



INSPECTION AND EVALUATION DIVISION

EVALUATION REPORT

Evaluation of re-hatting in the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) and the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA)

Re-hatting provided a short-term solution by immediately providing forces on the ground to work towards creating safe and secure environment, but the disproportionate involvement of poorly trained re-hatted troops in human rights violations including sexual exploitation and abuse, along with limited capacity to implement assigned tasks imposed negative reputational and operational costs upon the UN.

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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 Organisation. 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 Organisation;” (General Assembly Resolution 48/218 B).

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EXECUTIVE SUMMARY

Evaluation of re-hatting in the United Nations Multidimensional Integrated Stabilization Mission in Mali and the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic

‘Re-hatting’ is the transfer of uniformed personnel deployed by non-United Nations missions to a succeeding United Nations (UN) peacekeeping operation. The UN has long experience of re-hatting.

This evaluation focused on the re-hatting of African Union (AU) forces deployed in the African-led International Support Mission in Mali (AFISMA) and the African-led International Support Mission in Central Africa (MISCA) into the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) and the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA), respectively. It assessed the relevance, efficiency and effectiveness of the re-hatting process, its consequences, and its conduct within the framework of UN-AU partnership.

Re-hatting had significant political and human security advantages. It enabled the immediate start of UN missions, avoiding any security vacuum and likely contributed to saving many lives. It also contributed toward efforts for stabilisation, protection of civilians and paving the way for political transitions.

Re-hatting in Mali and CAR was relevant due to the prevailing security, political, operational and diplomatic dynamics. When MINUSMA and MINUSCA were mandated to take over from the AU peace missions, the Security Council requested the re-hatting of as many AU forces as appropriate in line with UN standards. Overall, 12,163 out of 12,352 (98 per cent) of AFISMA and MISCA forces were re-hatted.

While acknowledging the efforts made by the Organization and its partners in the extremely difficult organizational and operational context of re-hatting, various shortcomings prior and leading up to re-hatting were noted. The UN did not fully comply with its Human Rights Due Diligence Policy on UN Support to non-UN Security Forces (HRDDP) while supporting the AU missions before re-hatting. The Policy on Human Rights Screening of UN personnel, applicable for re-hatting, also had limited implementation. A gap existed between the provisions of the two policies, including the lack of an explicit link between them in re-hatting situations.

While assessments of AU forces identified critical shortfalls in capacities, equipment, training, performance and human rights records, they were nevertheless re-hatted as the principal emphasis was on inducting maximum numbers as quickly as possible. Overall, there was no overarching policy framework for re-hatting.

Although the risks of re-hatting were known and communicated to DPKO, limited action was taken to mitigate them and concerns were not escalated to the Secretary-General or the Security Council. Risks included questionable human rights records of some of the AU forces and critical shortfalls in equipment and training.

Re-hatting had negative reputational and operational consequences as re-hatted forces faced serious allegations of Human Rights Violations (HRVs), Sexual Exploitation and Abuse (SEA) and criminal activity, accounting for 80 per cent of all allegations in both missions. SEA in MINUSCA, largely committed by re-hatted troops, resulted in international opprobrium upon the UN and perception of MINUSCA impartiality also suffered due to deployment of re-hatted troops from neighbouring countries in areas adjacent to their own borders.

Re-hatted contingents continued to have capability and self-sustainment shortfalls, which hampered mandate implementation. The missions also inherited AU contingents that were using schools and other civilian premises as military camps, raising issues of compliance with applicable international law.

Re-hatting demonstrated that the UN mission support system was not structured to support the surge in demand generated by large scale re-hatting. Living conditions of re-hatted contingents posed environmental threats in MINUSCA. Furthermore, re-hatting facilitated the entry of two third-party private defence companies in UN peacekeeping, raising mixed reactions and need for clarifications.

There is difference in the reporting practice, particularly on public disclosure of information by the UN on allegations of SEA and non-SEA related HRVs by its uniformed personnel.

Despite a deepening UN-AU partnership on peace and security, a number of operational challenges remained in the context of re-hatting. Specifically, African partners were dissatisfied with the utilisation of a UN managed trust fund established to support AFISMA. AU interlocutors also reported gaps and unmet training needs for integrating human rights and the AU lacked systems for recording and managing information on human rights records of its forces.

Finally, the role of the UN Office to the AU (UNOAU) - the primary interlocutor between AU and UN Secretariat - in the re-hatting process was hampered by the legacy of integrating four offices under the UNOAU in 2013-2014, which were funded, backstopped and administered by different parts of the Secretariat.

OIOS makes two critical and seven important recommendations:

Critical:

- Develop a policy framework for re-hatting
- Make uniform the Organisation's reporting practices for SEA and non-SEA related HRVs by UN forces

Important:

- Determine reasons and accountability for non-implementation of the HRDDP
- Revisit the Policy on Human Rights Screening of UN Personnel
- Review the environmental risks of MINUSCA camps
- Ensure that schools or other civilian premises are not used for military purposes
- Clarify the role of third-party defence companies in peacekeeping
- Develop and agree on an implementation framework for the HRDDP with the AU
- Enhance AU data management capacity for HRVs

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Acronyms

AAVs	Assessment and Advisory Visits
AFISMA	African-led International Support Mission in Mali
APCs	Armoured Personnel Carriers
AU	African Union
BINUCA	United Nations Integrated Peacebuilding Office in the Central African Republic
CAR	Central African Republic
COE	Contingent-owned Equipment
DFS	Department of Field Support
DPA	Department of Political Affairs
DPKO	Department of Peacekeeping Operations
DRC	Democratic Republic of Congo
ECCAS	Economic Community of Central African States
ECOWAS	Economic Community of West African States
FOMUC	Force Multinationale en Centrafrique
FPU	Formed Police Units
HIPPO report	Report of the High-Level Independent Panel on Peace Operations
HRDDP	Human Rights Due Diligence Policy on UN Support to non-UN Security Forces
HRVs	Human rights violations
IED	Inspection and Evaluation Division
MICOPAX	Peace Consolidation Mission in the Central African Republic
MINUSCA	United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic
MINUSMA	United Nations Multidimensional Integrated Stabilization Mission in Mali
MISCA	African-led International Support Mission in Central Africa
MONUSCO	United Nations Organization Stabilization Mission in the Democratic Republic of the Congo
NVs	Note Verbales
OHCHR	Office of the High Commissioner for Human Rights
OIOS	Office of Internal Oversight Services
OLA	Office of Legal Affairs
OSRSG-CAAC	Office of the Special Representative of the Secretary-General for Children and Armed Conflict
PDVs	Pre-deployment Visits
PKOs	Peacekeeping Operations
PMNY	Permanent Mission in New York
RECs	Regional Economic Communities of the African Union
ROC	Republic of Congo
SEA	Sexual Exploitation and Abuse
SOPs	Standard Operating Procedures
SPM	Special Political Mission
SRSO-SVC	Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict
T/PCCs	Troop and Police Contributing Countries
UN	United Nations
UNHQ	United Nations Headquarters
UNOAU	United Nations Office to the African Union

