OIOS

Office of Internal Oversight Services

INSPECTION AND EVALUATION DIVISION

TRIENNIAL REVIEW

Triennial review of implementation of recommendations contained in the OIOS evaluation report on the implementation and results of protection of civilians mandates in United Nations peacekeeping operations

4 October 2017

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INSPECTION AND EVALUATION DIVISION

FUNCTION

"*The Office shall evaluate the efficiency and effectiveness of the implementation of the programmes and legislative mandates of the Organization. It shall conduct programme evaluations with the purpose of establishing analytical and critical evaluations of the implementation of programmes and legislative mandates, examining whether changes therein require review of the methods of delivery, the continued relevance of administrative procedures and whether the activities correspond to the mandates as they may be reflected in the approved budgets and the medium-term plan of the Organization;*" (General Assembly [Resolution 48/218 B](#)).

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Executive Summary

In 2014, the Inspection and Evaluation Division of the Office of Internal Oversight Services (OIOS-IED) examined the implementation and results of protection of civilian (POC) mandates in eight peacekeeping missions (A/68/787). OIOS-IED made one critical and two important recommendations. This triennial review determined whether the three recommendations had been implemented.

The review examined evidence of implementation by the Department of Peacekeeping Operations (DPKO) and Department of Field Support (DFS), to which the recommendations were directed, and their outcomes as evidenced by relevant policy and practice in the five largest peacekeeping mission currently implementing POC mandates. The review established that while one critical and one important recommendation could be closed, implementation of one important recommendation remained in progress.

Recommendation 1 addressed command and control challenges in peacekeeping missions by emphasizing reporting requirements in instances of failure to follow orders. The 2014 report referred to a dual line of command which regulated the use of force by contingents. To address this, DPKO/DFS reinforced command-and-control reporting requirements through guidance issued in August and September 2015. Therefore, this critical recommendation was considered implemented.

However, there existed a conceptual ambiguity between *refusal* and *failure* to follow orders. Consequently, only the low number of cases of refusal to follow orders were brought to the attention of DPKO/DFS. Evidence suggested that underperformance in POC was a far more recurring issue which was not adequately addressed by the existing reporting mechanisms.

This review also found that there were alleged instances of DPKO/DFS staff being subject to Member States influence when dealing with TCCs in respect of POC accountability and performance issues. Although there have been no substantiated cases of staff succumbing to such pressure, it was important that the Secretariat took steps to ensure its impartiality and independence from external influences.

Under Recommendation 2, DPKO was advised to provide mission specific self-contained concise guidance to peacekeepers to address threats to civilians. The 2014 report had identified a gap at the tactical troop level on how to respond to complex and ambiguous situations. Several DPKO initiatives focused on enhancing clarity for military peacekeepers. This included a new integrated POC training module that had been piloted and comprehensive POC policies in Headquarters and mission had been developed. Nevertheless, this important recommendation was considered to be still in progress since 'POC cards', offering concise explanations of peacekeepers' duties and key rules dictating the use of force, had been developed but not yet distributed.

Recommendation 3 focused on improving the working relationship between peacekeeping operations and humanitarian entities. The 2014 report identified that a major source of conflict between them stemmed from differences in respective mandates and their approach towards implementing them. This important recommendation advised DPKO/DFS to report the results of initiatives under way to improve relationships between peacekeepers and humanitarians via the Integration Steering Group (ISG). The group's status was ambiguous since it had apparently stopped meeting. However, the newly established Executive Committee has emphasized integration between peacekeeping missions and humanitarian organization. This important recommendation was considered closed, though the quality of the relationship between the humanitarians and peacekeeping mission at the field level should be continuously monitored.

Contents

Acronyms

AAR	After Action Review
BOI	Board of Inquiry
COE	Contingent-Owned Equipment
CPX	Command-Post Exercise
CRSV	Conflict Related Sexual Violence
DFS	Department of Field Support
DOCO	Development Operations Coordination Office
DPA	Department of Political Affairs
DPET	Policy, Evaluation and Training Department
DPKO	Department of Peacekeeping Operation
EOSG	Executive Office of the Secretary-General
FCOS	Force Chief of Staff
FIB	Force Intervention Brigade
HIPPO	High-Level Independent Panel on Peace Operation
HOM	Head of Mission
IDP	Internally Displaced People
IED	Inspection and Evaluation Division
IOM	International Organization for Migration
IPOC	Integrated Protection of Civilian
ISG	Integration Steering Group
ITS	Integrated Training Service
JET	Joint Evidence-Gathering Team
MINUSCA	United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic
MINUSMA	United Nations Multidimensional Integrated Stabilization Mission in Mali
MINUSTAH	United Nations Stabilization Mission in Haiti
MONUSCO	United Nations Organization Stabilization Mission in the Dem. Republic of Congo
MOU	Memorandum of Understanding
MRM	Monitoring and Reporting Mechanism
OCHA	Office for Coordination of Humanitarian Affairs
OHCHR	Office of the High Commissioner on Human Rights
OIOS	Office of Internal Oversight Services
OMA	Office of Military Affairs
ORA	Operational Readiness Assurance
PBSO	Peacebuilding Support Office
PCC	Police Contributing Country
POC	Protection of Civilians
QRF	Quick Reaction Force
ROE	Rules of Engagement
SC	Security Council
SEA	Sexual Exploitation and Abuse
SJPG	Sector Joint Protection Group
SMG-P	Senior Management Group on Protection
SOP	Standard Operating Procedure

SRSG	Special Representative of the Secretary-General
STM	Specialized Training Materials
SUR	Statement of Unit Requirement
TOT	Training of Trainers
TCC	Troop Contributing Country
UNAMID	African Union – United Nations Hybrid Operation in Darfur
UNDP	United Nations Development Program
UNEG	United Nations Evaluation Group
UNHQ	United Nation Headquarters
UNICEF	United Nations Children's Fund
UNIFIL	United Nations Interim Force in Lebanon
UNMIL	United Nations Mission in Liberia
UNMISS	United Nations Mission in South Sudan
UNOCI	United Nations Operation in Cote d'Ivoire
WFP	World Food Program

I. Introduction

1. Acting under authority of its mandate, and in compliance with organizational rules and professional norms, the Inspection and Evaluation Division of the Office of Internal Oversight Services (OIOS-IED) carried out, as systematically and objectively as possible, an evaluation to examine the implementation and results of protection of civilians (POC) mandates in eight peacekeeping missions holding those mandates as of 31 July 2013.[1] The evaluation was completed in March 2014 (A/68/787, hereafter 2014 report).[2]

2. The present report is a triennial review of the status of implementation of the recommendations contained in the 2014 report. The purpose of a triennial review is (a) to verify the implementation of recommendations and (b) to describe (i) how they have been implemented, (ii) the reasons for, and implications of, any unimplemented recommendations and, (iii) where feasible, the outcomes of implementation.[3]

3. The review examined evidence of implementation at Headquarters, where the recommendations were directed, and of the outcomes of implementation as evidenced by relevant policy and practice in the five[4] largest peacekeeping missions currently implementing POC mandates (hereafter missions).[5]

4. Management comments from the Departments of Peacekeeping Operations (DPKO) and Field Support (DFS) were sought and are included in the annex.

5. The methodology for the triennial review included:

   a) A review and analysis of progress reports on the status of recommendations that are monitored through the OIOS Team Central;
   b) An analysis of relevant information obtained from DPKO and the missions, including, (i) policies, guidelines and standard operating procedures (SOPs); and (ii) available reports about specific incidents involving civilians, including After Action Reviews (AARs), Board of Inquiry (BOI) Reports and Special Investigations.

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[1] United Nations Interim Force in Lebanon (UNIFIL), United Nations Mission in Liberia (UNMIL), United Nations Operation in Côte d'Ivoire (UNOCI), United Nations Stabilization Mission in Haiti (MINUSTAH), United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO), African Union-United Nations Hybrid Operation in Darfur (UNAMID), United Nations Interim Security Force for Abyei (UNISFA) and United Nations Mission in South Sudan (UNMISS).

[2] The general frame of reference for OIOS is set out in General Assembly Resolutions 48/218 B, 54/244 and 59/272, as well as ST/SGB/273. OIOS evaluation is provided for in the Regulations and Rules Governing Programme Planning, the Programme Aspects of the Budget, the Monitoring of Implementation and the Methods of Evaluation (ST/SGB/2016/6, p. 16, Regulation 7.1). The review was conducted in accordance with the norms of the United Nations Evaluation Group (UNEG).

