¹⁶⁹ Accountability remains a sensitive topic at the UN and is often understood in negative terms, from the angle of punishment, retribution, or blame. Debates over accountability have sometimes diverged into discussion on “monitoring and evaluation” and “performance

monitoring”—terms that are less politically charged and more likely to get buy-in and traction among member states. As described by Arthur Boutellis, Security Council discussions on performance are “particularly contentious, reflecting a broader crisis in what is called ‘burden-sharing’ or ‘triangular cooperation’” between all peacekeeping stakeholders.¹⁷⁰ A senior diplomat familiar with the negotiations also attested to these divisions: “The Security council and financial contributors put more emphasis on pointing fingers [at] the performance and accountability of TCCs, while TCCs [and the Non-Aligned Movement argued] we should not only focus on peacekeepers but also look at mission leadership, civilian components, headquarters, the Security Council, [and] the Fifth Committee.”¹⁷¹

As a result, the text insists on shared responsibilities at all levels and emphasizes the multiplicity of factors underlying performance issues.¹⁷² The recommendations also emphasize collaborative, “soft” processes to identify gaps, improve support services, address systemic issues, and incorporate lessons learned and best practices—processes that are already at the core of UN performance monitoring. The resolution mentions “performance” thirty-nine times and “accountability” only six times, illustrating caution toward a term that elicits resentment and often sparks blame games among peacekeeping stakeholders. It does not frame the issue in terms of “sanctions” but alludes to “decisions to recognize and incentivize outstanding performance and decisions regarding deployment, remediation, training, withholding of financial reimbursement, and repatriation of uniformed or dismissal of civilian personnel.”¹⁷³

In subsequent country-specific resolutions, the Security Council has continued to refer to the need to develop a “culture of performance in UN

¹⁶⁶ Phone interview with member-state representative, August 2020.

¹⁶⁷ Security Council Resolution 2436 (September 21, 2018), UN Doc. S/RES/2436.

¹⁶⁸ United Nations, “Security Council Stresses Need to Improve Behaviour, Leadership, Accountability in Peacekeeping, Unanimously Adopting Resolution 2436 (2018),” UN Doc. SC/13518, September 21, 2018.

¹⁶⁹ See remarks from Ethiopia and Russia, *Ibid.*

¹⁷⁰ Russia circulated a draft presidential statement that deleted twenty paragraphs from the US draft resolution. Arthur Boutellis, “Will Peacekeeping Weather the Crisis of Multilateralism?” *IPI Global Observatory*, January 15, 2020.

¹⁷¹ Phone interview with member-state representative, August 2020.

¹⁷² “The effective implementation of peacekeeping mandates is the responsibility of all stakeholders and is contingent upon several critical factors, including well-defined, realistic and achievable mandates, political will, leadership, performance and accountability at all levels, adequate resources, policy, planning, and operational guidelines, and training and equipment.” UN Security Council Resolution 2436 (September 21, 2018), UN Doc. S/RES/2436.

¹⁷³ *Ibid.*

Box 3. Security Council Resolution 2436 on accountability and performance (2018)

Resolution 2436 includes strong language on several aspects of accountability:

- **Better reporting on performance:** The resolution requests the secretary-general to include in his reports on peacekeeping operations a summary of actions taken to improve mission performance and address performance challenges, including the impact of operational environments, national caveats, and leadership shortcomings.¹⁷⁴ It also encourages “regular strategic reviews” whose findings should be shared with the Security Council and relevant member states.
- **A clearer accountability framework:** The resolution reiterates the council’s support for the development of a “comprehensive and integrated performance policy framework that identifies clear standards of performance for evaluating all peacekeeping personnel” and “includes comprehensive and objective methodologies based on clear and well-defined benchmarks to ensure accountability for underperformance and incentives and recognition for outstanding performance.”
- **The importance of data:** The resolution stresses the “importance of data related to the effectiveness to improve analytics and evaluations, based on clear and well identified benchmarks, and importance to regularly review” and encourages the Secretariat to ensure that incentives and corrective measures “are predicated on objective performance data.”
- **A focus on leadership and civilians:** The resolution stresses the importance of “continued and further engagement by senior mission leadership,” which is ultimately responsible for “ensuring that all mission components and all levels of the chain of command are properly informed of, trained for, and involved in the mission’s POC mandate and their relevant responsibilities.” It calls on the secretary-general to undertake transparent selection processes and improve training and mentoring to ensure that missions have capable and accountable leaders. It also “urges all civilian mission components and Secretariat staff supporting peacekeeping operations to meet performance standards and comply with staff regulations.”
- **The role of special investigations:** Two paragraphs of the resolution are dedicated to the importance of “special investigations into issues related to the performance of troop, police and civilian personnel, including with regard to POC.” The resolution welcomes the Secretariat’s practice of conducting such investigations and emphasizes their utility in collectively and inclusively engaging with peacekeeping stakeholders to enhance performance. However, it also calls for special investigations to be more timely, consistent, and transparent and urges strengthening follow-up through implementation plans and the imposition of consequences.
- **Sanctions:** The resolution enumerates “a range of responses proportionate to the identified performance failures, including, as appropriate, transparent public reporting, withholding reimbursement, and repatriating or replacing units, including the possibility of replacement by units from another troop- or police-contributing country from the Peacekeeping Capabilities Readiness System, as well as revocation of delegated authorities, performance improvement plans, training, change of duties, or dismissal or non-renewal of contracts for civilian personnel.”
- **Incentives:** The resolution requests the secretary-general to “report to the Security Council on instances of outstanding performance in order to highlight best practices and promote their widespread adoption.” It also encourages the secretary-general to “apply risk and enabling premiums to eligible troop- and police-contributing countries, and to advance public recognition of outstanding performance.”