I. Introduction

1. The Inspection and Evaluation Division of the Office of Internal Oversight Services (OIOS-IED) conducted a risk assessment of peacekeeping related issues that identified “re-hatting” of the uniformed personnel in peacekeeping operations as an appropriate subject for evaluation.
2. The general frame of reference for OIOS is set out in General Assembly resolutions 48/218B, 54/244, 59/272, as well as ST/SGB/273, which authorizes OIOS to initiate, carry out and report on any action that it considers necessary to fulfil its responsibilities. OIOS evaluation is provided for in the Regulations and Rules Governing Programme Planning, Aspects of the Budget, the Monitoring of Implementation and the Methods of Evaluation (ST/SGB/2016/6). The evaluation was conducted in conformity with norms and standards for evaluation in the UN System.
3. The overall evaluation objective was to determine, as systematically and objectively as possible, the relevance, efficiency and effectiveness of the re-hatting of uniformed personnel in the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) and the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA).
4. The Departments of Peacekeeping Operations (DPKO) and Field Support (DFS) provided comments on the draft report incorporating comments from the Executive Office of the Secretary-General (EOSG), the Office of Legal Affairs (OLA), MINUSMA, MINUSCA and the United Nations Office to the African Union (UNOAU). The Office of the High Commissioner for Human Rights (OHCHR) also provided separate comments. These comments were taken into account in finalising the report and are included in the annex.

II. Background

5. ‘Re-hatting’ is the transfer of uniformed personnel (military and police) deployed by non-UN peace operations to a succeeding UN peacekeeping operation. It literally refers to the change of hats worn by personnel of the non-UN operation to the UN blue helmet.¹
6. The UN has extensive experience of re-hatting since 1999, primarily with the African Union (AU) and the Economic Community of West African States (ECOWAS). Re-hatting in MINUSMA and MINUSCA was the largest in UN peacekeeping history.
7. Lessons on re-hatting in various previous missions in Africa have been identified and documented.²

¹ Uniformed military and police personnel are re-hatted along with their contingent-owned equipment (COE). Such personnel then pass under the UN command to perform duties as specified in relevant Security Council mandate.

² These included an After Action Review of Transition from EUFOR to MINURCAT in 2009; Re-hatting ECOWAS forces as UN peacekeepers: Lessons Learned in 2005; and Lessons Learned Study on the Start-up Phase of the United Nations Mission in Liberia in 2004. In addition, a Lessons Learned Exercise on the Transitions from AU to UN Peacekeeping Operations in Mali and CAR was also conducted (S/2015/3).

Table 1: Re-hatted UN peacekeeping missions

Non-UN Organization	Mission	→	Re-hatted UN mission	Year
ECOWAS	ECOMOG	→	UN Mission in Sierra Leone (UNAMSIL)	1999
International Force in East Timor	INTERFET	→	UN Transitional Administration in East Timor (UNTAET)	1999
ECOWAS	ECOMIL	→	UN Mission in Liberia (UNMIL)	2003
ECOWAS	ECOMICI	→	UN Operation in Côte d'Ivoire (UNOCI)	2004
Multinational Interim Force	MIF	→	UN Stabilization Mission in Haiti (MINUSTAH)	2004
AU	AMIB	→	UN Operation in Burundi (ONUB)	2004
AU	AMIS	→	AU/UN Hybrid Operation in Darfur (UNAMID)	2007
European Union	EUFOR Tchad/RCA	→	UN Mission in the Central African Republic and Chad (MINURCAT)	2009
AU	AFISMA	→	MINUSMA	2013
AU	MISCA	→	MINUSCA	2014

Source: OIOS analysis of UN documents

Multiple stakeholders involved in re-hatting

8. In addition to DPKO/DFS, the United Nations Office to the African Union (UNOAU), based in Addis Ababa, was involved in re-hatting. UNOAU is the primary interlocutor between the AU Commission and the UN Secretariat, uniquely representing the Department of Political Affairs (DPA), DPKO and DFS. It is mandated to enhance the UN-AU partnership in peace and security, provide advice and technical assistance to the AU on planning and deployment of peace operations.

9. The Office of the High Commissioner for Human Rights (OHCHR), the Offices of the Special Representatives of the Secretary-General for Children and Armed Conflict (OSRSG-CAAC) and on Sexual Violence in Conflict (OSRSG-SVC) are important stakeholders. The Office of Legal Affairs (OLA) provides legal advice on peacekeeping related issues.

10. DPA gave advice to DPKO on re-hatting issues in MINUSCA. It also managed the two Special Political Missions (SPMs)³ in Mali and Central African Republic (CAR) that were subsumed into MINUSMA and MINUSCA respectively.

11. The AU and two of its Regional Economic Communities (RECs) including ECOWAS and the Economic Community of Central African States (ECCAS) were the main regional counterparts in re-hatting. The work of international NGOs⁴ and the press also affected re-hatting.

12. The ultimate stakeholders were the people of Mali and CAR as the two missions were established for their benefit.

³ The United Nations Office in Mali (UNOM) and the United Nations Integrated Peacebuilding Office in the Central African Republic (BINUCA).

