

47. United Nations peacekeeping operations

Decision of 17 May 2004 (4970th meeting): statement by the President

At its 4970th meeting, held on 17 May 2004, the Security Council, presided over by the Minister for Foreign Affairs of Pakistan, held a thematic open debate on United Nations peacekeeping operations.¹ All Council members made statements, in addition to the Secretary-General, the Under-Secretary-General for Peacekeeping Operations, and the representatives of Argentina, Armenia, Australia, Bangladesh, Canada, Côte d'Ivoire, Egypt, Fiji, Guatemala, India, Indonesia, Ireland, Japan, Kazakhstan, Lebanon, Malaysia, Namibia, Nepal, New Zealand, Peru, the Republic of Korea, the Republic of Moldova, Serbia and Montenegro, South Africa, the Syrian Arab Republic, Tunisia and Ukraine.

The Council had before it a letter dated 10 May 2004 from the representative of Pakistan,² including a non-paper suggesting that the discussion focus on the following elements: the forthcoming challenges for the United Nations system to generate sufficient levels of political, financial, human and logistical support from Member States in the wake of the recent surge in demand for United Nations peacekeeping operations; the evaluation of the progress made in United Nations peacekeeping since the Brahimi reforms;³ and the assessment of future trends in the strategic and operational aspects of peacekeeping operations. The letter was included in the agenda.

In his opening statement, the Secretary-General highlighted the surging demand for peacekeeping operations, including an increasing number of multi-dimensional operations, the mandates of which went beyond the traditional military functions. He noted that to absorb costs for the new and enhanced missions the United Nations might need an extra

\$1 billion beyond the current peacekeeping budget of \$2.82 billion. He then underlined a number of key challenges to operations, including, growing expectations of what multi-dimensional missions could achieve; increasing violence against peacekeepers by peace spoilers; the need for all United Nations departments, agencies and programmes to play their part in the peacekeeping process; the need for the Security Council to show commitment and solidarity and to provide clear, implementable and achievable mandates; and the need to provide peacekeeping operations with adequate resources, including specialized military capacities. Finally, he urged Member States to back-up peacekeeping operations with troops and political commitment.⁴

Speakers welcomed the marked progress that had been achieved in reforming and strengthening peacekeeping operations in recent years as a result of reforms carried out since the adoption of the Brahimi report. At the same time, they agreed that peacekeeping operations mandates had become increasingly complex, multifaceted and multidimensional, and that the United Nations Secretariat was faced with increasing difficulties in staffing new missions on short notice, as that depended entirely on the willingness of Member States.

Speakers concurred that enhanced operational effectiveness could be met through improvements in planning, training, logistics and management. They also stressed the need to strengthen the rapid deployment capacity to respond to urgent crises and that, for that purpose, adequate political and financial support was necessary. A few speakers welcomed recent initiatives at pre-deployment training. Other delegations pointed out the necessity to reinforce conflict prevention initiatives through an early warning mechanism.

Other points of agreement included the need to further strengthen the relationship between the Security Council, the Secretariat and the troop contributors, as well as between the United Nations and regional organizations and between the Security Council and the wider United Nations membership, especially since a more integrated approach to peacebuilding was required. Along those lines, a number of delegations

¹ For more information on the discussion at this meeting and the decision adopted, see chap. IV, part I, note, with regard to decision-making and voting; chap. VI, part II, sect. B, case 12 (c), with regard to relations with the Economic and Social Council; chap. XI, part V, sects. C, D and F, with regard to Articles 44 and 47 of the Charter; and chap. XII, part III, sect. A, with regard to Chapter VIII of the Charter.

² S/2004/378.

³ See A/55/305-S/2000/809 (Report of the Panel on United Nations Peace Operations).

⁴ S/PV.4970, pp. 3-5.

stressed the importance of increasing coordination between peacekeeping operations in the same region and subregion. Speakers also concurred that it was imperative for each peacekeeping operation to have an exit strategy and a strategy for long-term developments, possibly through the establishment from the outset of clear substantive benchmarks, while at the same time avoiding precipitate withdrawals.

Regarding the mandate of peacekeeping operations, many speakers made specific recommendations, including restricting the use of Chapter VII mandates by the Security Council; providing clear-cut, timely, effective and impartial mandates; providing sufficiently robust rules of engagement while keeping the principle of the non-use of force except in self-defence; better ensuring the safety of peacekeepers, including by preventing the spread of HIV/AIDS; tailoring the tasks to what peacekeepers were able to do; enhancing their capacity to collect, analyse and disseminate intelligence; incorporating a gender perspective as well as protection of children tasks into all mandates; and formulating standardized codes of conduct applicable to all mission personnel.