¹⁷⁴ The secretary-general’s reports on MONUSCO include a section on “performance assessment and measures to improve force generation and police generation,” describing the various reviews conducted (with a focus on military, police, and support personnel), and the implementation of recommendations made by previous assessments. UN Security Council, *United Nations Organization Stabilization Mission in the Democratic Republic of the Congo—Report of the Secretary-General*, UN Doc. S/2020/214, March 18, 2020.

peacekeeping.”¹⁷⁵ It has called for applying the integrated performance policy frameworks to missions, using performance data analytics, and reporting on special investigations.¹⁷⁶ However, the council has not managed to go much further on accountability. As one diplomat conceded, “It is a complex theme, topic, system.... We can’t agree collectively on the standards, [and] the discussion remains superficial. Member states don’t want to dig deep.”¹⁷⁷

Action for Peacekeeping: A Whole-of-Membership Commitment to Accountability

UN member states are also pushing for accountability for POC outside the Security Council. Since 2014, the peacekeeping ministerial conference has been institutionalized as a high-profile forum for member states to publicly reaffirm their commitment to UN peacekeeping and pledge specialized capabilities to enhance the performance of peacekeepers and the delivery of mandates. The preparatory meeting co-hosted by the Netherlands and Rwanda for the 2019 conference included a roundtable on performance and accountability, where participants recommended addressing accountability for POC as an urgent priority.¹⁷⁸

In parallel, 154 member states have endorsed the Declaration of Shared Commitments on Peacekeeping Operations, which outlines efforts that member states and the Secretariat will take to make peacekeeping more effective within the framework of the Action for Peacekeeping initiative. “Strengthening the protection provided by peacekeeping operations” and “performance and accountability by all peacekeeping components” are both areas of improvement listed in the declaration. The Secretariat and member states “collectively commit to ensuring the highest level of peacekeeping performance, and to hold all civilian and uniformed peacekeepers, particularly leader-

ship, accountable for effective performance under common parameters while addressing performance shortfalls.”¹⁷⁹

Of the twelve commitments on performance and accountability, three are for member states, six are for the Secretariat, and three are collective, thus placing most of the responsibility on the Secretariat. Collective commitments relate to ensuring the highest level of performance; holding all peacekeepers, particularly mission leaders, accountable for effective performance; and supporting a light coordination mechanism for training and capacity building. Member states have committed to providing well trained and equipped uniformed personnel; supporting pre-deployment preparations; and, perhaps most importantly, “redoubl[ing] all efforts to identify and clearly communicate any caveats or change in status of caveats, and to work with the Secretariat to develop a clear, comprehensive and transparent procedure on caveats.”¹⁸⁰

Some member states have volunteered to become “champions” of the Action for Peacekeeping initiative to encourage progress in particular areas and convene stakeholders around shared priorities, including accountability for POC.¹⁸¹ However, the initiative has been criticized for losing momentum, and the vagueness of the commitments has made it difficult to monitor and assess implementation. While the Secretariat has been working to analyze gaps and develop indicators to track its commitments, implementation and follow-up by member states has been limited.

National POC Frameworks and Accountability Tools

Beyond these multilateral initiatives, in 2018 the secretary-general recommended that member states “develop national policy frameworks on the protection of civilians” as a top priority for the POC agenda.¹⁸² Several regional organizations and

175 UN Security Council Resolutions 2409 (March 27, 2018), UN Doc. S/RES/2409; and 2423 (June 28, 2018), UN Doc. S/RES/2423.

176 UN Security Council Resolution 2423 (June 28, 2018), UN Doc. S/RES/2423.

177 Phone interview with senior diplomat from a major TCC, August 2020.

178 Preparatory Conference on Peacekeeping, “Chair Summary,” January 2019.

179 United Nations, “A4P: Our Core Agenda for Peacekeeping,” available at <https://www.un.org/en/A4P/>.

180 United Nations, “Action for Peacekeeping: Declaration of Shared Commitments on UN Peacekeeping Operations,” August 2018.

181 Security Council Report, “September 2019 Monthly Forecast,” August 30, 2019.

182 The secretary-general’s report on POC in armed conflicts not only covers POC in the context of peacekeeping but also provides an overview of the state of protection in armed conflicts from a humanitarian perspective. UN Security Council, *Protection of Civilians in Armed Conflict—Report of the Secretary-General*, UN Doc. S/2020/366, May 6, 2020.

countries have adopted policy frameworks or strategies for POC.¹⁸³ Most of these focus on POC in military or police operations rather than multidimensional responses to POC threats. National policies often focus on adhering to international humanitarian law and mitigating harm to civilians during the conduct of hostilities, while NATO and the African Union, like the UN, also address the proactive protection of civilians from third parties.¹⁸⁴ None of the major T/PCCs have developed national POC policy frameworks.

Through national POC frameworks, member states can commit to serving as role models, including by posturing their troops to proactively protect civilians, providing training or resources to support POC efforts by other member states, and taking diplomatic action in support of POC initiatives. For example, while Switzerland does not deploy military units to peacekeeping operations, its POC strategy commits it to promoting POC in diplomatic arenas and encouraging other member states to engage on POC.¹⁸⁵

The UK has sought to prioritize POC by engaging politically, strengthening accountability, supporting peace operations, ensuring respect for international humanitarian law in UK military operations, strengthening state and non-state capacity for POC, supporting humanitarian action, and offering refuge to those in need of protection.¹⁸⁶ Germany's Ministry of Defense recently commissioned a study to examine the possible development of a national POC policy to improve the readiness of its troops to implement POC mandates in peacekeeping operations.¹⁸⁷ All of these efforts help clarify roles and responsibilities for POC and commit resources to POC efforts, which could ultimately strengthen national

Through national POC frameworks, member states can commit to serving as role models for POC.

accountability for POC and improve POC performance.

Beyond political commitments, member states have exclusive jurisdiction over managing the performance of their uniformed personnel, investigating shortcomings, and pursuing disciplinary or legal action when required. Many countries have robust systems for holding their nationals accountable for misconduct. The UN requires TCCs to assign national investigation officers to every military unit with 150 personnel or more. These officers generally launch investigations after the UN Conduct and Discipline Service receives an allegation, usually of sexual exploitation and abuse or criminal misconduct, and shares it with national authorities. The officers are expected to investigate and document misconduct and gather evidence for disciplinary and legal processes, and the member state is supposed to communicate information on these processes, their findings, and corrective actions to the UN.

However, there is little evidence of national investigation officers or other national systems being used to address and sanction POC underperformance. Several TCC

interlocutors confirmed that contingent commanders have the power to decide to investigate performance issues, but this is not done systematically, and national investigation officers generally focus on cases of clear violation of criminal codes or issues with military discipline. In cases of POC performance, however, there is rarely a blatant refusal to follow an order to "go and protect," and protection usually results from a variety of factors, many of which are not subject to investigation.¹⁸⁸

183 These include Afghanistan, Australia, France, Sudan, Switzerland, Ukraine, the UK, and the US. Officials from across the Nigerian government have also engaged in high-level consultations to adopt a POC policy. The African Union developed draft POC guidelines for its peace support operations in 2012, and NATO adopted a POC policy in 2016.