⁴ Amnesty International and Human Rights Watch

Key relevant organizational policies

13. Re-hatting is a sub-set of force generation, the process through which the UN acquires military and police personnel from troop/police contributing countries (T/PCCs). While re-hatting is not specifically provided for, there are several policies, manuals and standard operating procedures (SOPs)⁵ that guide the generation and deployment of military and formed police units (FPUs) in the UN.⁶

14. Key force generation steps include assessment and advisory visits (AAVs) and pre-deployment visits (PDVs) to potential T/PCCs to assess, verify and confirm the readiness of units in terms of capabilities, equipment, training and understanding of UN peacekeeping.⁷

15. Broader policies relevant to re-hatting include the 2012 Policy on Human Rights Screening of UN Personnel, which outlines the principles and methods for the UN to pursue human rights screening of its personnel.⁸ The 2011 Human Rights Due Diligence Policy on UN Support to non-UN Security Forces (HRDDP)⁹, which requires the UN to conduct risk assessment, identify and ensure implementation of mitigatory measures before it provides support to non-UN security forces, was also relevant, as those same forces were re-hatted. In addition, the Secretary-General's Human Rights Up Front initiative, launched in 2013 to strengthen prevention of human rights concerns, encourages staff to take "a principled stance and act with moral courage to prevent serious violations and pledges Headquarters support for those who do so."¹⁰

The situation in Mali and the establishment of MINUSMA

16. In 2012, a rebellion in the north, a coup d'état and attacks by armed groups against Government forces resulted in the collapse of state authority and terrorist activities.¹¹ This led to a rapidly deteriorating security situation, widespread human rights violations (HRVs) and a humanitarian crisis.

⁵ Key policies and manuals include: the Force Generation Handbook (2009); Manual on Policies and Procedures Concerning the Reimbursement and Control of Contingent-Owned Equipment of Troop/Police Contributors Participating in Peacekeeping Missions (COE Manual) (2014); Generic Guidelines for Troop Contributing Countries (TCC) Deploying Military Units to United Nations Peacekeeping Missions (2008); SOP on Assessment of Operational Capability of Formed Police Units for Service in United Nations Peacekeeping Operations (2012); the UN Infantry Battalion Manuals I and II (2012); Policy and SOP on reconnaissance visits (2005), Policy and SOP on pre-deployment visits (2005).

⁶ These specify, inter alia, the standards for required capabilities, equipment, self-sustainment, arrangements for logistics and reimbursement procedures.

⁷ The draft Manual for Generation and Deployment of Military and Police Units to Peacekeeping Operations provides that the processes for re-hatting uniformed personnel are similar to the regular generation phases and TCCs/PCCs will, as far as possible, need to go through the AAVs and PDVs.

⁸ The policy was approved by the Policy Committee in Decision 2012/18 (2012) and requires the UN to, inter alia, obtain certification from T/PCCs that none of its nominated personnel are convicted of, or under investigation or being prosecuted for, any criminal offences or for any violation of human rights.

⁹ A/67/775-S/2013/110. The HRDDP seeks to ensure that UN support to non-UN security forces is consistent with the Organization's purposes and principles and its obligations under international law to respect, promote and encourage respect for international humanitarian, human rights and refugee law.

¹⁰ A/70/656 and <https://www.un.org/sg/en/content/ban-ki-moon/human-rights-front-initiative>.

¹¹ For more on the Mali crisis: <http://www.un.org/en/peacekeeping/missions/minusma/background.shtml>

17. International intervention followed, led by the French (Operation Serval). Simultaneously, ECOWAS started preparation for a stabilization force,¹² which was taken over by the AU and deployed as the African-led International Support Mission in Mali (AFISMA) for an initial period of one year under Security Council Resolution 2085 (2012).

18. Internal preparation and planning for a UN peacekeeping mission in Mali started in February 2013.¹³ MINUSMA was established by the Security Council¹⁴ in April 2013 and assumed authority from AFISMA on 1 July 2013, limiting the latter's existence to less than the one year envisaged.

19. The Security Council requested “the Secretary-General to include in MINUSMA, in close coordination with the AU and ECOWAS, AFISMA military and police personnel appropriate to United Nations standards.”¹⁵

20. Subsequently, 6,587 military and police personnel, representing 100 per cent of AFISMA forces from 11 African T/PCCs were re-hatted on 1 July 2013 (Table 2).

Table 2: Number of troops and FPU personnel re-hatted by country in MINUSMA

T/PCC	Troops	Police	Total
Benin	305		305
Burkina Faso	667		667
Chad	1,246		1,246
Cote d'Ivoire	126		126
Guinea	850		850
Ghana	128		128
Liberia	46		46
Nigeria	687	140	827
Niger	657		657
Senegal	510	140	650
Togo	939	146	1,085
Total re-hatted	6,161	426	6,587
Total authorised strength	11,200	1,440	12,640
Re-hatted forces as % of total	55%	30%	52%

Source: UN data

¹² S/2012/739 Annex, Letter dated 28 September 2012 from the President of ECOWAS to the Secretary-General requesting a mandate from the Security Council for the ECOWAS Stabilization Force in Mali.

¹³ After Action Review on the response to human rights related concerns in the context of re-hatting of regional forces in Mali and the Central African Republic, DPKO/DFS, 15 September 2015.

¹⁴ S/RES/2100 (2013) of 25 April 2013.

¹⁵ Ibid

The situation in CAR and the establishment of MINUSCA

21. For the past two decades, CAR has been host to about 13 international peace/political missions.¹⁶ The UN had also been continuously present in CAR through successive peacekeeping or political missions since 1998.¹⁷

22. Troops from several African countries, who have been present in CAR for over 14 years, were transferred successively from the authority of one African organization to another,¹⁸ with the last being the African-led International Support Mission in Central Africa (MISCA) authorised by the Security Council resolution 2127 (2013).

23. In December 2012, CAR saw an eruption of widespread violence followed by a coup d'état in March 2013 and clashes between ethnic/religious groups¹⁹ that killed thousands of people and left 2.5 million in need of humanitarian aid, as well as over half-a-million refugees and internally displaced people.²⁰

24. MINUSCA was established in April 2014, replacing MISCA on 15 September 2014. The Security Council requested “the Secretary-General to include in MINUSCA as many MISCA military and police personnel as possible and in line with the United Nations standards, in close coordination with the AU and ECCAS and as of 15 September 2014, in accordance with the Secretary-General’s Policy on human rights screening of United Nations personnel”.²¹

25. Accordingly, 5,576 military and police personnel, representing 97 per cent of MISCA forces from six African T/PCCs,²² were re-hatted under MINUSCA on 15 September 2014 (Table 3).