[3] OIOS-IED Evaluation Manual, p. 18-19.

[4] MONUSCO (S/RES/2348 (2017), para 28a,34i), UNAMID (S/RES/2296 (2016), para 4-5), UNMISS (S/RES/2327 (2016), para 7a), the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA) (S/RES/2301 (2016), para 33a), the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) (S/RES/2295 (2016), para 19c).

[5] Today, 9 out of 15 peacekeeping operations have POC tasks included in their mandate.

c) A structured content analysis of (a) Reports of the Secretary-General to the Security Council, (b) Security Council minutes, (c) Presidential Statements, and (d) Resolutions related to the five POC missions from March 2014 through March 2017.

d) 18 interviews with 30 DPKO staff and email exchanges with staff from the five POC missions.

II. Results

6. OIOS made one critical and two important recommendations in its 2014 report. This review established that one critical recommendation has been implemented, one important recommendation could be closed without implementation and the implementation of one important recommendation was still in progress. The status of each of the three recommendations are discussed below.

Recommendation 1: Emphasize command and control obligations through reporting instances of failure to follow orders

7. Recommendation 1, categorized as critical, was stated as follows:

> *"The Department of Peacekeeping Operations should emphasize command and control obligations and require all peacekeeping missions with a protection of civilians mandate, in the event of a failure by any contingent to follow orders or instructions issued by the mission regarding the protection of civilians mandate, to communicate such occurrences to United Nations Headquarters, which shall then ensure that the cases are reviewed and taken up with the troop-contributing countries concerned. Where the matters are systemic or material, the Secretary-General may consider informing the Security Council."*

The 2014 report referred to a dual line of command which regulated the use of force by contingents

8. The above-mentioned recommendation was made to address command and control challenges in peacekeeping missions. The 2014 report found that a de facto dual line of command exercised by troop contributing countries (TCCs) over their troops serving in peacekeeping missions regulated the use of force. Some TCCs imposed written and unwritten national caveats on their contingents, effectively ruling out the use of force. Commanders in the field routinely reported to and sought advice from their capitals when commands were issued within the mission and acted on that advice even if it conflicted with that of the mission Force Commander.

9. This state of affairs differed with the UN policy on Command and Control in peacekeeping operations.[6] It laid down the basic relationship between mission leadership at the operational level and UN headquarters at the strategic level. Under this policy, command and control is vested exclusively within the UN chain of command. This leaves, in theory,

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[6] Policy document on 'Authority, Command and Control in United Nations Peacekeeping Operations', February 2008.

no room for the TCCs to exercise any influence, either at operational or tactical levels of authority, over their troops that are operating as part of the UN mission.

Since 2014, the issue of POC and command and control challenges has been addressed at various levels, including in the Security Council, an independent expert review panel, by the Secretary-General and by DPKO

10. Since 2014, the Security Council has put increasing emphasis on command and control in peacekeeping missions. A structured content analysis of Security Council's documents from 2014 until April 2017 revealed a rising trend in discussions on issues related to this topic; including on the lack of effective command and control, refusal to follow orders, failure to effectively implement POC mandates and the need to strengthen missions' command and control structures.[7]

11. In addition to the Security Council, the Report of the High-level Independent Panel on Peace Operations (HIPPO Report),[8] addressed this issue, noting that "in the face of imminent threats to civilians, there must be no tolerance for national constraints and the failure to follow orders."[9] The HIPPO report recommended establishing a strengthened system for the review of non-performance, particularly in missions with POC mandates, and that all cases of "non-performance of" and "failure to follow" orders be reviewed systematically by missions and reported to Headquarters.[10]

Command-and-Control reporting requirements have been reinforced through Headquarters guidance

12. In line with the above mentioned new focus and Recommendation 1 of the 2014 report, DPKO/DFS has employed new reporting requirements.

13. In response to the HIPPO Report, in September 2015, the Secretary-General directed that "uniformed personnel must comply with orders to prevent, deter and protect civilians against attacks."[11] He reaffirmed his commitment to "investigate and inform the Council and Member States of any incident in which a mission, military unit or police contingent fails to act" and instructed missions to report to Headquarters any incidents of "refusal to follow orders…whether on grounds of new national caveats or others".[12] He further directed the Secretariat to "immediately inform the concerned Member State and, on a regular basis, the Security Council and, where no remedial action is forthcoming, [to] repatriate the unit concerned".[13]

14. This directive was preceded by a Code Cable sent to all missions in August 2015 in which the Secretary-General (a) underlined the necessity of "unambiguous command-and-control arrangements for uniformed peacekeepers to ensure mandate implementation"; (b) noted

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[7] See for instance S/RES/2348(2017), S/RES/2167(2014).

[8] The Secretary-General appointed the High-Level Independent Panel on Peace Operations in October 2014 to review the current state of UN peace operations, which produced this report in June 2015.

[9] A/70/95–S/2015/446*, 17 June 2015, para 92.

[10] A/70/95–S/2015/446, para 218(f), 220 and 222(b) (iii).

[11] A/70/357–S/2015/682. "The future of United Nations peace operations: implementation of the recommendations of the High-level Independent Panel on Peace Operations," ("SG HIPPO Response"), para 18.

[12] A/70/357–S/2015/682, para 20, 98.

[13] A/70/357–S/2015/682, para 98.

that "there have been instances in the past where military or police personnel were hesitant to follow…orders"; c) requested both immediate and consolidated biannual reports from Heads of Missions of "any incidents where uniformed personnel fail to follow orders"; and (d) indicated his intention to bring these incidents to the attention of relevant Member States and the Security Council.

A conceptual ambiguity remained between the requirement to report *refusal* and *failure* to follow orders

15. There was a significant difference in language between the directive of the Secretary-General issued in his HIPPO response and the Code Cable sent to Heads of Missions. While the former requested that all instance of *refusal* to follow orders be reported, the latter referred to *failures* to follow orders. There appeared to be a lack of clarity as to precisely which incidents were required to be reported; that is, whether it was direct insubordination of *refusal* to obey orders, or more general *failure* to obey orders. While the former constitutes a conscious and willful decision not to comply with a request, the latter can also include incidents where there is a willingness but inability or poor performance that does not comply with the ordered task. Therefore, conceptually, *refusal* carries a higher bar for reporting than *failure*.

16. While the meaning of *failure* versus *refusal* has not been clarified further in Headquarters guidance, interviewees in the Office of Military Affairs in DPKO (OMA) pointed out that this difference in language did not hinder a clear understanding of reporting requirements in both kinds of incidents for Force Commanders in missions.

17. In 2017, DPKO/DFS also issued guidelines on the use of force, which reinforced reporting requirements for command and control incidents, using the narrow language of "refusal" to obey orders.[14]

> *"The authorization to use force comes with the responsibility to do so in accordance with the mandate and Rules of Engagement (ROE). Force Commanders are responsible for ensuring that their orders are strictly followed. Any incidents of refusing to follow lawful orders (including those that involve citing undisclosed national caveats) must be reported to UNHQ for appropriate action. The Secretary-General has stipulated that all HOM/SRSGs shall submit consolidated reports of incidents involving the refusal to obey lawful orders to the United Nations."[15]*

18. Finally, DPKO/DFS and Member States agreed on further steps to clarify the declaration of national caveats in the force generation process. The 2017 Working Group on Contingent-Owned Equipment agreed that the statement of unit requirements (SUR), which defines the required operational capabilities, capability standards, and tasks of a unit be included as an annex to the memorandum of understanding signed (MOU) by a T/PCC.[16]

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[14] The Guidelines also stipulated that the selection of TCCs should be based on past field performance and conduct. See also, OIOS "Evaluation of DPKO/DFS Planning during the Force Generation Process and Related Engagement with the Security Council and Troop-Contributing Countries" (IED-17-001), para 65-79.

[15] Guidelines of Use of Force, para 25.

[16] See also, A/70/357–S/2015/682, para 62.