184 International Peace Institute, workshop on "Protection of Civilians in the Context of Peace Operations: Translating UN Policies into National Frameworks," November 12, 2019.

185 Government of Switzerland, "Strategy on the Protection of Civilians in Armed Conflicts," 2013.

186 Government of the UK, "UK Approach to Protection of Civilians in Armed Conflict," August 2020. See also: Aniseh Bassiri Tabrizi, Amanda Brydon, and Ewan Lawson, "The UK Strategy on Protection of Civilians: Insights for the Review Process," Royal United Services Institute for Defence and Security Studies, September 2019; and UK Foreign and Commonwealth Office, "UK Government Strategy on the Protection of Civilians in Armed Conflict," December 2011.

187 Institute for Security Policy at Kiel University, Institute of Security and Global Affairs, and Global Governance Institute, "Implementing the Protection of Civilians Concept in United Nations Peace Operations," available at <https://www.implementing-poc.com>.

188 Phone interview with TCC senior military adviser, July 2020.

Secretariat Initiatives

The Secretariat has ramped up its efforts to strengthen accountability and performance monitoring over the past few years. Since 2010, the secretary-general has issued an annual report on organizational accountability for the UN system at large.¹⁸⁹ DPO and DOS have also launched initiatives to strengthen peacekeeping performance and accountability, including accountability for POC specifically.

Revised Policies on Accountability

In the context of the secretary-general's Action for Peacekeeping initiative and calls from both the Security Council and the C-34 to strengthen accountability in peacekeeping operations, the Secretariat has developed several policies and made some structural changes aimed at clarifying roles and responsibilities, assessing performance, and sanctioning underperformance:

- **Force generation processes:** DPO revised force generation processes to ensure that T/PCCs meet minimum standards on the basis of the Operational Readiness Framework established in 2015. In particular, the Peacekeeping Capability Readiness System is a critical tool to validate the readiness of new TCCs on the basis of clear standards during advisory and pre-deployment assessments.¹⁹⁰ OMA has also clarified its standards for specific tasks, including POC. It negotiates a statement of unit requirements with each TCC, indicating the operational capabilities of its uniformed personnel and the tasks they are expected to perform. This is attached to the memorandum of understanding between the TCC and the UN, a binding document that makes TCCs accountable for the agreed-upon tasks.¹⁹¹
- **Policy on authority, command, and control:** The UN policy on authority, command, and control was revised in 2019, eleven years after it was first issued. Problems with command and control often contribute to failures to protect civilians, especially when capitals issue instructions that contradict those of UN heads of uniformed components or fail to explicitly authorize their personnel to abide by UN standards and orders. The revised policy clarifies the role of the senior POC adviser within the senior mission leadership team and explains the roles of other senior leaders. It stresses that the head of mission has authority over all UN personnel, including uniformed personnel, and that the head of the military component exercises operational command and control over all UN military personnel and units.¹⁹² The policy prohibits uniformed personnel from acting on national directions or instructions and requires them to report these through the UN chain of command, with UN headquarters ultimately taking up the issue with the T/PCC.
- **Comprehensive Planning and Performance Assessment System:** In 2018, the Secretariat launched the CPAS, a system that allows missions to collectively assess their performance and impact on a regular basis, including their POC performance (see CPAS factsheet). The CPAS promotes a new approach to performance assessment based on analyzing data to plan, perform, assess, and adjust mission activities. Through a mapping of the context, a comprehensive results framework, and regular performance assessment cycles that inform the decision making of mission leadership, the CPAS seeks to help missions better evaluate their impact and outcomes against specific indicators and to ensure their outputs are relevant, effective, and sustainable.
- **Reports by the secretary-general:** Since 2018, the secretary-general has included sections on performance in his reports on mission-specific

¹⁸⁹ The first report breaks down the actions undertaken by the Secretariat to promote a culture of accountability, delegate authority, implement recommendations of oversight bodies, ensure personal and institutional accountability, reform performance appraisal systems, develop enterprise risk management and intel control frameworks, and prevent conflicts of interests. UN Doc. A/64/640.

¹⁹⁰ The registration of pledges by member states goes through a multi-step process, with required criteria for pledges to escalate from one level of readiness to another after successful visits, assessments, and discussions. UN DPO and DOS, "Guidelines: Peacekeeping Capability Readiness System (PCRS)," January 2019.

¹⁹¹ UN DPO and DOS "Guidelines: Peacekeeping Capacity Readiness System," January 2019; Phone interview with DPO/OMA officials, July 2020.

¹⁹² TCCs retain "administrative control" over non-operational administrative issues (benefits and sanctions).

contexts. In some cases, reports have included a dedicated section on “performance related to POC.”¹⁹³

- **Integrated Performance and Accountability Framework:** The Secretariat has committed to developing a framework for performance and accountability in UN peacekeeping operations

in cooperation with T/PCCs (see Box 4).

- **Guidelines on special investigations and standard operating procedures for boards of inquiry:** The guidelines on special investigations require that an independent investigation be launched in cases of failure to protect civilians.¹⁹⁴ Likewise, the new standard

Box 4. The Integrated Peacekeeping Performance and Accountability Framework

In the context of the Action for Peacekeeping initiative, and following a formal request by the C-34 and the Security Council, the Secretariat has committed to developing an Integrated Performance and Accountability Framework for Peacekeeping Operations, in cooperation with T/PCCs.¹⁹⁵ DPO has been mapping accountability structures since January 2020 and issued the framework in the fall.

One of the main lessons from DPO’s mapping was that the UN’s accountability system was not developed for peacekeeping operations and relies on multiple performance-assessment systems that serve different purposes.¹⁹⁶ The framework therefore calls for a comprehensive, coherent approach to accountability for peacekeeping. It lays out the roles and responsibilities of all peacekeeping stakeholders, clear standards and policies, a stronger methodology with benchmarks and indicators, sanctions for underperformance, and incentives to recognize good performance. It breaks down the steps each component needs to take to “plan,” “do,” “act,” and “check.” It provides examples of accountability flows and possible responses to serious and systemic performance issues, including for POC. It also identifies ongoing workstreams and existing structures that contribute to accountability, as well as projects that need to be finalized or strengthened to address gaps and shortcomings. Among other priority areas, the framework recommends improving recognition of outstanding performance, methodologies for evaluating the performance of units in-mission, remedial and accountability mechanisms for formed units, and performance accountability for senior leadership, civilian staff, and the Secretariat.