Table 3: Number of troops and FPU personnel re-hatted by country in MINUSCA

T/PCC	Troops	Police	Total
Burundi	842	280	1,122
Cameroon	967	280	1,247
Republic of Congo (ROC)	783	140	923
Democratic Republic of Congo	795	128	923
Gabon	511		511
Rwanda	850		850
Total re-hatted	4,748	828	5,576
Total authorised strength	10,000	1,800	11,800
Re-hatted forces as % of total	47%	46%	47%

Source: UN data

¹⁶ Martin Welz (2016) Multi-actor peace operations and inter-organizational relations: insights from the Central African Republic, *International Peacekeeping*, 23:4, 568-591,

¹⁷ This include: MINUSCA (April 2014 – present), BINUCA (Jan 2010 – April 2013); BONUCA (Dec 1999 – Dec 2009); MINURCAT (Sep 2007 – Dec 2010), MINURCA (April 1998 – February 2000).

¹⁸ From the Force Multinationale en Centrafrique (FOMUC), deployed by the Economic and Monetary Community of Central Africa in 2002 to the Peace Consolidation Mission in the Central African Republic (MICOPAX) deployed by ECCAS in 2008, and finally to MISCA deployed by AU in 2013.

¹⁹ Between the mainly Muslim Séléka and Christian anti-Balaka movement.

²⁰ <http://www.un.org/en/peacekeeping/missions/minusca/background.shtml>

²¹ S/RES/2149 (2014) of 10 April 2014.

²² See paragraph 66.

26. Overall, 12,163 uniformed personnel, representing about half of the initially authorised strength of 24,440 for both the missions combined, were re-hatted from 17 African T/PCCs.

III. Scope and Methodology

27. The evaluation focused on the re-hatting of uniformed personnel in MINUSMA and MINUSCA, and covered the period since the missions' establishment in April 2013 and April 2014, respectively, to June 2016. It assessed the relevance, efficiency and effectiveness of the re-hatting process, and its consequences. It also sought to determine the extent to which the UN partnership with the AU had been effective in enabling a seamless transition of AU forces to the UN.

28. The evaluation used a mixed-method approach using both qualitative and quantitative sources and triangulated the evidence. Key data sources included three field visits, 134 interviews and a review of relevant documentation.²³

29. The evaluation was unable to interview the forces that underwent re-hatting due to rotation, but consulted with personnel from the same contingents. High staff turnover and unavailability of representatives of some re-hatted T/PCCs also limited information from primary sources, which was mitigated through interviews and secondary evidence.

IV. Results

A. Re-hatting was relevant due to the political, operational and diplomatic dynamics

30. Several factors favoured re-hatting in MINUSMA and MINUSCA.

The intensity of the conflict

31. The intensity of the conflict and continued human suffering required a quick and strengthened response. High level interviewees in DPKO informed of increasing pressure to act, particularly in light of the challenges faced by the AU to generate and sustain required capabilities. Following the Security Council decisions to deploy UN missions, immediate force presence was required to avoid security gaps making re-hatting necessary.

32. The AU differed on the necessity of why re-hatting took place. It believed that re-hatting was based on political rather than technical considerations. In support of its argument, it pointed to the technical benchmarking exercise conducted prior to the transition which had concluded that the security situation in Mali was not ripe for a peacekeeping operation. It also questioned whether UN missions were better placed to address contexts of high intensity. It further averred that AFISMA had improved the security situation in Mali making the transition to a UN peacekeeping operation possible.

²³ Field visits were undertaken to MINUSMA, MINUSCA and UNOAU and AU in Addis Ababa, Ethiopia. Interviews included: 95 UN staff in DPKO/DFS, the two missions, OHCHR, UNOAU, OSRSG-CAAC, OSRSG-SVC and OLA, 19 military and political advisors of re-hatted T/PCCs and members of the Security Council in New York and Addis Ababa, and 20 external stakeholders including representatives of AU, ECOWAS, ECCAS, the European Union, NGOs and thematic experts. Documentation included: UN documents (Security Council resolutions, Secretary-General's reports, programme and operation-level data and reports), press articles, reports of think tanks and NGOs, and AU documents.

Security Council support

33. Responding to requests from the Security Council for recommendations on the establishment of UN missions in the two countries, the Secretariat proposed that this be achieved by re-hatting AU forces, which was accepted.²⁴

AU forces on the ground

34. The transition of AU forces was considered quicker than the six to nine months minimum required by the UN when deploying troops from elsewhere.

Comparative advantage of African regional organizations

35. Notwithstanding the challenges and lessons of previous transitions, the experience and relationship of the AU, the RECs and potential T/PCCs with the host countries and their willingness to deploy in highly asymmetrical environments favoured re-hatting.

Regional solidarity, security and financial interest of African T/PCCs

36. All 12 representatives of re-hatted T/PCCs emphasised the importance of demonstrating solidarity with Mali and CAR, as well as commitment to the AU/RECs mechanisms for maintaining regional peace and security and limiting refugee inflows. Participation in UN peacekeeping was also seen as endorsing the principle of African solutions to African problems. The contributions of several countries of the sub-regions in the peace processes in Mali and CAR was also acknowledged.²⁵ Key contingent members, AU and REC representatives also noted that contributing to UN peacekeeping was financially attractive for T/PCCs.

Precedence

37. Re-hatting was seen as an almost automatic process in previous UN missions where it had taken place. Key interviewees in the AU, ECOWAS and ECCAS expressed that they held expectations of imminent re-hatting of T/PCCs.

Lack of alternatives and operational imperatives for the UN

38. DPKO invitations to other T/PCCs to deploy in Mali and CAR had generated little interest, which, along with limited choice of francophone PCCs, further supported re-hatting.²⁶ DPKO and DPA emphasised that political factors, severe time constraints and limited number of possible T/PCCs drove re-hatting decisions.

Importance of UN-AU partnership

²⁴ See S/2013/129 and S/2013/189 for Mali, and S/RES/2127 (2013) and S/2014/142 for CAR.

²⁵ For example, the participation of several countries (including Chad, Niger and Burkina Faso) in the Algeria-led mediation process as well as the G-5 Sahel initiative for continued support for regional security in Mali. Similarly, the Republic of Congo and ECCAS played vital roles in international efforts for CAR, including in the International Contact Group on the Central African Republic (ICG-CAR) and the G8-CAR.

²⁶ DPKO contacted 114 potential T/PCCs in May 2013 and held three meetings during July to October 2013 with them seeking contributions for MINUSMA.

39. There was increasing recognition of the importance of UN partnership with the AU and RECs in Africa. Consequently, the UN considered it to be of paramount importance to keep the AU, RECs and the African T/PCCs fully engaged for the success of MINUSMA and MINUSCA.