At the end of the meeting, the President made a statement on behalf of the Council,⁵ by which the Council, *inter alia*:

Called upon Member States to ensure that the United Nations was provided with full political and financial support to meet the challenges [presented by the demand for new peacekeeping operations] effectively; and stressed that it was also important to ensure that, while meeting that demand, the resources available for and effective management of the existing operations were not adversely affected;

Called upon Member States to contribute sufficient levels of trained troops, police and civilian personnel, including those with specialized capabilities and skills, bearing in mind the need for an increased percentage of female personnel at all decision-making levels, as well as mobilization of logistic and administrative support;

Stressed the need for improved integrated mission planning, as well as enhanced capacity for rapid deployment of personnel and materiel to ensure efficient start-up of peacekeeping operations;

Recognized its responsibility to provide clear, realistic and achievable mandates for peacekeeping missions;

[Stated that] troop-contributing countries, through their experience and expertise, could greatly contribute to the planning process and assist the Council in taking appropriate, effective and timely decisions on peacekeeping operations;

Stressed that, in challenging environments, United Nations peacekeepers might need to be provided with sufficiently robust rules of engagement and the necessary military resources to enable them to fulfil their mandate and, if necessary, to defend themselves;

Encouraged Special Representatives of the Secretary-General to explore synergies to ensure effective management of peacekeeping missions in the same regions or subregions;

Stressed the need to regularly assess the size, mandate and structure of peacekeeping operations with a view to making the necessary adjustments, including downsizing, where appropriate;

Recognized that effective peacekeeping operations should be part of an overall strategy to consolidate and sustain peace, and stressed the need to ensure from the outset coordination, coherence and continuity, in particular between peacekeeping and on the one hand and peacebuilding on the other hand; to that end, it encouraged closer cooperation between all relevant United Nations agencies, funds and programmes and international financial institutions, regional and subregional organizations and the private sector.

**Decision of 31 May 2005 (5191st meeting):
statement by the President**

At its 5191st meeting, on 31 May 2005, the Council was briefed by the Adviser to the Secretary-General on Sexual Exploitation and Abuse by United Nations Peacekeeping Personnel. The Council also heard a briefing by the Under-Secretary-General for Peacekeeping Operations.

The President (Denmark) drew attention to a letter dated 24 March 2005 from the Secretary-General,⁶ transmitting the report of the Adviser to the Secretary-General on Sexual Exploitation and Abuse by United Nations Peacekeeping Personnel, entitled “A comprehensive strategy to eliminate future sexual exploitation and abuse in United Nations peacekeeping operations”. The report identified four areas of concern: the current rules on standards of conduct; the investigative process; organizational, managerial and command accountability; and individual disciplinary, financial and criminal accountability. The letter was included in the agenda.

⁵ S/PRST/2004/16.

⁶ A/59/710.

The President also drew attention to the report of the Special Committee on Peacekeeping Operations and its Working Group,⁷ containing urgent recommendations regarding problem of sexual exploitation and abuse in peacekeeping contexts. The recommendations included measures in the areas of the adoption of standards of conduct, training, participation of women in peacekeeping operations, planning, management and command responsibility, welfare and recreation, data management, investigations, and victim assistance.

The Adviser to the Secretary-General noted that sexual exploitation (predominantly prostitution) appeared to be widespread in some United Nations operations, whereas sexual abuse (when the exploitation becomes criminal) was more difficult to gauge. He added that the level of abuse was probably more serious than previously thought and expressed concern at how certain United Nations civilian personnel could enjoy impunity. He then lamented that the issue had been unresolved for so long, even though ill-discipline of peacekeeping personnel was already a problem in 1960, pointing at sentiments of pride and embarrassment, and at the refusal of Member States to have a “public discourse” on the issue. He looked forward to the Secretary-General’s appointment of a group of legal experts that would advise on how to ensure that peacekeepers would not be exempt from the consequences of their criminal acts, or unjustly penalized. He emphasized that more allegations would be likely to emerge in the near term as the Secretariat strengthened the systems to lodge complaints. He concluded by saying that such abuses struck at the very credibility of the United Nations as a whole and, if unresolved, would carry the most serious consequences for the future of peacekeeping.⁸