The framework is a living document that will be reviewed quarterly. So far, the framework has been limited to a mapping and stock-taking exercise, and it remains to be seen how it will be updated and inform systemic changes. Although the under-secretary-general for peace operations is closely involved in the process through bimonthly follow-up meetings, each department will be responsible for implementation, which could dilute buy-in and diffuse ownership in the long run. More resources will also be necessary to examine each accountability tool and process more closely, find and implement ways to make them more effective, and coordinate efforts across the Secretariat to build a culture of accountability.

193 Beginning in October 2017, the secretary-general’s report on the DRC started including a dedicated section on “the assessment of performance of the Mission’s uniformed personnel in protecting civilians” following a failure to protect civilians in Kamanyola in September 2017. The Security Council included a section on mission effectiveness in Resolution 2448 renewing MINUSCA’s mandate in 2018. UN Security Council Resolution 2448 (December 13, 2018), UN Doc. S/RES/2448.

194 UN DPO, “Guidelines: Special Investigations,” January 2020.

195 One of the Secretariat’s commitments under the Action for Peacekeeping initiative is to “develop an integrated performance policy framework based on clear standards for all actors, and to ensure that performance data is used to inform planning, evaluation, deployment decisions and reporting; to communicate to Member States all operational and technical requirements; to provide effective field support to peacekeeping operations, and to work with Member States to generate the necessary specialized capabilities, including language skills, while supporting new approaches to improve force generation, equipment serviceability and sustainability.” United Nations, “Declaration of Shared Commitments on UN Peacekeeping Operations.” “The framework should include comprehensive and objective methodologies, based on clear and well-defined benchmarks, to measure and monitor peacekeeping performance and to ensure the collection of centralized performance data to be used to improve the planning and evaluation of peacekeeping missions.” It should also “comprise measures to ensure accountability and incentivize performance, including, but not limited to, the recognition of outstanding performance, capacity-building, remedial action, administrative measures for United Nations civilian personnel and other appropriate measures related to all aspects of deployment.” UN Doc. A/74/19. See also: UN Security Council Resolution 2436 (September 21, 2018), UN Doc. S/RES/2436; and UN Secretary-General, “Remarks at High-Level Meeting on Peacekeeping Performance,” December 6, 2019.

196 Phone interview with DPO officials, July 2020.

operating procedures for BOIs state that a BOI is mandatory when POC failures result from a contravention of rules of engagement or directives on the use of force.¹⁹⁷ These guidance documents have clarified and standardized the use of both of these tools for POC, although placing BOIs under the sole authority of DOS may diminish their influence (see special investigation factsheet and BOI factsheet).

- **Data on conduct and discipline:** The Secretariat published a compendium of disciplinary measures in cases of criminal behavior between 2009 and 2017. It also regularly updates data on allegations of criminal behavior in peacekeeping and special political missions, the T/PCCs involved, the status of the investigation, the outcome, the findings, and the final action.¹⁹⁸ This initiative has increased transparency and strengthened accountability for misconduct.
- **Whistleblower protections:** The Secretariat produced a new policy in 2017 to protect whistleblowers from retaliation for reporting misconduct and cooperating with audits and investigations.¹⁹⁹
- **Management reform:** Through new delegations of authority issued in 2019, the secretary-general's management reform has empowered managers and aligned responsibility, authority, and accountability (see Box 5).

Strengthened Guidance and Preparedness for POC

On POC specifically, the UN Secretariat has pursued many efforts to clarify roles and responsibilities. There is consensus that the normative framework for POC has developed significantly

over the last two decades. The Security Council, C-34, and Secretariat have been particularly precise in detailing roles and responsibilities for POC, including detailed language on tasks and expectations in mandates, policies, guidance, mission concepts, plans, and rules of engagement.²⁰⁰ While in the past missions had to improvise ad hoc responses to POC crises, best practices have now been formalized and documented. Remarkably, the BOI to assess the incident in Malakal found that many UN and UNMISS procedures, rules, and regulations were adequate but were not properly coordinated, disseminated, understood, or applied.

In May 2018, DPO developed an addendum to the DPKO and DFS policy on accountability for the implementation of POC mandates. The addendum references both individual and organizational responsibility and clarifies the responsibilities

There is consensus that the normative framework for POC has developed significantly over the last two decades.

of civil, military, and police leadership at headquarters and in the field and for both substantive and support components. The document recognizes the role of all personnel—not only leadership—noting that accountability “cascades down the organization,” and calls for the integration of POC into existing performance-management systems. However, the final version of the addendum did not include provisions for criminal accountability and did not clarify the distinction between performance accountability, mandate implementation, and criminal accountability.

In 2019, DPO issued a revised policy on POC, which builds on the addendum to strengthen accountability measures, structures, and mechanisms. It envisages the establishment of POC standards of performance, objectives, and indicators that will be integrated into all individual and organizational performance-management tools, including evaluations of force headquarters and

¹⁹⁷ UN DOS, “Standard Operating Procedure: Boards of Inquiry.”

¹⁹⁸ See: Conduct in UN Field Missions, “Data,” available at <https://conduct.unmissions.org/data>; and UN General Assembly, *Special Measures for Protection from Sexual Exploitation and Abuse—Report of the Secretary-General*, UN Doc. A/73/744, February 14, 2019, Annex 1: “Allegations Received in 2010–2014.”

¹⁹⁹ UN Secretariat, “Secretary-General’s Bulletin: Protection against Retaliation for Reporting Misconduct and for Cooperation with Duly Authorized Audits or Investigations,” UN Doc. ST/SGB/2017/2/Rev.1, November 28, 2017.

²⁰⁰ See, for example: DPO, “Policy: The Protection of Civilians in United Nations Peacekeeping,” 2019; DPKO and DFS, “Protection of Civilians: Implementing Guidelines for Military Components of United Nations Peacekeeping Missions,” February 2015; and DPKO and DFS, “Guidelines: The Role of United Nations Police in Protection of Civilians,” August 2017.