40. Notwithstanding the above, the AU referred to the disquiet over the process of re-hatting and a lack of clear consultation. It wished to know what options, other than re-hatting, had been considered by the UN.²⁷

B. The UN did not fully comply with its HRDDP policy while supporting AFISMA and MISCA prior to re-hatting, and its human rights screening policy, applicable for re-hatting, had weak protocols

41. Prior to re-hatting, the Security Council had requested the UN to support both AFISMA and MISCA in line with the HRDDP. This was the first opportunity to ensure compliance of AU forces with UN human rights related norms.

42. The UN conducted risk assessments for all AU contingents in both missions and considered the past records of contingents as “relevant for possible future behaviour”.²⁸ It identified several mitigating measures, including the mechanisms for reporting, exclusion of individual/unit, need for agreed procedures in case of reported HRVs, requirements for HRDDP briefing for contingents, as well as the appointment of HRDDP focal points by AU missions. But these assessments remained as drafts and were not adequately acted upon.

Political and operational considerations were prioritised over compliance with the HRDDP

43. In the draft HRDDP risk assessment for MISCA, it was concluded that there was a very high level of risk that individuals/units from one of the MISCA contingents²⁹ may commit grave violations of international human rights and recommended that no support should be provided to them. DPKO, DPA and DFS considered that excluding the contingent from UN support was politically sensitive and committed to closely monitor the risk and mitigation measures. However, this discussion became a moot point as the contingent withdrew itself from MISCA in April 2014.

44. Although the UN was bound to act according to the provisions of the HRDDP before providing support to the two AU missions, it did not do so. In both cases, the process was delayed, and UN support commenced prior to the risk assessments. This was partly due to lack of information on the human rights records of AFISMA T/PCCs, brevity of AFISMA deployment in Mali, time pressure and capacity constraints with which AFISMA and MISCA were deployed and the transfer of authority to the UN.

45. The situation was further complicated by the absence of any formal agreement between the UN and AU for the provision of UN support for AFISMA and MISCA. Draft

²⁷ AU comments on the draft report.

²⁸ UN support to AFISMA: HRDDP Preliminary Risk Assessment (Draft), April 2013 and HRDDP Risk Assessment for MISCA: Revised Draft for Discussion, March 2014.

²⁹ The contingent withdrew all its troops from MISCA in April 2014 following allegations of killing of at least 28 people and injuring some 73 in March 2014. The contingent was not re-hatted in MINUSCA.

Memorandums of Understanding (MoU), which included a specific provision for the HRDDP, were prepared for both the AFISMA and MISCA trust funds but were not signed by the AU.

46. An internal DPKO/DFS review identified the weaknesses in the application of HRDDP and concluded, inter alia, that the risk assessments or the different positions should have been communicated to the Secretary-General.^{30 31}

The UN human rights screening policy was deficient as it relied on T/PCCs' self-certification

47. A policy gap existed between the provisions of the HRDDP and the UN human rights screening policy. While the former implied a higher degree of scrutiny with the UN assuming the responsibility for due diligence for human rights prior to supporting non-UN forces, the latter relied on self-certification by T/PCCs for deploying formed units.

48. This gap led to the paradoxical situation whereby the UN could not support certain non-UN forces, but could nevertheless re-hat them as blue helmets, especially where a T/PCC self-certification that its troops did not commit HRVs contradicted an existing HRDDP assessment. While DPKO and OHCHR implemented some measures drawn from the two policies at a very late stage in the re-hatting process in MINUSCA,³² the lack of a clear link between the two policies resulted in ad hoc and inadequate mitigatory measures to address human rights issues involving some of the re-hatted forces.³³

C. The re-hatting process was ad hoc, numbers driven, did not fully learn from past lessons and unable to mitigate identified risks

There was no clearly designed process to guide re-hatting, with the principal emphasis on inducting maximum numbers possible

49. Notwithstanding lessons from previous transitions, re-hatting was undertaken in an ad hoc manner. Generic force generation guidelines existed, but separate instructions covering re-hatting envisaged in 2008³⁴ had not been drafted.

50. Key interviewees in DPKO emphasized the difficulty of applying the generic force generation process to re-hatting. They stated that PDVs were not feasible for troops already deployed.³⁵

³⁰ It also identified that it was unclear which entity had the responsibility for implementing the mitigating measures and that the MOU should have been signed by the UN and the AU.

³¹ The HRDDP in Section F (Accountability) provides that senior managers in Headquarters are responsible for ensuring that support for non-UN security forces and institutions and implementation of the policy are kept under regular review in their areas of responsibility. They are also responsible for ensuring that significant developments in the implementation of the policy are brought to the timely attention of the Secretary-General and the relevant legislative bodies (A/67/775-S/2013/110).

³² See paragraphs 71-74.

³³ DPKO informed that it and other involved entities are increasingly taking a risk mitigation strategy with the screening policy and decisions to deploy uniformed personnel.

³⁴ The 2008 Generic Guidelines for TCCs Deploying Military Units to UN Peacekeeping Missions provide, at Section 1.4, para. 10, that: "Separate instructions shall be issued by the Office of Military Affairs (OMA/DPKO) and DFS/DPKO covering transition or re-hatting from a regional or multinational force to a UN peacekeeping force."

³⁵ See footnote 7.

51. Furthermore, key interviewees indicated that there was pressure from the AU, ECOWAS and ECCAS during consultations on the transitions to re-hat all their troops. DPKO also noted support from the Host Country in MINUSMA for re-hatting of forces.³⁶ The emphasis was on inducting maximum numbers possible despite significant gaps in capabilities and standards.

While some lessons from MINUSMA were applied to MINUSCA, many prior problems persisted

52. A number of lessons identified from Mali were acted upon in CAR, including extending the transition period, adoption of a transition matrix and not re-hatting one severely under-equipped contingent.

53. Previous lesson learning exercises had identified problems arising from the differences between UN and non-UN forces, including in mandates, capabilities shortfalls, logistics, coordination, command and control, planning, self-sustainment, training and conduct and discipline.

54. Many of the same problems persisted in MINUSMA and MINUSCA due to the absence of policy guidance covering the re-hatting process, exacerbated by the unfamiliarity of key staff with lessons identified, and a lack of institutional memory resulting from regular turnover of seconded officers.