The Under-Secretary-General affirmed that sexual abuse and exploitation undermined the ability to implement Council mandates. Since the first allegations surfaced in the Democratic Republic of the Congo in mid-2004, the Department of Peacekeeping Operations had made significant progress in its investigations and was putting in place “wide-ranging” measures to prevent it, which had already been implemented by field missions. At Headquarters, a task force established by the Department was developing

guidelines and tools to effectively address this problem, with the aim of creating an “organizational culture” that prevented sexual exploitation and abuse. The Under-Secretary-General particularly highlighted the need for the inclusion of specific provisions in Council mandates for peacekeeping operations to address misconduct.⁹

At the end of the meeting, the President made a statement on behalf of the Council,¹⁰ by which the Council, *inter alia*:

Condemned, in the strongest terms, all acts of sexual abuse and exploitation committed by United Nations peacekeeping personnel, and reiterated that sexual exploitation and abuse are unacceptable and have a detrimental effect on the fulfilment of mission mandates;

While confirming that the conduct and discipline of troops is primarily the responsibility of troop-contributing countries, recognized the shared responsibility of the Secretary-General and all Member States to take every measure within their purview to prevent sexual exploitation and abuse by all categories of personnel in United Nations peacekeeping missions;

Underlined the fact that the provision of an environment in which sexual exploitation and abuse are not tolerated is primarily the responsibility of managers and commanders;

Urged the Secretary-General and troop-contributing countries to ensure that the recommendations of the Special Committee which fall within their respective responsibilities are implemented without delay;

[Stated that it] would consider including relevant provisions for prevention, monitoring, investigation and reporting of misconduct cases in its resolutions establishing new mandates or renewing existing mandates and called upon the Secretary-General to include, in his regular reporting on peacekeeping missions, a summary of the preventive measures taken to implement a zero-tolerance policy and of the outcome of actions taken against personnel found culpable of sexual exploitation and abuse.

Deliberations of 22 February 2006 (5376th meeting)

At its 5376th meeting, on 22 February 2006, the Council heard a briefing by the Chef de Cabinet of the Executive Office of the Secretary-General on the issue of peacekeeping procurement.¹¹ All Council members

⁹ *Ibid.*, pp. 5-6.

¹⁰ S/PRST/2005/21.

¹¹ For more information on the discussion at this meeting, see chap. XII, part II, sect. A, case 14, with regard to Article 24 of the Charter.

⁷ A/59/19/Add.1 of 11 April 2005.

⁸ S/PV.5191, pp. 2-4.

made statements as did the representatives of Austria (on behalf of the European Union), Malaysia (on behalf of the Non-Aligned Movement), Sierra Leone (on behalf of the Group of African States), Singapore and South Africa (on behalf of the Group of 77).

The President (United States) drew attention to letters dated 3 and 15 February 2006 from the representative of Malaysia on behalf of the Non-Aligned Movement, a letter dated 17 February 2006 from the representative of South Africa on behalf of the Group of 77, and a letter dated 20 February from the representative of Sierra Leone, on behalf of the African States, expressing concern about the continuing encroachment by the Council on the functions and powers of the General Assembly and the Economic and Social Council through addressing issues which traditionally fell within the competence of the latter organs. In particular, the authors that issues involving the management and procurement of peacekeeping operations and sexual abuse within peacekeeping operations were scheduled to be discussed by the Council even though those issues were still under active consideration by the General Assembly.¹²

The Chef de Cabinet briefed the Council on the steps currently undertaken by the Secretariat to improve procurement systems for peacekeeping operations and to crack down on waste, fraud and other potential abuse. He recalled that, with the growth of peacekeeping itself, peacekeeping-related procurement had been growing fast also, with a 70 per cent increase in the number of military personnel deployed. He then turned to a recent audit by the Office of Internal Oversight Services of peacekeeping procurement, which found that the Organization was exposed to serious risks of financial loss, and that there were indications of serious potential irregularities including conflict of interest with vendors, and evidence of \$300 million in fraud. The Chef de Cabinet specified then that actually there was only “likelihood” of fraud. He added that there was strong disagreement between Office of Internal Oversight Services and the Department of Peacekeeping Operations about the methodology and quality of some parts of the report, but that nevertheless it was clear that a very serious response was required. As a first step he had placed

¹² S/2006/85, S/2006/111, S/2006/113 and S/2006/117, respectively.

eight staff members on special leave while the issues raised in the audit were looked into more fully. He said that the Secretariat had prepared proposals on management reform which would be presented in a week, and added that the whole process had also underlined the need for a stronger Office of Internal Oversight Services.¹³

The speakers were unanimous in expressing grave concern at the allegations of fraud and waste in the procurement for peacekeeping operations, as contained in the report of the Office of Internal Oversight Services. They were also in full support for the ongoing efforts to investigate those allegations and to make necessary improvements in the procurement system.