Box 5. Delegation of authority

In January 2019, the secretary-general issued new delegations of authority to bring decision making closer to the point of delivery of mandates.²⁰¹ The secretary-general also established an accountability framework to accompany this reform, enabling him to remove the delegated authority in cases of abuse or poor management.²⁰² With the new delegations of authority, heads of peacekeeping missions have greater authority to make administrative decisions, including on financial transactions and human resources, without asking for the authorization of the Department of Management Strategy, Policy and Compliance (DMSPC) in New York.²⁰³ DMSPC's Business Transformation and Accountability Division monitors the transactions but is not consulted to authorize administrative decisions in advance.²⁰⁴ This should allow for more timely, effective, and flexible decision making, ultimately making missions better fit to respond to emergencies, including POC crises.

The delegations of authority could have a significant impact on POC. With the authority to make exceptions to policies and administrative issuances regarding staff selection and management, heads of mission could avoid vacancies by using temporary staff. In cases of urgent threats to civilians, they could redeploy locally recruited staff like community liaison assistants, who used to be prevented from changing duty stations by human resources rules and regulations. For example, one of the factors behind MINUSCA'S failure to protect civilians in Alindao was the absence of civilian staff and community liaison assistants in the area, partly due to the previous rules on local recruitment (see CAR case study).²⁰⁵

There are limitations to the delegations of authority, however.²⁰⁶ In practice, heads of mission do not always understand "how far they can go," even though a DOS focal point is available to provide guidance and advice.²⁰⁷ As a result, most heads of mission have not sub-delegated authority to officials in sector and regional offices. Moreover, DMSPC's monitoring of organizational performance is weak, given the large volume of transactions and the limited capacity of its Business Transformation and Accountability Division.²⁰⁸ DMSPC's monitoring also focuses on formal compliance with rules, regulations, and processes rather than the impact of decisions and the reputational, strategic, or operational risks.²⁰⁹

201 In December 2018, the secretary-general issued a bulletin to align authorities with responsibilities, decentralize decision making, and strengthen accountability. It sets out the standard authorities of heads of entities and calls on senior managers to shift to a culture of results. UN Secretariat, *Secretary-General's Bulletin: Delegation of Authority in the Administration of Staff Regulations and Rules and the Financial Regulations and Rules*, UN Doc. ST/SGB/2019/2, December 17, 2018. See also: UN General Assembly, *Seventh Progress Report on the Accountability System in the United Nations Secretariat: Strengthening the Accountability System of the Secretariat under the New Management Paradigm—Report of the Secretary-General*, UN Doc. A/72/773, March 1, 2018.

202 Mission staff are supposed to receive comprehensive direction, guidance, and training on these new accountability structures and to conduct self-evaluations and monitor performance data, including through measurable key performance indicators. Sixteen indicators related to finance, budget, travel, human resources, procurement, and property management were identified, most of them being monitored through the Umoja management dashboard. Exceptions to policies contained in administrative issuances from the Secretariat have to be reported manually to the Business Transformation and Accountability Division of the DMSPC within twenty-four hours, and reporting on conduct and discipline remains manual.

203 For example, they have greater authority to reorganize the budget across different group of expenditures without the authorization of the UN controller.

204 The new Business Transformation and Accountability Division provides support to managers, monitors performance and compliance through data analytics and a program-performance dashboard, issues policies and guidelines for self-evaluation, and systematically conducts management reviews and quality-assurance exercises. In his 2018 report on accountability, the secretary-general proposes creating a dedicated function within DMSPC to promote understanding of the value of proactively managing performance to achieve results and developing program-specific performance-management dashboards "that will provide real-time information on resource utilization and programme implementation." UN Doc. A/72/773.

205 UN Security Council, *Central African Republic—Report of the Secretary-General*, UN Doc. S/2019/147, February 15, 2019.

206 For an analysis of the state of the delegations of authority, see: Wolfgang Weisegger, "Implementing the UN Management Reform: Progress and Implications for Peace Operations," International Peace Institute, July 2020.

207 Phone interview with official from the Executive Office of the Secretary-General, July 2020.

208 Phone interview with UN official, July 2020.

209 For example, verifying that certain responsibilities are only assigned to staff members who have the necessary certifications or that one person is not assigned multiple roles in the approval chain.

sub-units. It makes POC a priority objective in senior leaders' workplans and a strategic objective in the compacts of special representatives of the secretary-general. It also breaks down the responsibilities of different categories of personnel, including heads of components.²¹⁰ One of the most significant changes is the inclusion of the role and responsibility of UN headquarters in providing guidance and technical support, engaging with member states and regional organizations, and putting in place institutional measures to improve performance.²¹¹

In addition, the revised POC policy mentions the importance of continuous learning through after-action reviews and lessons-learned assessments. It makes inquiries or after-action reviews mandatory when civilians have been killed or subject to physical violence in the proximity of a UN base, or when a mission knew (or should have known) about an imminent threat and failed to respond within its capabilities.²¹² When mission personnel contravene rules of engagement or directives on the use of force, it also requires an investigation followed by a formal BOI. When necessary, UN headquarters will support an investigation or conduct an independent investigation. The policy firmly states that after any evaluation or investigation, "remedial or corrective measures must be taken to avoid reoccurrence and/or improve the POC response of the mission."

To supplement the POC policy, DPO issued a handbook on the implementation of POC mandates in May 2020. The handbook provides further guidance on how to assess and prioritize threats to civilians, plan POC strategies, coordinate a comprehensive approach to POC, and address specific challenges and dilemmas. The Secretariat has also developed training materials to ensure peacekeeping personnel have the knowledge, skills, and attributes required to successfully perform

their duties, including mission-specific training modules.

The initiatives and efforts described above demonstrate that current debates about peacekeeping prioritize accountability, and there is a trend towards a more ambitious, better articulated system of checks and balances to account for the delivery of mandates in the field. These existing processes should be built upon and help guide stakeholders seeking to strengthen accountability for POC specifically.

Building a Culture of Accountability for POC

Recent debates on performance and accountability have focused on the development of accountability policies. For some member states, including the US, developing an accountability policy is a priority. Accountability is complex, however, and cannot be built through a single policy document. Peacekeeping has a pluralistic, fragmented accountability system based on overlapping entities and mechanisms rather than a vertical, unified structure of command, control, and supervision.²¹³ Gaps in accountability result from "a mix of politics, structures, processes and decision-making" issues and relate to a wide range of actors, factors, and decisions. This means that beyond robust and effective tools, processes, and mechanisms, an accountability system for POC in peacekeeping will need to be anchored in a culture of accountability.