Resources devoted to re-hatting in MINUSMA were inadequate

55. Resources for re-hatting in MINUSMA were inadequate with only one military officer assigned to assess 6,161 AFISMA forces, while a 14-member joint DPKO/DFS/AU team assessed all MISCA forces prior to re-hatting in MINUSCA.

The risks of re-hatting were known and communicated to DPKO, but actions taken were insufficient to fully address them

56. Following the establishment of the two UN missions, the risks associated with re-hatting were known and flagged by various sources.

MINUSMA

57. The UN had nine weeks to complete re-hatting. Although AFISMA FPU's were inspected before re-hatting, no formal assessment of its military units was undertaken. A preliminary assessment covering 6 of the 13 units identified significant capability gaps, flagged the risks of a possible decrease in operational effectiveness, and advocated phasing out units that did not meet standards.³⁷

58. This report remained a draft and was not factored into the planning. DPKO re-hatted all of the 13 AFISMA units, seven of which without any prior assessment. This was contrary to the UN requirements of the force generation process, with consequences for operational capabilities.

³⁶ DPKO stated that “[o]n several occasions, the Malian Government indicated its hope that the neighboring countries that had come to its ‘rescue’ through AFISMA, would not be sent home for not meeting the requirements of the re-hatting process.”

³⁷ Preliminary assessment of AFISMA operational capabilities.

59. Risks were also communicated by other UN stakeholders at the working level. For example, some units within DPKO, OHCHR, OSRSG-CAAC and SRSG-SVC expressed serious concerns with the DPKO decision to re-hat Chadian troops because its national army was listed in the Secretary-General's annual reports on children and armed conflict for recruiting and using children ('CAAC-listing').³⁸ Similar concerns were also raised regarding forces from Côte d'Ivoire because they were listed in the Secretary-General's annual reports on sexual violence in conflict ('SVC-listing')³⁹. Furthermore, OSRSG-SVC raised concerns regarding the forces from Guinea.⁴⁰

60. To assess and mitigate risks, a visit was undertaken by MINUSMA child and women protection units a day before the re-hatting ceremony to the Chadian contingents' location in Mali to observe if any child soldiers were deployed. DPKO also increased engagement with the Chadian Government, while the UN system also took further steps to work in partnership with the Government. Efforts by the OSRSG-CAAC and UNICEF led to the acceleration of the implementation of an action plan by the Government, resulting in de-listing of Chad in 2014.⁴¹ Names of the members of the Côte d'Ivoire contingent were also screened by the United Nations Operation in Cote d'Ivoire although none was rejected.

MINUSCA

61. The UN had five months for transition in MINUSCA, compared to nine weeks in MINUSMA.

62. DPKO stated that it had taken actions to mitigate the political, operational and human rights risks related to re-hatting of MISCA forces.⁴² The evidence does not support this statement.

63. In April 2014, a detailed narrative on the human rights records of MISCA contingents was prepared by a UN entity at DPKO request (Table 4).⁴³ This five-page document was given only in hard copy to senior DPKO management without any recommendations.

³⁸ A/67/845-S/2013/245 (Annex, page 49).

³⁹ A/67/792-S/2013/149 (Annex, page 31).

⁴⁰ Guinea was one of the countries considered as a "situation[s] of concern" in A/67/792-S/2013/149 (paragraphs 106-107). OSRSG-SVC stated that incidents of acts of sexual violence and murder committed by the forces from Guinea led the Secretary-General to set up a Commission of Inquiry.

⁴¹ The OSRSG-CAAC raised the issue of Chad to the Secretary-General, proposed mitigatory measures and worked with DPKO, UNICEF and the Government of Chad leading to its delisting.

⁴² A/71/99.

⁴³ Human rights information on MISCA members (draft risk assessment of MISCA T/PCCs). Inputs into this assessment were provided by OSRSG-CAAC and OSRSG-SVC.

Table 4: Extracts from the UN assessment of human rights records of MISCA contingents

MISCA contingents	Violations by national security forces and Government action, if any
Contingent of Country A	<ul style="list-style-type: none"> • Security forces of the country “remain among the main perpetrators of human rights violations” against more than 4,000 victims during 2011-2013 • Violations include: extrajudicial killings, arbitrary and/or illegal arrests and detentions, torture and cruel treatments, rape and other forms of sexual violence • They are listed in the annexes of the Secretary-General’s Reports on Conflict-related Sexual Violence of 2011, 2012 and 2013 and also on children and armed conflict • Documented cases of human rights violations against them while deployed in MISCA • Some steps taken by the Government to combat conflict-related sexual violence
Contingent of Country B	<ul style="list-style-type: none"> • Over 212 cases of extra-judicial killing during 2009 to 2013 • More than 279 cases of torture during the same time • Failure by Government to effectively prevent, investigate and prosecute perpetrators • Government rejected recommendations to fight impunity for extrajudicial killings
Contingent of Country C	<ul style="list-style-type: none"> • Regular reporting of human rights violations by soldiers • Absence of accountability for human rights violations • Killing of 100 and arresting of 1500 people during mass protests in 2008 • Credible reports on extrajudicial killings, arbitrary detention, acts of torture and cruel inhuman or degrading treatment, and violations of the right to a fair trial
Contingent of Country D	<ul style="list-style-type: none"> • Reports of regular cases of arbitrary arrest, including by the military • Allegations of aggravating violence between Séléka and anti-Balaka in CAR while deployed as FOMAC peacekeepers resulting in heavy casualties and displacing large numbers of people • Torture of three civilians, of which two died, while deployed in MISCA
Contingent of Country E	<ul style="list-style-type: none"> • Non-UN reports of several cases of excessive use of force and ill-treatment of refugees
Contingent of Country F	<ul style="list-style-type: none"> • Concerns related to the recruitment of child soldiers • Cases of illegal detention and allegations of torture

64. Except its use in prompting further screening of some elements of the DRC contingent, there is no evidence that this document informed re-hatting decisions or discussions to mitigate consequences of re-hatting troops with human rights concerns.

DPKO assessment of MISCA contingents revealed critical shortfalls

65. In May 2014, a joint DPKO/DFS/AU operational capability assessment of all MISCA units identified critical capability shortfalls for all MISCA units. With reference to one contingent, it explicitly stated, that “[a]t this stage, we cannot guarantee that they will understand and comply with UN peacekeeping standards”.⁴⁴

DPA advised DPKO on the political risks of not re-hatting MISCA contingents

66. In May 2014, DPA provided an assessment of the political risks of re-hatting or not re-hatting four of the six MISCA contingents.⁴⁵ It stated that “as a general consideration, deciding not to re-hat current MISCA contingents into MINUSCA ... regardless of political or other considerations, may negatively affect bilateral relations between that individual troop contributor, or the region collectively, and the United Nations”.