A number of speakers supported the Council’s initiative in convening such a public meeting.¹⁴ The representative of the United States in particular affirmed that the Council had a responsibility to look at the flaws of peacekeeping management, so that problems could be rectified and stronger, more effective operations could be built.¹⁵

Other speakers however questioned the appropriateness of the Council’s initiating a discussion on the issue of peacekeeping operations management and/or procurement as this represented an encroachment by the Council on the General Assembly’s powers in contradiction with Article 24 of the Charter of the United Nations.¹⁶ The representative of South Africa expressed concern that, if peacekeeping management were left to the Council, developing countries would be left out of the decision-making process. He contended that monetary contributions should not have any effect on the decision-making role of Member States, and rejected “the insinuation that developing countries might somehow be tolerant of corruption, mismanagement and fraud”.¹⁷ The representative of China also stated that matters related to the use of peacekeeping funds

¹³ S/PV.5376, pp. 2-5.

¹⁴ Ibid., p. 6 (France); p. 8 (Russian Federation, Japan); p. 10 (Peru); p. 12 (Slovakia); p. 13 (Denmark); p. 14 (Greece); p. 18 (United Kingdom); and p. 19 (United States).

¹⁵ Ibid., p. 19.

¹⁶ Ibid., p. 14 (Ghana); p. 16 (United Republic of Tanzania); p. 21 (South Africa); p. 24 (Sierra Leone); and p. 25 (Malaysia).

¹⁷ Ibid., pp. 21-22.

and procurement management should be discussed by the General Assembly.¹⁸

The representative of Singapore deplored the fact that the report of the Office of Internal Oversight Services had been leaked to the press, and that a senior Secretariat official had called a press conference and spoken of apparent fraud and corruption in the United Nations, bypassing the General Assembly. He also raised questions about due process in the placement on leave of some staff members and about equal treatment.¹⁹

While expressing appreciation for the work of the Office of Internal Oversight Services, the representative of Austria, speaking on behalf of the European Union, said that one should not forget that it was often under the most difficult circumstances and under enormous time pressure that the United Nations was called upon to set up peacekeeping operations.²⁰

In response, the Chef de Cabinet confirmed that he had requested a senior official to speak to the press following the leak of the report. As for the concern expressed by the representative of Singapore that a senior official in charge of management had been treated differently from those who had been suspended, he noted that this was inaccurate because the official had not been involved in the same case. He added that he was extremely concerned that this public debate might become a “kind of showdown” between the Council and the General Assembly over their respective roles.²¹

Deliberations of 23 February 2006 (5379th meeting)

At its 5379th meeting, on 23 February 2006, the Council heard briefings by the Under-Secretary-General for Peacekeeping Operations and the Adviser to the Secretary-General on Sexual Exploitation and Abuse by United Nations Peacekeeping Personnel. In addition to all Council members, statements were made by the representatives of Austria (on behalf of the European Union), Brazil, Canada and Singapore.

The Under-Secretary-General reported on progress accomplished regarding the strategy of

preventing sexual exploitation and abuse in peacekeeping operations and enforcement of the zero-tolerance policy. He said that there had been some progress, in particular regarding the training of police and military personnel. In addition, it had been made easier for the local population to bring those breaches of conduct to the attention of the Department of Peacekeeping Operations, and many investigations had been completed, thanks to the means received from Member States. He also reported that multidisciplinary conduct and discipline teams at Headquarters and in the field had been established. He then turned to the policy of “remediation” and support to victims with the establishment of a United Nations-wide task force with that aim. He said that there was still a great deal to be done and he called on Member States not to conflate the issues of procurement procedures with financial fraud and sexual exploitation, adding that acts of serious misconduct by some should not be allowed to betray the good work of peacekeepers.²²