The core question is how to change the mindsets of all stakeholders, especially peacekeepers deployed to missions with POC mandates, and to make them proud of their duty to protect civilians. All stakeholders should share responsibility and be held accountable. This applies to support officers

210 These include the political affairs section; human rights division; civil affairs section; joint mission analysis center; joint operations center; security sector reform section; disarmament, demobilization, and reintegration section; justice and corrections section; mine action service, strategic communication unit, legal affairs office, child protection section, and women protection advisers.

211 These include appointing senior leaders who understand POC; ensuring the operational readiness of T/PCCs in terms of capacity, resources, training, and screening; prioritizing POC in memoranda of understanding and directives; and assessing POC failures.

212 DPO, "Policy: The Protection of Civilians in United Nations Peacekeeping," 2019.

213 "In a pluralistic model, accountability applies not only to hierarchical superiors and electorates but also to specialized agencies within the larger organization, to courts, to distinct organizations with overlapping areas of responsibility, and to a variety of constituencies, some of them organized into nongovernmental interest groups. These accountability relationships are likely often to conflict with one another, since the principals have different interests, values and purposes." Keohane, "The Concept of Accountability in World Politics and the Use of Force."

arranging transportation to a POC hotspot, political affairs officers whose analysis or negotiations are driven by protection imperatives, and soldiers deciding to use force to neutralize a threat. It equally applies to senior mission leaders making strategic judgements, headquarters officials negotiating the selection and replacement of troops, and the secretary-general and his representatives establishing independent special investigations and imposing sanctions for inaction. Across the board, there needs to be a sense of urgency behind delivering POC mandates—the same sense of urgency that already exists for the prevention of sexual exploitation and abuse.

This paper has highlighted the issues facing the UN's accountability structures, including the lack of transparency, the lack of coherence among different tools, the overemphasis on military components, and the focus on “soft” corrective measures rather than sanctions. The following recommendations are intended to guide the UN Secretariat and member states in addressing these challenges by streamlining, strengthening, clarifying, and enforcing accountability for POC.

Across the board, there needs to be a sense of urgency behind delivering POC mandates—the same sense of urgency that already exists for the prevention of sexual exploitation and abuse.

Work Toward a More Cohesive Accountability Structure

Streamline Processes and Improve Coordination between Accountability Structures

While having multiple tools can strengthen accountability and transparency, lack of coherence and coordination among tools can lead to “assessment overkill.”

- **The Secretariat should establish a comprehensive accountability system connecting all existing tools and clarifying follow-up and transmissibility mechanisms, including enforcement measures.** This system should clearly articulate the sequential chain of accountability tools. The Secretariat should also create clearer standards for transmissibility, communication flows, and reporting and complaint mechanisms between senior

mission leaders, the Secretariat, and member states' permanent missions and capitals. As part of this, the Secretariat should indicate to field missions how much leeway they have to get underperforming units and personnel replaced, depending on the status of force generation and the Peacekeeping Capability Readiness System's pool of available contingents. The Secretariat should also open more channels for senior mission leaders and POC units to ask for POC guidance, report performance issues impacting POC, and formally request corrective measures.

- **The Secretariat should ensure a fluid exchange of information between all entities producing assessments, evaluations, reviews, and investigations, beyond databases and matrices.**

Policies on investigative tools should include clear

provisions on the sharing of findings. Those who implement action plans following investigations, especially POC advisers, heads of component, and heads of office, should have access to comprehensive analyses of POC failures. Missions should regularly engage in discussions not only on best practices but also on worst practices and failures, and the Integrated Training Service should integrate these lessons into future trainings, including for senior leaders. Sharing of lessons between missions and between T/PCCs is also paramount.

- **The Secretariat and T/PCCs should better coordinate their standards and systems of accountability, including investigative, disciplinary, and legal processes.** Coordination on sexual exploitation and abuse and criminal matters is already robust, with policies and flowcharts detailing roles, responsibilities, and coordination mechanisms. This robust cooperation should be replicated for performance assessments. TCCs should proactively engage with UN investigations into the POC performance of their personnel, use their national investigation officers to contribute to these investigations, and share

findings of internal investigations with the Secretariat and other peacekeeping stakeholders. Developing a common understanding of standards for judging POC performance should also be a priority.

- **The Secretariat should clarify the roles and responsibilities of integrated operational teams in POC.** This includes their role in coordinating efforts to address POC failures and implementing recommendations of assessments, evaluations, reviews, and investigations. The Secretariat should also provide these teams with dedicated operational capacity to fulfill these roles.
- **POC training for peacekeepers should cover the accountability system for POC.** All relevant mission personnel, especially the POC adviser, should be familiar with the functioning, rules, and activation of accountability tools, including BOIs, investigations by the Office of Internal Oversight Services (OIOS) and the OPSP, and independent channels for reporting performance issues. Member states should also ensure that post-deployment debriefings and trainings incorporate lessons learned from POC failures to inform future pre-deployment and in-mission support.

Broaden the Scope of Accountability Structures to Include All POC Stakeholders

Given that POC is based on shared responsibilities, a culture of accountability can only be inculcated through a robust system of accountability that covers all actors at all levels.

- **The Secretariat should consider developing accountability tools specifically for civilian components.** Like uniformed components, civilian components should be regularly assessed as part of inspections and reviews related to POC. The Secretariat should therefore match its recent efforts to clarify the roles and responsibilities of civilian personnel in their terms of reference, workplans, and assessments with an effort to develop robust evaluative tools, sanctions, and incentives for civilians at the individual and organizational

levels.

- **UN headquarters should provide missions with the resources, support, and guidance to incentivize good performance and sanction underperformance and be held accountable for its own performance in doing so.** All mission personnel—not only senior mission leaders—should be given the opportunity to provide feedback on the performance and effectiveness of UN headquarters in providing support. For example, DPO should survey substantive staff in the same way that DOS surveys support staff through its Global Satisfaction Client Survey for civilian and uniformed field personnel. The Peacekeeping Client Board, a new initiative that came out of the recently developed performance and accountability framework and that aims at getting feedback from missions on the substantive support and backstopping provided by headquarters, is a significant step in this direction. Surveys are not enough, however, and should be complemented by robust structures allowing field and headquarters personnel to communicate and discuss POC performance.
- **Member states should recommit themselves to supporting POC and addressing structural challenges that missions have little leverage over.** TCCs should develop national POC frameworks to translate UN guidance and policies into their own management, training, and accountability structures. The Security Council should go beyond mandating POC, including by taking specific measures to stay abreast of POC performance; pressuring host states, TCCs, and other stakeholders to uphold their POC-related commitments; and pushing for political solutions, conflict resolution, and harm mitigation. The under-secretary-general for peace operations' recent initiative to offer quarterly informal briefings on peacekeeping performance to Security Council members is a good practice in this regard and should continue. Other options include Arria-formula and informal meetings and briefings with POC advisers; meetings of the POC informal group of experts that are dedicated to performance; triangular partnerships to consolidate and

respond to lessons learned, best practices, and training needs; and diplomatic efforts to incentivize good performance and sanction underperformance.