67. Specifically, it pointed out that the political risks of not re-hatting were negative but manageable for three contingents. However, it argued that the political costs of not re-hatting

⁴⁴ Operational Capability Assessment – MISCA Military and Police Units, May 2014.

⁴⁵ DPA Political risk assessment - Re-hatting of the MISCA contingents into the MINUSCA, May 2014.

one contingent would be much heavier as that country was deeply involved in assisting CAR overcome its crises.

Internal consultations pointed out specific concerns

68. In July and August 2014, DPKO convened two meetings with OLA, OHCHR, OSRSG-CAAC and OSRSG-SVC at the working level. In these, representatives of the latter three raised strong concerns to DPKO about the reputational risks to the UN of deploying forces that were known to have committed, reputed to commit, or listed by the Secretary-General for committing sexual violence, violations of child rights or other grave violations of human rights. Concerns were also expressed about the late communication of the re-hatting decision, inadequate mitigatory measures, and the re-hatting of the DRC and ROC contingents.

69. Specifically, DRC military and police forces were listed on both the CAAC and SVC-listings.⁴⁶ At that time, in the absence of a specific decision by the Organization on the issue, OLA advised that being included in such listings did not, by itself, preclude the countries concerned from serving as T/PCCs.⁴⁷ Concerns on ROC were related to its serious human rights records as well as reported abuses allegedly committed by them in CAR as part of FOMUC and MISCA.⁴⁸

There were concerns whether countries hosting UN peacekeeping operations were appropriate suppliers of peacekeepers

70. Representatives of the offices consulted questioned whether troops from post-conflict countries that currently hosted UN peacekeeping operations and whose armed forces had been parties to conflict were appropriate UN T/PCCs. Reference was made to the re-hatting of forces from three such countries (two in MINUSMA and one in MINUSCA). A representative of a permanent member of the Security Council expressed concern as to how the UN could entrust peacekeeping duties to forces from countries that had failed to provide security to their own citizens, had problematic human rights records, and had Security Council sanctions against them. The Organization has yet to have a policy on this issue.

The Equatorial Guinea contingent and some members of DRC contingent of MISCA were not re-hatted

71. DPKO and DPA assessments partly led to the decision not to re-hat the Equatorial Guinea contingent comprising 189 military personnel.⁴⁹ In addition, in late August 2014, two weeks prior to re-hatting, and in response to human rights concerns over the DRC contingent, DPKO instructed its mission in DRC⁵⁰ to provide available information on the human rights record of the chain of command, as well as members of both the battalion and the FPU. As a result, three

⁴⁶ A/67/845-S/2013/245 (Annex, page 49) and A/67/792-S/2013/149 (Annex, page 31-32).

⁴⁷ In September 2015, the Secretary-General provided "State parties repeatedly listed in my annual reports on children and armed conflict and on conflict-related sexual violence will henceforth not be accepted for participation in United Nations peace operations" (A/70/357-S/2015/682, para 127).

⁴⁸ S/2014/762 (Annex 68: MISCA incidents, page 191-195) and <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16043>

⁴⁹ <http://www.un.org/press/en/2015/db150501>

⁵⁰ The United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO).

military and 14 police officers were excluded from re-hatting.⁵¹ MONUSCO noted that DRC forces deployed in MISCA had not received any pre-deployment training.⁵²

A military unit of ROC was repatriated prior to re-hatting

72. Elements of the ROC battalion, alleged to have killed 12 civilians in March 2014 in Boali, were repatriated by MISCA at DPKO's request.⁵³

The application of the human rights screening policy had many drawbacks

73. Certifications by T/PCCs were not obtained systematically prior to re-hatting in MINUSCA. NVs were sent to the Permanent Missions in New York (PMNYs) of relevant T/PCCs in August 2014, about three weeks prior to re-hatting but after the decision to re-hat had been taken. The certification from the DRC was received within two days of sending the NV to its PMNY clearing all of its contingent members in MISCA.

74. The speed of response raised suspicions at the working level regarding the reliability of the certification.⁵⁴ Subsequently, concerns raised by other Secretariat entities and the known history of allegations of HRVs implicating DRC forces led DPKO to pursue proactive screening and the exclusion of 17 members.⁵⁵

75. All ten key interviewees from Secretariat offices referred to a lack of clarity as to whether DPKO/DFS or OHCHR were responsible for ensuring the application of the policy.⁵⁶ There was also a disagreement with regards to the applicability of the individual attestation requirement for contingent members, which was generally a requirement for individuals seeking to serve the UN in individual capacity.

D. The positive aspects of re-hatting were overshadowed by its subsequent reputational and operational consequences

Re-hatting enabled the immediate start of UN operations

76. Re-hatting helped meet the urgent political and human security requirements in both countries and demonstrated that the UN was responsive. It enabled the UN to avoid a security vacuum, responding to the Security Council's request for quick deployment and ensuring that African partners remained fully engaged. It also contributed toward stabilisation, protection of civilians and political transition. DPKO considered that by enabling the immediate start of

⁵¹ A/71/99.

⁵² Internal document, in which MONUSCO also expressed concern that the deployment of DRC forces in CAR could negatively affect its ongoing operations in DRC.

⁵³ A/71/99 (page, 150). S/2014/762 (Annex 68: MISCA incidents, page 191-195). <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16043>, and <https://www.hrw.org/news/2016/06/07/central-african-republic-murder-peacekeepers>

⁵⁴ The NV was sent to the PMNY of DRC on 20 August 2014 and certification was received from the DRC on 22 August 2014. Hence, the certification was considered unreliable as no proper check could have been made in such a short period of time and also because prior UN screening and reports had demonstrated HRVs perpetrated by DRC security forces.

⁵⁵ See paragraph 71

⁵⁶ The policy in paragraph 5.4 provides that the recruiting entity is responsible for implementation of the policy.

operations, re-hatting potentially saved “thousands of lives”, which “far outweighs” the resultant shortcomings.”⁵⁷

Re-hatted troops disproportionately accounted for allegations of HRVs, sexual exploitation and abuse (SEA) and criminal activity

77. There was a marked preponderance of allegations against re-hatted contingents, especially those new to UN peacekeeping, compared to others.⁵⁸ While re-hatted forces accounted for about fifty per cent of all forces across the two missions, they accounted for:

- 77 per cent of SEA allegations; and
- 80 per cent of all allegations.