Any deviations from the SUR, furthermore, would be recorded and filed along with the MOU after being considered based on their implications for a unit to fulfil adequately its mandate.[17]

All missions have been informed of the reporting requirements and some have procedures in place to report underperformance

19. In all five peacekeeping operations, senior mission staff confirmed that Force Commanders were informed by the SRSG of the reporting requirements as stipulated by the Secretary-General. Senior leadership, both civilian and military, in all missions was aware of the obligation to communicate incidents of failure to follow orders to Headquarters.

20. In addition to the Secretary-General's directives about failures to follow orders, some missions have implemented additional reporting requirements to address cases of underperformance:

21. The Force Commander of MINUSCA issued a directive on "Blame Letters"[18] in an Interoffice Memorandum. These letters serve as warning and corrective tool for military commanders or contingents in cases of "irresponsible leadership qualities and negligence to the adherence of command directives". After repeated failure, blame letters will be forwarded to DPKO with recommendation for early repatriation or other disciplinary consequences. This directive extends the required reporting mechanisms beyond incidents of failure to follow orders to cases of underperformance. It also enables the military leadership to deal with minor cases of omission through a gradual approach.

22. MONUSCO prepared a SOP in July 2016 through which a mechanism called the Joint Evidence-Gathering Team (JET) was established. It was used to swiftly investigate and collect evidence about "incidents of concern" such as failure to follow orders. If it was determined that there was indeed a failure by contingents to follow orders, this would have been then reported to HQ. The JET has conducted six investigations since last year summer but no incident of insubordination was identified.

In the five largest peacekeeping missions, several instances of failure to follow orders have been reported since March 2014, including seven reported since the instruction from the Secretary-General in August 2015

Date	Mission	Location	Incident
11 July 2016	UNMISS	Juba	Battalion 1 turned down order to stand up as Quick Reaction Force (QRF)
11 July 2016	UNMISS	Juba	Battalion 2 turned down order to stand up as QRF
11 July 2016	UNMISS	Juba	Battalion 3 turned down order to stand up as QRF
17-18 Feb 2016	UNMISS	Malakal	Unit 1 refused to engage and abandoned post during attack on POC site

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[17] COE Working Group Report, para 72.
[18] MINUSCA Interoffice Memorandum, Office of the Force Commander, No.1/8/2016, DIRECTIVES ON BLAME LETTER, 19 August 2016.

17-18 Feb 2016	UNMISS	Malakal	Unit 2 refused to execute orders
17-18 Feb 2016	UNMISS	Malakal	Unit 3 refused to execute orders
n/a	UNMISS	Malakal	An investigation report mentioned that in the past, besides instances in Feb 2016, units have refused to follow orders
June–Nov 2015	MINUSCA	Bangui	Battalion refused to execute orders on several occasions
24 June 2015	MINUSMA	Kidal	Battalion refused to follow orders
22 April 2015	MINUSMA	Kidal	Battalion refused to follow orders
n/a	MONUSCO	n/a	A 2015 DPKO evaluation mentioned several instances of failures to follow orders without further details

23. From March 2014 to May 2017 nine cases of failure to follow orders were identified. All of these incidents were communicated by the respective mission to HQ via email, fax or code cable.

24. Six cases in UNMISS during the crises in Juba and in Malakal 2016 were brought to the immediate attention to the Senior Leadership of DPKO and taken up with the TCCs concerned.

25. In one case in MINUSCA, the Secretary-General was informed and a Battalion and Contingent Commander were repatriated.

26. Two incidents in MINUSMA occurred before the new reporting requirements were issued in August 2015, yet they were communicated to New York via code cable and to the respective TCCs.

27. Four more cases were revealed indirectly through review of Headquarters-led investigations or reports. There were no specific details mentioned about time, location, or unit in the reports. For example, an internal DPKO evaluation reported instances in MONUSCO where orders were refused but not reported to Headquarters.[19] It also reported that AARs of operations conducted by the Force Intervention Brigade (FIB) were not shared, despite repeated requests from Headquarters.

28. No further information was available about these incidents from DPKO interviewees. Given the date of publication of these HQ-led reports, these cases appear to predate the Secretary-General's guidance. Other than above mentioned references, no instances of disobedience in MONUSCO were documented since August 2015.

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[19] DPKO/DFS, January 2016, Force Intervention Brigade (FIB), Lessons Learnt Study Report, p. 17-18.

29. UNAMID stated that no incident was found on file for the military in the reporting period.

30. All five missions stated that no other incidents of failure to obey orders have occurred since Secretary-General's reporting requirements were issued in August 2015.

Mission reporting was exceptional but not regular as required

31. The Secretary-General's Code Cable of 25 August 2015 stated the requirements for missions to report any incident immediately and to send a consolidated report every six months.

32. OMA confirmed that no consolidated reports of failures to follow orders were submitted to Headquarters. Its interpretation was that no reports were required by the missions when no such incidents had occurred.

33. However, this absence of biannual consolidated reporting appears contrary to the Secretary-General's Code Cable requirements, which requires regular reporting on the 1st of January and July every year.

All cases reported to Headquarters were related to refusal to obey orders of contingents

34. All nine incidents which were brought to attention during the period of investigation of this report were acts of insubordination of *refusal* to obey orders of contingent's commanders. According to DPKO stakeholders, the low number of cases reported was due to the extraordinary nature and extreme infrequency of direct refusals to follow orders.

35. Interviewees also acknowledged the possibility that missions may not report all incidents of failure to follow orders, as with broader issues of poor performance. In some cases, it may be preferable from the mission's perspective to manage such incidents internally, reporting to Headquarters only those instances where advice or political leverage was required.

36. Therefore, the evidence ran contrary to the statement of OMA interviewees according to which missions were aware of the reporting requirements of both kinds of incidents, *refusal* and *failure*. However, missions' practice indicated that they had adhered to the narrower conceptual interpretation of the reporting requirements and only reported on refusal to follow orders.

Challenges to command and control were more related to poor performance

37. Stakeholders emphasized that instances challenging command and control were related more commonly to underperformance or poor performance in the implementation of the mandate. Cases of such underperformance, or instances where uniformed personnel committed human rights violations or engaged in acts of misconduct were far more frequent than reports of clear violations of command and control. Other challenges to performance of contingents were linked to the reported lack of adequate equipment. DPKO/DFS interviewees reported alleged instances across all five missions where contingents showed poor performance in POC tasks. The issue of underperformance was also referred to in an internal DPKO evaluation. Specific incidents were the subject of inquiries such as the Report of the Independent Special Investigation of the Secretary General into the July 2016 Violence in Juba, South Sudan and the UNMISS Response, and the Board of Inquiry Report on Malakal.

DPKO/DFS emphasis on command and control policy was part of a broader performance framework established in 2015, linking "failure" to follow orders with more general "non-performance"

38. The Secretary-General, in response to the HIPPO Report, announced his intention to establish a capability and performance framework, later formalized through the 2015 Policy on Operational Readiness Assurance and Performance Improvement (ORA Policy).[20]

39. The ORA Policy and related doctrine also include (a) ORA Guidelines,[21] (b) SOPs on (i) Evaluation of Force Headquarters and (ii) Force and Sector Commander Evaluation of Subordinate Military Entities,[22] and (c) the aforementioned Guidelines on Use of Force.

40. The above-mentioned Force and Sector Commander Evaluation of Subordinate Military Entities established a framework for the assessment of contingents. It did not directly emphasize command and control obligations nor did it establish additional immediate reporting requirements of instances of failure to follow orders.

41. In addition, the United Nations' command and control arrangements and broader performance framework were reinforced through two regional seminars in India and Nepal, attended by representatives of 49 Member States, as well as through the Security Council's interactive dialogue sessions with Heads of Mission Components.

42. The information contained in Force and Sector Commander Evaluation reports will feed into a forthcoming knowledge management system.[23]

There were alleged instances where DPKO/DFS staff were subject to Member States influence when dealing with TCCs in respect of POC accountability and performance issues

43. Four key DPKO/DFS interviewees informed OIOS of political challenges they faced when dealing with contingents' accountability and performance issues.

44. It was the opinion of these staff that the desirability of DPKO/DFS maintaining productive relationships with TCCs limited the candor with which DPKO/DFS could discuss performance issues with TCCs. DPKO/DFS interviewees also reported alleged instances when DPKO/DFS was assessing severe underperformance issues by certain contingents when Member States that were on the Security Council sought to influence the outcome. At the same time, key DPKO/DFS interviewees expressed their concern of being perceived by some Member States as acting on the behest of Member States on the Security Council who were interested in assessing TCCs performance.