- **Peacekeeping missions should develop mechanisms for affected civilian populations to hold them accountable.** Missions are ultimately mandated to protect civilians, not to comply with a technical POC mandate configured in New York. As such, the input of local populations is crucial to assessing the success of POC. The UN's accountability system needs both internal controls within the Secretariat and missions and a complaint or response system for local populations. Missions should involve civilian populations in the full cycle of designing POC plans and monitoring, evaluating, and correcting performance.

Plan for POC and Track POC Responses

- **Planning processes and performance assessments should be better articulated.** Mission headquarters should adopt tailored operational concepts and strategies, break down their objectives for addressing each type of threat, and articulate outputs and outcomes. The CPAS offers a welcome opportunity for missions to ensure they are having a meaningful impact on POC through integrated mission planning and performance assessment. The best practices established by the CPAS should be recognized in future policy and practice. Future adjustments should seek to ensure that the recommendations from performance assessments are acted upon and implemented by managers and senior leaders in a proactive, continuous way. In addition, sector commanders and heads of office should be assessed according to minimum standards of POC preparedness, including their activation of POC coordination mechanisms; use of POC tools and processes; and establishment of concrete, relevant, and up-to-date POC plans and analyses. Planning units should also be strengthened with dedicated POC capacity.
- **Missions should put in place systems to track their integrated POC responses according to clear expectations.** Documenting constraints,

decisions, and responses can help avoid blame games and the diffusion of responsibility while increasing accountability for all. The Secretariat should support missions in further developing time-stamped early-warning systems that increase accountability without imposing time-consuming bureaucratic processes on staff. Missions and the Secretariat also need to develop safe channels to systematically report and document performance issues such as refusals to follow orders, allocate resources, or share information critical to POC. In parallel, missions should be encouraged to develop initiatives to systematically record data on POC-related operations, including the location and regularity of patrols and the deployment and activities of uniformed and civilian teams sent to analyze POC threats, de-escalate tensions, and deter perpetrators. Missions should then compare this data to POC threats and vulnerabilities to adapt their actions accordingly. To that end, the Comprehensive Planning and Performance Assessment System (CPAS) appears to be a promising tool and should continuously inform the decision making of senior mission leaders.

Strengthen Independent, Dedicated, Transparent Accountability Tools

Use More Independent Investigative Teams

Given the sensitivity of performance issues and the risk of politicization, independent teams generally provide more impartial assessments into the effective delivery of POC mandates and bolder recommendations.

- **The Security Council and Secretariat should use more special investigations and other independent reviews in cases of POC failures.** They should also revise policies and guidance documents to clarify how these tools can be more systematically and consistently activated and used to ensure accountability for POC.
- **Member states, the Secretariat, and missions should give independent investigations and**

reviews maximum leeway, access, and control over their report and recommendations. They should also give them maximal public visibility for an added sense of accountability and provide opportunities to brief relevant stakeholders.

- **The Security Council and the Secretariat should use independent experts to follow up** on the implementation of recommendations and corrective measures that the different investigative and evaluation bodies put forward.

Make the OPSP a Dedicated, Integrated, and Independent Inspectorate-General for Peacekeeping

The Office for Peacekeeping Partnerships (OPSP) has proven to be a promising tool for accountability. With its small, agile, and independent team reporting directly to the under-secretaries-general, it is highly respected by both missions and T/PCCs.

- **The OPSP should strengthen the integrated, multidimensional character of its reviews of peacekeeping operations.** Member states should support the establishment of permanent civilian expertise within the OPSP to ensure effective, comprehensive reviews of performance issues, including POC. The Secretariat should stress and clarify the broad scope of OPSP reviews in future policies and formally recognize that they are not limited to the assessment of uniformed components.
- **The Secretariat should clarify the distinction and complementarity between the OPSP, OIOS, and special investigations and how they complement each other.** The OPSP should remain a small, senior-level team of peacekeeping experts that looks into missions' operational performance, both regularly and in response to specific incidents, and produces concrete, actionable recommendations to the under-secretaries-general to improve performance in a matter of weeks. It should also retain the ability to conduct internal reviews that do not culminate in a public report, at its discretion. Special investigations should be activated

to shine a light on major failures to protect civilians, examine all the facts, and attribute responsibility, including beyond the peacekeeping mission itself, with a greater level of public transparency and with the participation of independent, non-UN experts. Given its system-wide scope, OIOS is unlikely to offer the same level of granular expertise for tactical or operational analysis of POC performance as the OPSP and special investigations. However, OIOS's public evaluations and audits can highlight broader trends in underperformance and compliance and help foster political accountability.

Provide Dedicated Resources for POC Accountability

Most accountability tools have been developed for peacekeeping more broadly rather than for POC specifically. Although they help ensure accountability for POC, they rarely weigh POC as a priority criterion, despite its being a "priority mandate."

- **The Secretariat should provide more dedicated POC expertise and capacity at UN headquarters, including in integrated operational teams.** This would help better connect monitoring and evaluation with planning and operations and ensure the implementation of recommendations made by accountability structures.
- **The Secretariat should allocate DPO's POC team appropriate resources, including senior-level expertise.** This would help ensure regular POC evaluations and strengthen DPO's backstopping and mentorship of those who implement POC mandates in the field, participate in evaluations, and help follow up on POC recommendations.
- **The Secretariat should consider developing a standby, mobile team of POC experts.**²¹⁴ This team could be deployed to field missions to address gaps in planning, preparedness, training, and mentoring. It could be based on existing models such as the Standby Team of Senior Mediation Advisers or the Standing Police Capacity.

214 Such a team was already recommended in the past by one independent special investigation.

Strike a Balance between Transparency and Politics

Internal tools and closed-door discussions and negotiations are useful when pursuing collaborative efforts to correct performance, especially in sensitive political contexts. However, internal control mechanisms should be complemented by more transparent accountability tools, reflecting the UN's role as an international public service. In certain contexts, transparency can significantly increase accountability, and leveraging public opinion can incentivize better performance and instill a culture of accountability for all.