The Adviser to the Secretary-General said that the Secretariat and Member States were about to complete the changes called for by the Special Committee on Peacekeeping Operations.²³ He said that a difficulty for the United Nations was that often neither the host State nor the sending States were in a position to exercise their jurisdiction when there was suspected criminal conduct by civilian staff, but added that a group of legal experts was currently working on this and would submit a report to the General Assembly soon. He stated that the number of allegations currently being registered was still quite high, and that the Member States had to exert greater efforts to draw those numbers down and tackle the culture of dismissiveness.²⁴

Speakers condemned all acts of sexual abuse and exploitation and reaffirmed their support for the comprehensive strategy to eliminate sexual exploitation and abuse in peacekeeping operations and subsequent steps taken by the Secretary-General to combat those abuses. They affirmed that this would certainly contribute to re-establishing the credibility of the Organization after repeated scandals had tarnished the image of the United Nations. Speakers also, *inter alia*, called for all abuse to be resolutely punished and for the implementation of the zero-tolerance and zero-

¹⁸ *Ibid.*, p. 8.

¹⁹ *Ibid.*, pp. 22-23.

²⁰ *Ibid.*, p. 24.

²¹ *Ibid.*, pp. 26-27.

²² See S/PV.5379, pp. 2-6.

²³ See above, under the 5191st meeting.

²⁴ S/PV.5379, pp. 6-8.

complacency policy; reaffirmed that peacekeeping operations were the most effective means to deal with conflict situations and were primarily composed of dedicated and professional men and women; stressed the need to expand protection and assistance to victims and welcomed the bold and comprehensive United Nations policy in this regard; called for a comprehensive and system-wide approach to the issue of sexual abuse with all United Nations agencies present on the ground involved; welcomed progress made in the training of personnel and reaffirmed the need for the highest standards of discipline and conduct, as prevention was the best tool for avoiding crime; also welcomed progress in establishing a professional and independent investigative capacity in the Office of Internal Oversight Services; and called for a complete commitment on the part of Member States to tackle this issue.

Some speakers also specifically urged the revision of the memorandums of understanding between troop-contributing countries and the United Nations to provide and disseminate codes of conduct that personnel must observe, and even the adoption of a model memorandum for that purpose. Other suggestions included, *inter alia*, the provision of welfare and recreational facilities for troops as a potential solution to the abuses; the establishment of a mechanism to ensure accountability with respect to the investigations conducted and the measures taken in order to make sure that silence could be broken at all levels of hierarchies; and more efforts towards gender

mainstreaming into all policies and programmes at the national and international level in line with resolution 1325 (2000).

48. Complex crises and United Nations response

Initial proceedings

Deliberations of 28 May 2004 (4980th meeting)

At its 4980th meeting, on 28 May 2004,¹ the Security Council included in its agenda the item entitled “Complex crises and United Nations response”. The Council also included in its agenda a letter dated 24 May 2004 from the representative of Pakistan.² The Council heard briefings by the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator and the President of the Economic and Social Council. All Council members made statements during the meeting.

In his briefing, the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator emphasized that complex crises and their aftermath embodied not only military and security dimensions but fundamental political, economic, social and humanitarian dimensions as well, as they were longer-running crises where the very process of conflict had had a dramatic impact on societal structures, government institutions and the ability of

families and communities to support each other. He held that greater use should be made both of resolution 1296 (2000), by which the Council had requested the Secretary-General to bring to its attention situations of grave concern in respect of the protection of civilians in armed conflict, and of resolution 1366 (2001), in which the Council encouraged the Secretary-General to convey to it his assessment of potential threats to international peace and security. He added, however, that there was no point to early warnings if resources were lacking to do something in response.³

The President of the Economic and Social Council pointed to that body’s contribution to the United Nations response to countries in crisis, including recent initiatives in African countries emerging from conflict. She stressed that, in order to ensure coherence, such initiatives by the Economic and Social Council must be linked to the work of the Security Council. She was thus pleased that the two Councils were interacting in a more frequent and coherent way, as illustrated by the reference to the advisory groups of the Economic and Social Council in the statements by the President of the Security Council on issues of common concern.⁴

¹ For more information on the discussion at this meeting, see chap. XII, part III, sect. A.

² S/2004/423, transmitting a non-paper to guide the discussion.

³ S/PV.4980, pp. 2-4.

⁴ *Ibid.*, pp. 4-6.