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[20] A/70/357–S/2015/682, para 85.

[21] These provide guidance for T/PCCs on the minimum individual standards and pre-deployment training required to meet operational readiness expectations before deployment.

[22] These describe processes for monitoring and supporting the operational performance of Force Headquarters and military units.

[23] See IED-17-001, OIOS Evaluation Report, Evaluation of DPKO/DFS Planning during the Force Generation Process and Related Engagement with the Security Council and Troop-Contributing Countries.

45. In another instance, it was alleged that a TCC tried to shift the responsibility for failure in performance of its contingent to the mission and DPKO by organizing a presentation putting forward its point of view on how events had unfolded, which, according to the interviewees, was in variance to the facts established by DPKO.

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46. This recommendation has been implemented.[24] But two aspects remain:

- While DPKO/DFS has emphasized and implemented the reporting requirements, the steps taken are not in full compliance with the intent of Recommendation 1 of the 2014 report. The setting of the reporting bar at refusal, rather than failure results in a narrower interpretation of incidents required to be reported, leading to a low number of cases brought to the attention of Headquarters. Evidence suggested that underperformance was a far more recurring issue which was not adequately addressed by the existing reporting mechanisms. Therefore, this should be suitably expanded to do the same.

- As there are alleged instances of DPKO/DFS staff being subject to political pressure through direct contact between Member States and staff, although there has been no substantiated cases of DPKO/DFS staff succumbing to such pressure, DPKO/DFS should remind concerned staff of the Staff Rules and Regulations (ST/SGB/2014/1), in particular Article I, Regulation 1.2 (d) - In the performance of their duties staff members shall neither seek nor accept instructions from any Government or from any other source external to the Organization. The partnership between TCCs, UN Secretariat and Security Council is complex. Certain disagreements may and do arise within this partnership, especially when the lives of contributed soldiers are at stake. These ensuing discussions constituted in no way a violation of staff rules. But the risk of such violation when subject to Member State pressure should be acknowledged and addressed.

  When a staff member is of the view that attempts are being made to influence him/her by a Member State in such a manner to impede upon his/her independence, such instances should be promptly reported up the chain of command, including to the Secretary-General through the USG, DPKO, so that the Secretary-General is in the best position to guard the Secretariat's impartiality and independence from external influences. It is also the responsibility of DPKO/DFS management to ensure that such independence is not compromised and give consistent messages on this to Member States as well as to staff.

Recommendation 2: Provide guidance on the actions expected by peacekeepers to address threats to civilians

47. Recommendation 2, categorized as important, reads as follows:

> *"The Department of Peacekeeping Operations should issue concise, self-contained guidance to all military peacekeepers, translated into their own*

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[24] Recommendation 1 was closed in OIOS Issue Track database by 31 December 2015.

language with the help of troop-contributing countries and supported by pre-deployment training, that clearly lays down the actions expected in particular scenarios appropriate to each mission's circumstances in order to prevent, minimize or deal with threats to civilians."

The 2014 report referred to POC guidance for military peacekeepers not adequately addressing ground realities and lacking clear instruction on how to respond to specific situations

48. The rationale for Recommendation 2 was to address a gap in POC guidance which was identified by the 2014 report at the tactical level for troops on how to respond to complex and ambiguous situations. Guidance, official documents, and training, did not seem to address adequately scenarios, such as intervening in fighting between two or more armed groups or when the use of force might provoke more violence or cause more civilian casualties.

49. An internal DPKO evaluation[25] further stressed that there was a training deficit for all personnel in peacekeeping missions with regards to POC, specifically about the use of force. Consequently, this limited understanding and implementation of POC strategies.

50. DPKO has addressed these challenges through several measures: provision of guidance on POC to military peacekeepers through specific trainings and policies on HQ, as well as, mission level.

Several DPKO initiatives focused on enhancing clarity at the tactical level for troops

51. In line with above mentioned Recommendations 2 of the 2014 report, DPKO/DFS developed new training material for infantry battalions and other military functions for pre-deployment training and to give clarity on actions expected in particular scenarios. These included Specialized Training Materials (STM), POC cards, and Integrated POC training (IPOC).

52. The STM were developed for Infantry Battalions and consisted of four modules: one module for Command-Post Exercise (CPX) with the other three being mission-specific and for MONUSCO, UNAMID and UNMISS.

POC cards have been developed but are yet to be distributed

53. DPKO drafted POC cards, which are comparable to 'Rule of Engagement cards' and are meant to provide peacekeepers concise explanations of their POC duties. Similar to the POC Guidelines, these review the POC concept, clarify that POC is a command responsibility, underline key rules dictating the use of force and describe appropriate actions in some scenarios.

54. The POC cards have been drafted in consultation with Member States. DPKO/DFS advised that they will be distributed electronically to TCCs, which are then responsible for

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[25] DPKO/DFS Evaluation Report, September 2016, Evaluation of mission-specific protection of civilian strategies.

translating, printing and distributing them to their personnel. No information about the specific date of dissemination was available.

DPKO designed new POC training modules to improve TCCs' pre-deployment training

55. The Integrated POC (IPOC) training was developed by DPKO as a new set of POC Training of Trainers (TOT) modules, addressing the operational realities of uniformed personnel through a scenario-based approach. The IPOC streamlined POC with modules on child protection and conflict-related sexual violence (CRSV). The intention was to make it easier to teach TCCs' military trainers to school peacekeepers by breaking down silos between child protection, CRSV and POC.

56. This was piloted with a selection of TCCs in a TOT course in Entebbe in May 2017. The IPOC training course will be translated in English and French and disseminated to Member States and eventually will be incorporated into all STMs available. Member States bear the responsibility to manage further translation as needed. In addition, IPOC implementation on mission level is envisaged.

DPKO developed comprehensive POC Policy and Guidelines in 2015 and 2017

57. In 2015, DPKO established a POC Policy, which consolidated existing frameworks, concepts and lessons learned, and related Guidelines for military components at the strategic, operational, and tactical levels.[26] The Policy clarified that peacekeepers have the authority and responsibility to provide protection where the state is unable or unwilling to protect civilians, or where its forces pose a threat, "within their capabilities and areas of deployment".[27] The Guidelines provided actions to be taken and indicators to be monitored by military units at the Force, Sector, and Contingent levels in different POC scenarios.[28]

58. The Guidelines defined the minimum military skills, level of performance and pre-deployment training required by TCCs. Member States' responsibility for assuring their troops' readiness was reinforced in the ORA Policy, which requires TCC certification that its uniformed personnel have undergone training in compliance with United Nations standards.

59. The Guidelines were translated into six UN languages, printed and distributed to Member States and field missions. Regional seminars in several Member States were held and TCC were invited to translate these guidelines into their respective languages for use by their contingents.

60. In 2017, DPKO also issued guidelines on the use of force, which provide explicit guidance to peacekeepers at all levels on situations when the use of force might be necessary and when and how these should be applied to implement the mandated tasks including POC.

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26 DPKO/DFS Policy: The Protection of Civilians in Peacekeeping; April 2015; Protection of Civilians: Implementing Guidelines for Military Components of UN Peacekeeping Missions; February 2015.
[27] POC Policy, para 20.
[28] POC Guidelines, page 9-11.

The five peacekeeping missions developed comprehensive POC strategies

61. All missions with POC mandates have POC strategies, three of which have been updated since the 2015 Policy and Guidelines (MINUSMA (2017), UNAMID (2017), UNMISS (2017), MINUSCA (2014)[29], and MONUSCO (2014)[30]. These were consistent with the POC Policy and Guideline and provided the missions with a coherent and coordinated framework for implementing their respective POC mandates.

The five peacekeeping missions have developed comprehensive POC training modules

62. Four of five missions have developed comprehensive POC training modules, including scenario-based approaches. One mission is currently developing whole-of-mission training on POC.

63. While training on POC in some form is part of induction for incoming personnel in all missions, the number of conducted POC specific training exercises appears to be low. It was reported that this is attributed to capacity constraints.