- **The Secretariat and missions should increase internal transparency.** There is a culture of not releasing information, even when strict confidentiality is not required or necessary. The UN should ensure that those who implement POC mandates have access to lessons learned and findings from inquiries and that POC advisers and heads of offices and sections are informed of UN internal investigations.
- **The Secretariat and missions should systematically share the findings of independent and internal inquiries into POC performance with the Security Council.** It could do so either through formal reporting channels or more informal briefings.
- **The Secretariat should make its investigations and corrective measures more transparent to the public.** This is particularly important for independent special investigations. The Secretariat should also consider developing a public database with information on underperformance issues, accountability mechanisms that have been activated for specific incidents, the implementation status of recommendations from inquiries and investigations, and corrective measures being pursued.
- **TCCs should make their internal accountability processes more transparent.** Member states ready to champion POC should promote their own record of ensuring accountability.

Being transparent about performance, disciplinary actions taken, and good practices can put pressure on other TCCs to follow suit, provide valuable lessons for peacekeepers, and instill a sense of responsibility across the board.

Enforce Consequences and Develop Incentives

Even if many contextual factors contribute to POC failures, blatant underperformance should trigger consequences. To demonstrate that liability is not only theoretical, accountability needs to be engrained into people's mindsets through a system of sanctions and incentives. This requires carefully balancing punishments for not meeting the clear, realistic standards set for POC with meaningful incentives to achieve them.

Follow Up on Shortcomings in Performance

A robust accountability system relies on effective follow-up on and enforcement of consequences, beyond performance monitoring and evaluation.

- **The Secretariat should establish clear standards and triggers for sanctions in cases of underperformance** to make decisions more transparent and systematize sanctions for both civilian and uniformed personnel. To overcome perceptions that sanctions are partial or imbalanced and to de-politicize the issue, it is critical to streamline accountability tools and structures, make performance evaluations and investigations more transparent, and clarify how and in which circumstances consequences will be enforced. In particular, instances of inaction and refusal to follow orders should be systematically reviewed and adequately sanctioned to counter perceptions that the cost of action is greater than the cost of inaction.²¹⁵ The Secretariat should also examine in detail what constitutes "inaction" and when it warrants particular sanctions.
- **The Secretariat should properly and systematically follow up on and enforce recommendations made by inquiries and investigations,**

²¹⁵ Many interlocutors reported thinking that they would face more scrutiny and a greater need to justify their actions for using force or attempting to bend the rules to adequately respond to POC crises than for not acting. "I am not getting in trouble if I don't do POC, but I will if I do POC wrong." UN Doc. A/68/787.

both at the mission and headquarters levels.

It should also publicly report on corrective actions. At headquarters, follow-up could be ensured through dedicated capacity within the integrated operational teams and the involvement of the OPSP, internal task forces, or independent teams.

Consider POC Performance in the Force Generation and Selection Processes

To ensure a full accountability loop, POC performance, beyond being monitored and assessed, should also inform future force generation, selection, and deployment processes.

- **The Secretariat should prioritize POC-specific criteria in force generation and selection processes.** Adherence to the Kigali Principles could be a criterion for the selection of T/PCCs for missions mandated to protect civilians during the force generation process. More generally, the “protection readiness” and “human rights readiness” of uniformed peacekeepers should be a critical part of the assessment of the operational readiness of T/PCCs.²¹⁶
- **Member states should pledge to provide more personnel ready to implement POC.** Enlarging the pool of POC champions available to deploy to peacekeeping operations would give the Secretariat more leeway in selecting and repatriating units. Memoranda of understanding between the UN Secretariat and T/PCCs should clearly integrate minimum standards for POC readiness.
- **Records of underperformance on POC should inform the future selection of both uniformed and civilian components and of both senior mission leaders and working-level staff.** Past evaluations by force commanders, OMA, the Police Division, the OPSP, and others should be taken into consideration in force generation and selection processes. Weighted POC performance criteria could be used in force generation and selection processes. The human resources reform should be an integral part of accountability efforts and

should revamp the way civilian staff are assessed, incentivized, and sanctioned. Reports to the secretary-general on senior leaders’ compacts should reflect their individual performance, including on POC. End-of-assignment reports should be made mandatory for key staff implementing POC mandates, and the Policy, Evaluation and Training Division should regularly consolidate lessons for POC. The Secretariat should also roll out 360-degree evaluations for senior and mid-level managers and connect these evaluations to recruitment and retention decisions.

Go beyond Punitive Approaches by Developing Incentives


Beyond implementing sanctions as a deterrent, building an effective and powerful culture of accountability requires strong mechanisms to encourage all actors involved in peacekeeping to strive for and deliver on POC.

- **The Secretariat should incentivize and reward outstanding performance for POC.** This could entail a broader range of awards, as recently recommended in the UN performance and accountability framework. These could include medals for “protectors” who perform service above and beyond the call of duty at different tactical and operational levels that complement and preserve the exceptional nature of the Captain Diagne Medal. It could also entail specifically acknowledging individuals’ contributions to POC in reports from the secretary-general. In addition, the Secretariat should consider giving POC awards to civilian personnel to incentivize all UN personnel to carry out POC tasks. Beyond awards, the Secretariat should give premiums to uniformed personnel based on their operational performance, including on POC, rather than on environmental factors or deployment modalities, as recommended by the Contingent-Owned Equipment Working Group. Publicizing information on the process for giving premiums and awards and on the units receiving them could encourage other personnel to emulate their colleagues.

216 Di Razza and Sherman, “Integrating Human Rights into the Operational Readiness of UN Peacekeepers.”

- **The Secretariat and missions should devise internal communication strategies to create a sense of pride about protecting local populations, as it already does for preventing sexual exploitation and abuse.** These strategies should seek to promote an interpretation of POC mandates as enabling “all necessary means” at the individual and organizational levels while maintaining realistic expectations. Training and educating peacekeepers on “why” they need to protect civilians is just as

important as training them on “what” to do. Positive campaigns—through posters on the walls of UN compounds, POC pocket cards, briefings, and trainings—could promote the right mindset and work ethic and instill a sense that personnel have a “duty to protect” and that POC is a “priority mandate” for all. These efforts can help create a culture of moral accountability that encourages all peacekeepers to do their utmost to protect lives.



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