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64. As of June 2017, the implementation of this recommendation was considered to be still in progress. Substantive guidance in the form of comprehensive POC policies in HQ and missions, IPOC and POC cards has been developed. Residual risks remained as the implementation of the IPOC training has started only recently and POC cards have not been issued so far. In addition, the issuance of POC cards in the TCCs respective languages is essential to close the POC knowledge gap at the tactical level.

Recommendation 3: Improve the working relationships between peacekeeping operations and humanitarian entities

65. Recommendation 3, categorized as important, reads as follows:

> *"The Department of Peacekeeping Operations/Department of Field Support and the Office for the Coordination of Humanitarian Affairs, via the Integration Steering Group, should report to the Secretary-General the results of initiatives currently under way to improve the working relationships between peacekeeping operations and humanitarian entities in relation to protection of civilians activities, especially at the working level, which may be considered for inclusion in the report of the Secretary-General on the work of the Organization for 2015."*

Working relationships between peacekeeping operations and humanitarian entities are not without friction

66. The rationale for Recommendation 3 was to improve the working relationship between peacekeeping missions and humanitarian organizations. The 2014 report identified that the major source of conflict stemmed from the differences in their respective mandates and their approach towards implementing them. Peacekeeping missions and humanitarian entities were often critical of each other's approach on the issue of the relationship with

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[29] At the time of writing this report the new MINUSCA POC Strategy was awaiting validation.
[30] MONUSCO's POC Strategy will be revised in 2017.

host governments and security forces, or preserving humanitarian space while expecting security.

The Integration Steering Group has stopped meeting

67. The Integration Steering Group, which was the main vehicle identified by the 2014 report to address the working relationship between humanitarians and peacekeeping operations, had apparently stopped meeting.[31] DPKO requested that POC be included on its agenda when sessions resume. No information from DPKO was forthcoming as to when the Integration Steering Group would resume and its status remained ambiguous.

68. Consequently, there was no mention of initiatives to improve working relationships between peacekeeping missions and humanitarians in the report of the Secretary-General on the work of the Organization for 2015 or subsequently.

69. However, other efforts at the HQ level to enhance integration between peacekeeping missions and humanitarians were undertaken. DPKO and the Executive Office of the Secretary-General informed OIOS of the establishment of the Executive Committee by the Secretary-General in January 2017, which served as his primary decision making body and provided the overarching direction for the whole UN system. There has been a focus on the humanitarian-development-peace nexus in all the discussions of the Executive Committee, which was consistent with the Secretary-General's emphasis that the three pillars of the Organization work closely together.

70. In addition, some of the technical level work of the ISG was absorbed by the Integrated Analysis and Planning Working Group convened by EOSG whose membership spanned the Secretariat and Agencies, Funds and Programmes. This group was the locus for discussions on integration between humanitarians and peacekeeping operations. Other strategic initiatives to improve coordination between humanitarians and peacekeeping operations were underway.

Missions' POC strategies have established mechanisms to address coordination challenges between humanitarians and peacekeeping operations

71. While the Integration Steering Group has not met, DPKO and OCHA worked together in addressing the link between the missions and humanitarian actors through the 2015 DPKO/DFS Policy on POC. It encouraged engagement with humanitarian organizations and called for the inclusion of OCHA and UNHCR in mission POC coordination bodies. Consequently, all five current POC missions reported a variety of mechanisms to smoothen the working relationship between humanitarians and the missions. Some of them were as follows:

72. In 2014 a joint protection mission including DPKO, OCHA, OHCR, UNHCR and UNICEF supported MINUSCA in developing a mission-wide POC Strategy, reviewing coordination and information sharing mechanisms between the mission and key humanitarian organizations. A Senior Management Group on Protection (SMG-P) was chaired by the SRSG and led efforts to address priority POC threats and risks identified in the mission's

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[31] The Integration Steering Group is composed of DPKO, DFS, DPA, OCHA, PBSO, OHCHR, DOCO, UNDP, UNICEF, UNHCR, WFP, and the EOSG.

POC strategy. It included the Humanitarian Coordinator and Country Representatives of OCHA, UNHCR and UNICEF.

73. The MINUSMA, POC Strategy aimed to support 'the humanitarian community in its protection efforts when requested. By way of example, the recommendations and advocacies from Protection Cluster matrices, securing of strategic roads, key markets and areas where civilians (including IDPs, refugees and returnees) are at risk should be jointly identified by the humanitarian community for the attention of MINUSMA's Force, who will respond subject to Force availability and capacity.'[32] OCHA and UNHCR participated in MINUSMA POC coordination bodies and the mission engaged in the humanitarian Protection Cluster.

74. In UNAMID, the POC Strategy outlined the role of the POC/Humanitarian Liaison Section, which supported respective Sector Heads of Offices (SHoO) on POC related developments and recommended courses of action, including proposing possible actions to be undertaken in case of impending or actual POC crises.[33] Humanitarian organizations with protection mandates were included in UNAMID POC coordination bodies, such as the MHQ and Sector level Joint Protection Groups, with the mission also participating in the humanitarian Protection Cluster Working Group meetings.

75. The UNMISS POC Strategy noted that UNHCR on behalf of the humanitarian Protection Cluster and OCHA are members of both the POC Working Group, which was chaired by the SRSG as the main coordination structure for protection of civilians, and the POC Technical Group, chaired by the Senior POC Advisor.

76. In MONUSCO a Senior Management Group-Protection (SMG-P) at the national level and SMG-PP (provincial level) included representation from OCHA and provided strategic and tactical directions on POC mandate, policies and strategies. The overall objective of these mechanisms was to foster communication between the Mission and the Humanitarian Country Team (HCT), with a view to coordinating their actions on POC based in line with their individual mandates.

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77. This recommendation has been closed without implementation. OIOS accepted that this recommendation has been overtaken by events. But despite the multiplicity of initiatives at the strategic and mission level, and consistent with the call of the Secretary-General for the three pillars of the United Nations to work together, and the emphasis of the High Level Independent Panel on Peace Operations (HIPPO) for a more field oriented approach, the quality of the relationship between peacekeeping missions and humanitarian actors at the field level should be continuously monitored.

III. Conclusion

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[32] MINUSMA POC Strategy, para 31, page 25.

[33] They further act as Secretariat of the Sector Joint Protection Group (SJPG). OCHA, is the main interface with UNAMID, and acting on behalf of the Humanitarian Coordinator, has the responsibility for the overall coordination of humanitarian activities through the Area Humanitarian Country Team and the Inter Sector Coordination Group at state level. UNAMID POC Strategy, page 5.

78. As stated in the 2014 report, protection of civilians remained one of the most crucial tasks mandated to the missions. The recommendations of that report were meant to address certain critical issues.

79. As of June 2017, one critical recommendation has been implemented, one important recommendation could be closed without implementation and the implementation of one important recommendation was still in progress.

80. With regards to Recommendation 1, the 2014 report demonstrated the necessity to enhance operational control over contingents through reinforced command and control guidelines. To this end, DPKO/DFS has successfully established reporting mechanisms for incidents of refusal to follow orders, though they fell short in including general failures to follow orders in mission's reporting requirements.

81. Underperformance of the contingents has emerged as a central issue. Broadening reporting requirements and developing clear criteria for measuring performance of contingents performing POC tasks through a multi-stakeholder consultative process should be the next logical step. Such a comprehensive performance framework will enhance operational control over contingents and improve accountability and ultimately improve protection of civilians. First steps in this regard were taken at an Executive Committee meeting on 30 May 2017 taking forward a whole-of-United Nations approach to the protection of civilians.

82. The alleged instances of DPKO/DFS staff being subject to political influence by Member States was concerning, and DPKO/DFS should consider assessing the extent to which this happens, at the same time taking measures to remind, brief and train concerned staff on their duties and obligations as United Nations staff. The complex partnership between the TCCs, UN Secretariat and Security Council is fully understood and appreciated. However, further strengthening of the performance framework will also help clarify and maintain the objectivity of the performance assessment process.

83. With regards to Recommendation 2, the 2014 report highlighted the need to improve clarity of peacekeepers' tasks at the tactical level about POC related issues. In this respect, initiatives to provide training on POC were on-going but their effect on closing the knowledge gap on POC remained to be seen. Admittedly, while DPKO/DFS cannot provide pre-deployment training, which remains the responsibility of the TCCs, immediate steps should be taken to issue POC cards in the TCCs' respective languages so that they can further them during pre-deployment training and improve peacekeepers knowledge on POC at tactical level. [34]

84. The intent of Recommendation 3 was to improve the working relationships and coordination between peacekeepers and humanitarians. While no results of initiatives to advance this relationship could be reported via the Integration Steering Group, which had stopped meeting, DPKO/DFS and OCHA (along with other humanitarian partners) worked together to improve coordination between peacekeeping missions and humanitarians. The

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[34] By way of analogy, the importance and the urgency with which the Organization has developed and distributed 'SEA no-excuse cards' should also be brought to bear with the issuance of POC cards in the peacekeepers own language.

newly established Executive Committee and the Integrated Analysis and Planning Group were enhancing integration between peacekeeping missions and humanitarians.

85. Further action on the issues identified above is essential to bring about improvement in how missions discharge their POC responsibilities.

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INTEROFFICE MEMORANDUM · MEMORANDUM INTERIEUR

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Routine

TO: Mr. Eddie Yee Woo Guo, Director
A: Inspection and Evaluation Division, OIOS

DATE: **SEP 2 1 2017**

THROUGH:
S/C DE:

REFERENCE: UNHQ-AR-BOI-Memo-2-2017-11891

FROM: Atul Khare, Under-Secretary-General
DE: for Field Support

SUBJECT: **Final draft report on the Triennial review of implementation of**
OBJET: **recommendations contained in the OIOS evaluation report on the**
implementation and results of protection of civilians mandates in
United Nations peacekeeping operations

1.   Thank you for the opportunity to comment on the final draft report (hereafter referred to as "the report"). In formulating this response, the respective officials at the Department of Peacekeeping Operations (DPKO), the Department of Field Support (DFS), the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO), the African Union/United Nations Hybrid operation in Darfur (UNAMID), the United Nations Interim Force in Lebanon (UNIFIL), the United Nations Interim Security Force for Abyei (UNISFA), the United Nations Mission in Liberia (UNMIL) and the United Nations Mission in South Sudan (UNMISS) were conferred, and their comments, where appropriate, have been incorporated in this reply.

General comments

2.   As noted by the High-level Independent Panel on Peace Operations, the protection of civilians (POC) is an issue of paramount importance, not only for DPKO and DFS, but for the United Nations as a whole. DPKO and DFS welcome this report's overarching conclusion that the Departments have made significant progress in

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addressing the 2014 evaluation's critical recommendation regarding command and control. DPKO and DFS also note with appreciation the report's recognition of the strides that have been made in guidance and training on POC in United Nations peacekeeping.

3.   At the same time, DPKO and DFS regret to reiterate the two Departments' disappointment, first articulated in written comments appended to the 2014 evaluation, that the Office of Internal Oversight Services (OIOS) remains focused on aspects of peacekeeping relating to the use of force, neglecting a more nuanced understanding of the political goals of the POC mandate. As in the 2014 report, this review makes little reference to political good offices and mediation or the central role of host nations in protecting civilians.

4.   Peacekeeping is an extraordinarily complex endeavour, facilitating political engagement and bringing together Member States who are contributing to and supporting peacekeeping, deployment of expert civilian capacity and leadership, and global field support solutions. The failure to appreciate this complexity results in a search for quick solutions, leading to recommendations that can be both difficult to implement and fall short of achieving the original intent of the recommendations. This complexity lay at the heart of the challenges faced by the 2014 report and remains problematic for this review.

5.   DPKO and DFS welcome the closure of recommendations 1 and 3 by OIOS. Nevertheless, based on the comments below, the two Departments are of the view that all three recommendations contained in the 2014 report should be closed by OIOS.

Emphasize command and control obligations through reporting instances of failure to follow orders (paragraphs 7 to 46 of the report)

6.   Regarding the review of the first (critical) recommendation, DPKO and DFS emphasize that command and control is being strengthened through multiple channels. This includes the directives from the Secretary-General (SG) and the Operational Readiness Assurance framework established by the Office of Military Affairs. The Departments also note the establishment of a DPKO and DFS policy on accountability for performance of the POC mandate, currently under development.

7.   DPKO considers that it is important for the report to note that the command and control policy also defines the national administrative control retained by the troop contributing countries (TCCs), contributing to the debate that the United Nations does not exercise complete command and control of the United Nations deployed forces. At some point, administrative control and operational matters (read "*use of force*") are interlinked, unless it is a situation where a unit commander blatantly and in wilful defiance of authority refuses to undertake orders geared towards POC. This may be attributed to a range of reasons but is more manifest in under-performance.

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8.   With regard to the issue of command and control obligations, MONUSCO wishes to clarify that the Force has a clear chain of command, and any issues with performance are addressed, including through reports to the United Nations Headquarters. The Force has established a 'Measure of Force Effectiveness Process' (MFEP) that assists in evaluating the contingents and motivates them to improve. Results and trends from this process will help inform decisions in future Force Transformation/Reductions (including as part of Strategic Review). The MFEP criteria include:

     a. POC;

     b. Neutralization of Armed Groups;

     c. Enabling the Armed Forces of the Democratic Republic of the Congo (DRC);

     d. Discipline, to include Road Traffic Accidents and Sexual Exploitation and Abuse;

     e. Inspections, to include Continent Owned Equipment and Operational Effectiveness Inspections; and

     f. Force Commander's Assessment.

9.   In addition, MONUSCO notes that the Force provides regular reporting to the United Nations Headquarters. Weekly and monthly reports of the Information and Analysis, as well as the Operations Branches of the Force Headquarters are provided, in addition to the monthly Military Advisor reports and monthly Force Code Cable reports that detail the Force's activities, projected operations, as well as raise issues and challenges.

10.   UNISFA wishes to add that there have been no cases of non-performance, failure, or refusal to follow orders or instructions issued by the Mission regarding the POC part of its mandate.

11.   With reference to paragraph 37 of the report, UNMISS wishes to clarify that issues challenging performance should not be considered in isolation, but in connection with other related matters. For example, it is a challenge to conduct military operations without adequate equipment and command and control of tactical assets, such as military helicopters, and information technology.

12.   DPKO disagrees with the report's interpretation of the distinction between "*refusal*" and "*failure*". Context is very important, and DPKO maintains that the purpose of the SG's directive was to deal with cases of actual disobedience, rather than to address under-performance (which is the subject of separate departmental action).

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The requirement to report all cases of disobedience is now an established practice in missions and is thereby serving to reinforce the importance of the unity of command. Moreover, if DPKO was obligated to capture all cases of failures to follow orders, this would soon prove unworkable and of limited value. There could be a multitude of reasons why orders were not followed, for example, under-resourcing, communication issues, misinterpretation, as well as superseded and changing circumstances. Based on the aforementioned explanation, DPKO requests that the first bullet point of paragraph 46 be deleted from the report.

13.   DPKO and DFS are of the view that the implication by OIOS in paragraphs 43 to 46 and 82 of the report that discussions with TCCs over performance issues places staff at risk of violating Staff Rules, by accepting instructions from a Government external to the Organization, misconstrues the nature of DPKO and DFS' work. The statement indicates a fundamental misunderstanding of peacekeeping and the complex partnership between TCCs, the United Nations Secretariat, and the Security Council. Disagreements may and do arise within this partnership, particularly on issues where the lives of contributed soldiers are at stake. To suggest that the ensuing discussions result in a violation of staff rules because staff members allegedly take instructions from Member States, however, is not acceptable. Based on the aforementioned explanation, DPKO requests that paragraphs 43 to 45, the second bullet point of paragraph 46 and paragraph 82 be deleted from the report.

Provide guidance on the actions expected by peacekeepers to address threats to civilians (paragraphs 47 to 64 of the report)

14.   Regarding the review of the second (important) recommendation, DPKO and DFS would highlight that comprehensive guidance and training materials for POC are provided to peacekeepers and TCCs. The report acknowledges the "substantive" amount of guidance produced by DPKO on POC. However, the responsibility for pre-deployment training lies squarely with Member States. DPKO and DFS can and have provided training materials and standards but do not have the resources, nor mandate, to conduct or monitor pre-deployment training. The responsibility for distributing products to reinforce peacekeeping standards, such as Rules of Engagement (ROE) cards, similarly lies with Member States. Given the extent of training and guidance already provided, DPKO and DFS strongly feel that the issue identified in this recommendation has been addressed and that the recommendation should be marked as implemented.

15.   The DPKO and DFS POC policy and implementing guidelines for the military components provide adequate guidance to implement POC mandates, including taking POC considerations into military planning as it is reflected in paragraphs 57 to 60 of the report. In addition, DPKO notes that a policy is being drafted on the "*Effective and Accountable Performance of the POC*". The purpose of the policy paper is to "*...articulate specific and achievable expectations for the implementation of the protection of civilians mandate in peacekeeping missions by outlining the essential*

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POC responsibilities of the relevant senior leaders and the procedures for monitoring and evaluating performance of the POC mandate."

16.   MONUSCO notes that in 2016, the Mission produced POC booklets in order to increase the understanding of POC, in accordance with International Humanitarian Law standards. The booklet was produced with external funding and is intended for use by MONUSCO uniformed personnel and their national counterparts.

17.   MONUSCO further notes that as part of a POC mainstreaming initiative established by Force Headquarters, civilian staff provide weekly induction sessions for incoming United Nations Military Observers and Military Staff Officers on International Human Rights, Humanitarian Law and United Nations System-Wide Strategy on POC in the DRC. Similar induction sessions are delivered for incoming United Nations Police (UNPOL) Officers. These activities provide participants with some insights into the operational context and main challenges faced in the implementation of the mandate on POC. Additionally, these induction sessions allow an assessment of the levels of understanding and degree of knowledge of POC in situations of armed conflict, particularly given the fact that some troops do not benefit from pre-deployment training.

18.   UNIFIL would like to clarify that the Mission has undertaken many recent efforts to enhance the overall preparedness of UNIFIL in relation to POC. The current focus of the Mission's POC efforts is prevention. The UNIFIL POC working group, chaired by the Deputy Head of Mission, meets regularly. The Mission's military, substantive and support pillars coordinate efforts on the POC implementation plan in connection with established mission wide POC Strategy. UNIFIL supports the capacity of the Lebanese state for POC through training and coordination with the Lebanese civil defence and other police and security entities.

19.   On an operational level, UNIFIL adds that the Mission regularly conducts exercises on crisis management and preparedness. A major component of these exercises is to test and rehearse the Mission's POC plans and operations at the tactical level, including coordination with internal and external stakeholders. The most recent of these exercises was conducted during the second quarter of 2017. UNIFIL has also developed mission-specific training modules on POC that are included in the UNIFIL induction programme to ensure that all personnel at UNIFIL and the Sector Headquarters received adequate POC training.

20.   UNISFA wishes to clarify that the Mission is in the final stage of adopting a comprehensive, mission-specific strategy for POC, along with detailed guidelines for its implementation. The strategy has been developed in close collaboration with all Mission components (civilian and military) and United Nations agencies, represented in UNISFA's area of operations.

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21.   UNMIL wishes to clarify that, in February 2017, the Mission conducted training on the implementation of the Integrated Standard Operating Procedure (SOP) on detention for Military, UNPOL, United Nations Security, Joint Air Operations Centre, Field Support Team, UNMIL Forces, and Rule of Law and Security Institutions Service.

22.   In addition, UNMIL requests that reference to the Mission be included in paragraph 61 of the report, as UNMIL and its United Nations Country Team (UNCT) completed a review in January 2017 of the United Nations Integrated POC strategy giving priority to prevention through good offices and capacity enhancement. It refined its POC approach by strengthening coordination within the Mission, providing clarity on roles and responsibilities of each component and enhancing training and synergies with the UNCT in the areas of communication and messaging on POC. Thus, the Mission considers that it has developed a comprehensive POC strategy.

23.   In the same vein, UNMIL notes that it developed an integrated training plan and conducted a series of trainings, notably for UNMIL/UNCT senior leadership, national partners including security institutions, multi-lateral organizations providing support to Liberian security agencies and the United Nations POC focal points. The curriculum for the Transfer of Technology for national partners included the Human Rights Due Diligence Policy as an essential component. The curriculum also highlights the POC role of security institutions, as well as the primary responsibility of the government for POC. Currently, a new set of integrated training is being developed to take effect from July 2017 to March 2018.

24.   UNMISS clarifies that the Mission has developed a scenario-based ROE training, which is helping to address the deficit mentioned in paragraph 49 of the report.

Improve the working relationships between peacekeeping operations and humanitarian entities (paragraphs 65 to 77 of the report)

25.   Regarding the review of the third (important) recommendation, MONUSCO wishes to clarify that the relationship between the Mission and humanitarian actors includes a good level of contact and information-sharing. In light of reductions of the MONUSCO Force, and with further reduction in the coming months expected, it will be key that the SOP on Base Closure is adhered to (as much as possible/practical) and that mitigation strategies/measures are jointly developed (e.g. Indian Battalion bases in North Kivu). Force Headquarters staff participates actively in the Civil-Military Coordination (CMCoord) Working Group, as well as Deputy Special Representative to the Secretary General (DSRSG) meetings with humanitarian actors to address impacts on base closures.

26.   MONUSCO further clarifies that though the recommendation is addressing United Nations Headquarters level coordination, the United Nations Office for the

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Coordination of Humanitarian Affairs (OCHA) in the DRC has confirmed a series of platforms that bring the Mission and humanitarian actors together to discuss the POC threats and mitigation strategies, both civilian and military. These mechanisms include:

a. Senior Management Group-Protection (SMG-P) at the national level and SMG-PP (provincial level);

b. Security Management Team, Area Senior Management Team (provincial level, discussion on escorts), Security Management Cell and Reunion Security (OCHA office);

c. CMCoord Working Group;

d. Military Operations briefings (observer);

e. Joint Operations Command (JOC);

f. UNCT;

g. Diplomats and United Nations agencies (Chaired by mission North Kivu Head of Office);

h. Natural disaster (volcano) planning with Protection Civile; and

i. Bilaterals.

27.   The Mission is represented at various coordination meetings (e.g. Comite de Liaison) and various actors come together on an ad-hoc or subject driven basis. In addition, presentations by CMCoord and OCHA are given at weekly induction trainings for incoming military based on the National Guidelines for Coordination between Humanitarian Actors and MONUSCO. Further joint coordination efforts include briefings for high level visitors (e.g. Under-Secretary-General Lacroix).

28.   In order to reflect the actual situation on the ground, UNAMID is of the view that paragraph 74 should be reworded as follows (see bold lettering): "*In UNAMID, the POC Strategy outlined the role of the **POC/Humanitarian Liaison Section**, which supported respective Sector Heads of Offices (SHoO) on POC related developments and recommended courses of action, including proposing possible actions to be undertaken in case of impending or actual POC crises. Humanitarian organizations **with protection mandates** were included in UNAMID POC coordination bodies, such as **the MHQ** and Sector level Joint Protection Groups, with the mission also participating in the humanitarian Protection **Cluster Working Group meetings**.*"

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29.   UNIFIL confirms that it coordinates with various humanitarian partners on the provision of POC support that can complement their humanitarian activities.

30.   UNISFA wishes to clarify that its draft POC strategy provides for a POC task force composed of 15 members. The secretariat of the task force will be headed by a representative from the Principal's Office, who will act as the secretary of the meetings. In addition, the task force will consist of three representatives each from the military, civilian and police components; three from the United Nations agencies, funds, and programmes; and two from the civil society, including non-governmental organizations. Meetings will be scheduled at least two weeks prior to the quarterly reporting period to prepare updates for the report. The UNISFA POC Focal Point and the secretary of the task force will ensure that monthly meetings are held, as planned.

31.   UNISFA further wishes to clarify that active coordination and information-sharing in Abyei continues to take place through various forums, as follows:

    a. UNISFA Senior Management Group meetings (weekly) attended by Heads of United Nations agencies, funds, and programmes;

    b. Security Management Team meetings (weekly/monthly – varying as required) and attended by UNISFA senior management as well as the United Nations area team;

    c. Inter-cluster humanitarian coordination meetings (monthly, chaired by OCHA);

    d. Civilian-Military Coordination meetings (monthly) attended by the Regional Coordinator of United Nations Development Programme;

    e. United Nations Area Team participation in the Quick Impact Projects (QIP) Review Committee – QIPs are implemented by the International Organization for Migration, who shares information about communities in need of assistance;

    f. UNISFA also coordinated and exchanges information with Sudan and South Sudan United Nations Country Teams during high level familiarisation and review visits;

    g. In addition, information-sharing takes place between UNISFA and the United Nations Headquarters through the code cables addressed to/from DPKO and DFS.

32.   UNMIL wishes to clarify that the United Nations Liberia POC Strategy for 2016-2017 contains elaborate engagement and coordination mechanisms between

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UNMIL and UNCT. The assessment of those mechanisms called for a review aiming at making coordination tools more effective. Reconceptualization of the POC issues has been undertaken, and the new Human Rights Working Group has been mandated to address POC concerns.

33.   UNMISS notes that, at the mission level, there are a number of fora that bring peacekeeping missions and the humanitarian partners together. In UNMISS, for example, the humanitarian partners' participate in the Mission led JOC, Early Warning and the newly formed Operational Coordination Committee meetings. Also, UNMISS and the Humanitarian Country Team (HCT) work closely in the POC sites based on clearly identified roles and responsibilities. Conversely, utilising existing coordination structures within the Humanitarian domain, UNMISS has been able to strengthen working level relationships through active participation within the Protection, Water, Sanitation, and Hygiene; Sexual and Gender-Based Violence; and Child Protection clusters and the HCT.

Conclusion (paragraphs 78 to 85)

34.   DPKO and DFS reiterate that the two Departments take issues of command and control seriously, as well as the multiple, complementary systems introduced to address these issues over the past three years. DPKO and DFS also consider that the implementation of the recommendation in paragraph 81 of the report relating to performance measurement is already underway and should be seen as beyond the scope of this particular review. DPKO and DFS reiterate that the implication by OIOS that discussions with TCCs over performance issues places staff at risk of violating Staff Rules, by accepting instructions from a Government external to the Organization, misconstrues the nature of DPKO and DFS' work. The statement indicates a fundamental misunderstanding of peacekeeping and the complex partnership between TCCs, the United Nations Secretariat, and the Security Council. Disagreements may and do arise within this partnership, particularly on issues where the lives of contributed soldiers are at stake. To suggest that the ensuing discussions result in a violation of staff rules because staff members allegedly take instructions from Member States, however, is not acceptable.

cc: Mr. Jean-Pierre Lacroix
Ms. Heidi Mendoza
Mr. David Kanja
Ms. Maria E. Munoz

Annex II

Comments by the Office of Internal Oversight Services – Inspection and Evaluation Division in response to the formal comments provided by DPKO/DFS, dated 21 September 2017

1. OIOS thanks the Department of Peacekeeping Operations and the Department of Field Support for the thoughtful and consolidated comments to this Triennial report. OIOS responses to some of the comments are given below.

2. Paragraph 1: The comments provided by MONUSCO, UNAMID, UNIFIL, UNISFA, UNMIL and UNMISS are well appreciated. However, as described in paragraph 3 of this Triennial report, the scope of the review was limited to the five largest peacekeeping missions currently implementing POC mandates (MONUSCO, UNAMID, UNMISS, MINUSCA, MINUSMA). These five missions constitute a purposive sample of current POC practice, taking into consideration their mission environments of high level of threats against the civilian population, operational capacity and robust approach.

3. Paragraphs 3 – 4: The purpose of a Triennial review is to verify, three years after the related evaluation, the implementation of recommendations, to describe how they have been implemented, and where feasible, the outcomes of the implementation. It is not appropriate in the conduct of a Triennial review to retroactively expand or change the scope of the related evaluation report. The multi-dimensional nature of operational responses to POC challenges is well appreciated, and this had been previously acknowledged and concurred with in Annex II of the 2014 POC report. It is welcomed that DPKO/DFS had accepted and ultimately found all the three recommendations implementable despite initial reservations, including making the effort to follow through on achieving the original intent of the recommendations, despite the challenging difficulties.

4. Paragraph 5: The reasons for not closing recommendation 2 are provided in paragraphs 53, 54 and 64 of the report.

5. Paragraph 6: At the time of this review, DPKO/DFS policy on accountability for performance of the POC mandate was only in its draft stage. DPKO/DFS was requested to share this draft, but as the draft was not shared, neither the draft policy's objectives nor its implementation could be assessed.

6. With regard to paragraph 7, OIOS refers to the DPKO/DFS Policy on Authority, Command and Control in United Nations Peacekeeping Operations (Paragraph 49), which states:
   "*The Contributing Member State retains `administrative control' over non operational administrative issues over deployed military personnel and units… This authority is limited to administrative matters such as personnel management, supply and services and <u>must not adversely influence the management and conduct of UN operations within a mission area</u>.*" (emphasis added)

In view of the explicit language of the policy, the DPKO/DFS response that *"at some point, administrative control and operational matters (read "Use of Force") are interlinked…"* suggests that the situation on the ground is markedly in contrast with the policy stated above and, therefore, a matter of grave concern. The OIOS report indeed concurs with the assessment of the risk posed by the United Nations in not exercising complete command and control of the United Nations deployed forces, and that this constitutes a significant constraint to effectively carrying out the POC mandates. This reinforces the point in the 2014 POC evaluation report about the dual line of command which regulates the "Use of Force". This issue should be given appropriate remedial attention by DPKO/DFS management.

7. Paragraphs 8 - 13: The additional information provided with regard to the closing of recommendation 1 is appreciated.

8. The establishment of MONUSCO's 'Measure of Force Effectiveness Process' (MFEP) is noted with appreciation. It is unfortunate that as this policy had not been implemented during the review period, its impact could not be assessed.

9. With regard to paragraph 11, it should be noted that paragraph 37 of this report clearly specified that other challenges to performance can be related to a lack of adequate equipment.

10. Paragraph 12: Recommendation 1 in the 2014 POC report stated that "in the event of a failure by any contingent to follow orders [...] to communicate such occurrences to United Nations Headquarters". Since 'refusal' is the smaller and more restrictive subset of what constitutes 'failure', the majority cases of 'failure' will not get reported. It is important for performance improvement and learning, as well as accountability, to report all cases of 'failure' to follow orders and that reporting requirements be developed accordingly, so that failures, for whatever reasons, can be mitigated against.

11. With regard to paragraph 13, the nature of the work of DPKO/DFS is well understood and appreciated to involve close and constant interaction with Troop Contributing Countries (TCCs) on a range of issues, including performance related matters. It is precisely this constant interaction, and the alleged attempts of individual Member States to influence staff, that gives rise to the risk of inappropriate influence from individual Member States and the risk of violation of the staff rules mentioned. For this reason, the referenced paragraphs have been kept with some adjustments.

12. Paragraphs 14 - 24: The implementation of this recommendation was assessed as in-progress since the developed POC cards had not been issued so far. Pocket cards are a recognized practice to impart baseline knowledge of soldiers about mission specific POC issues at the tactical level. It is understood that the developed POC cards would provide concise and applicable guidance to all military peacekeepers. Therefore, the issuance of POC cards was considered essential for the implementation of recommendation 2. Member States' responsibility for pre-deployment training is well understood, and DPKO/DFS's development of IPOC is welcomed. As the IPOC was still in pilot phase at the time of this review, it was therefore not possible to assess its impact at the time of this review.

13. Paragraph 15: See paragraph 5 above.

14. The production of a POC booklet in MONUSCO is welcomed, but it had not been distributed at the time of this review and therefore could not be assessed.

15. MONUSCO efforts to improve varying degrees of POC knowledge of peacekeepers with minimal resources is welcomed. This emphasizes the persisting relevance of recommendation 2 for guidance to all military peacekeepers, specifically rank-and-file soldiers at the tactical level for which a POC card is a convenient and easy-to-understand tool. The example of recently issued "No-Excuse" SEA card is pertinent in this regard.

16. The information provided by UNIFIL, UNISFA and UNMIL is appreciated, though these missions were not part of the purposive sample for this review.

17. In particular, the development of scenario-based ROE training by UNMISS is welcomed and OIOS looks forward to reviewing the training manual.

18. Paragraphs 25 - 33: The additional information provided regarding recommendation 3 from MONUSCO is appreciated, as well as those provided from UNIFIL, UNISFA and UNMIL, though these missions were not part of the purposive sample for this review

19. The additional information on the various activities performed by UNMISS to improve the working relationship between the mission and humanitarians is welcomed.

20. Paragraph 34: See paragraph 11 above.