Table 5: Allegations against re-hatted versus regularly deployed contingents⁵⁹

Type of deployment	Allegations excluding SEA		Allegations of SEA		Total allegations	
	Number	%	Number	%	Number	%
MINUSMA	77	100%	10	100%	87	100%
Re-hatted	56	73%	8	80%	64	74%
Regular deployment	21	27%	2	20%	23	26%
MINUSCA	70	100%	55	100%	125	100%
Re-hatted	64	91%	42	76%	106	85%
Regular deployment	6	9%	13	24%	19	15%
Both missions combined	147	100%	65	100%	212	100%
Re-hatted	120	82%	50	77%	170	80%
Regular deployment	27	18%	15	23%	42	20%

Source: OIOS analysis of UN data

New re-hatted T/PCCs faced more allegations of misconduct and HRVs

78. Five out of the six re-hatted contingents in MINUSCA were new to UN peacekeeping and accounted for 99 per cent of the allegations. Two such contingents in MINUSMA accounted for nearly half (45 per cent) of all allegations compared to six contingents with prior UN experience (Table 6).

⁵⁷ DPKO/DFS and DPA comments on the informal draft report, in which DPKO and DPA also considered that “[a] decision not to re-hat would likely have led to a consequent loss of life in Mali and CAR with even more severe reputational risks than those posed by [sexual exploitation and abuse].”

⁵⁸ Regularly deployed contingents were deployed from their home country through the UN force generation processes and thus differed from re-hatted contingents, which were physically present in Mali and CAR.

⁵⁹ The data includes allegations from start of the respective missions (1 July 2013 for MINUSMA and 15 September 2014 for MINUSCA) up to 31 May 2016.

Table 6: Allegations against new versus experienced re-hatted contingents⁶⁰

Type of re-hatted T/PCCs	Number of T/PCCs	Allegations excluding SEA		Allegations of SEA		Total allegations	
		Number	%	Number	%	Number	%
MINUSMA	8	56	100%	8	100%	64	100%
New T/PCCs	2	25	45%	4	50%	29	45%
Experienced T/PCCs	6	31	55%	4	50%	35	55%
MINUSCA	6	64	100%	42	100%	106	100%
New T/PCCs	5	63	98%	42	100%	105	99%
Experienced T/PCCs	1	1	2%	0	0%	1	1%
Both missions combined	14	120	100%	50	100%	170	100%
New T/PCCs	7	88	73%	46	92%	134	79%
Experienced T/PCCs	7	32	27%	4	8%	36	21%

Source: OIOS analysis of UN data

79. Overall, seven new T/PCCs accounted for 92 per cent of SEA and 79 per cent of all allegations against re-hatted contingents. The Secretary-General also attributed the higher number of SEA allegations to re-hatting of troops.⁶¹

80. Both missions received a wide range of allegations against the re-hatted contingents including killing, abusing and injuring civilians and other types of serious misconduct. In MINUSMA, the majority of the allegations were against one contingent (new to UN peacekeeping).⁶² However, re-hatted contingents with prior UN peacekeeping experience were generally well regarded in both missions.

⁶⁰ Data in Table 6 includes only re-hatted T/PCCs in the two missions. No allegation was reported in MINUSMA against three re-hatted contingents during the review period.

⁶¹ A/70/729.

⁶² Data provided by DFS from its Misconduct Tracking System. This contingent alone accounted for a third of all allegations against uniformed personnel in MINUSMA during the review period

Table 7: Examples of allegations (excluding SEA) against re-hatted contingents in MINUSMA⁶³

Contingent of Country A
<ul style="list-style-type: none"> • Multiple perpetrators commit physical assault against civilians, including minors, resulting in death of one • Two instances of shooting and killing of fellow contingent members resulting in four casualties and serious injury • Intoxicated soldiers assaulting and robbing civilians • Multiple instances of arrest, arbitrary detention and threats of physical assault of UN civilian staff • Two instances of desertion of posts and protest against supervisors • Involvement in arms trafficking • Sale, use and encouraging use of narcotics • Intoxicated soldier threatening and abusing other personnel in UN facilities • Violation of curfew and visit of bars • Refusal to execute orders
Contingent of Country B
<ul style="list-style-type: none"> • Frequenting of local bars and abusive behaviour against the local population • Unauthorised sale of UN provided bottled water • Physical assault of civilians • Refusal to execute orders
Contingent of Country C
<ul style="list-style-type: none"> • Smuggling of illicit narcotics • Threats of physical assault on UN civilian staff
Contingent of Country D
<ul style="list-style-type: none"> • Soldiers leaving camp without authorization, recklessly driving UN vehicle causing serious injuries to five civilians
Contingent of Country E
<ul style="list-style-type: none"> • Unauthorised sale of UN provided bottled water
Contingent of Country F
<ul style="list-style-type: none"> • Use of UN fuel card to cash money

Source: OIOS analysis of UN documents

81. In MINUSCA, allegations were made against the five re-hatted contingents new to UN peacekeeping.⁶⁴ Two of the contingents were repatriated from MINUSCA in 2016 and 2017 respectively on performance issues, including multiple SEA allegations.

⁶³ The allegations summarised in Table 7 are based on a review of relevant code cables, which do not comprise a complete list.

⁶⁴ Data provided by DFS from the Misconduct Tracking System.

Table 8: Examples of allegations (excluding SEA) against re-hatted contingents in MINUSCA⁶⁵

Contingent of Country A
<ul style="list-style-type: none"> • Detaining, abusing and causing multiple injuries to two civilians • Illegal entry and firing of weapons inside the compound of the International Medical Corps and damaging a vehicle • Two instances of shooting, physical abuse and injures to relatives of SEA victims • Three instances of unwarranted surrender of weapons to armed elements • Desertion of post • Physical assault on civilians • Soldiers involved in producing pornographic materials with local women • Use of counterfeit currency by one contingent member • Fuel theft
Contingent of Country B
<ul style="list-style-type: none"> • Detaining and torturing of four civilians resulting in death of two in custody • Physical assault of women in camp of internally displaced persons • Gross negligence in firearm safety causing serious injuries of fellow contingent members • Fuel theft
Contingent of Country C
<ul style="list-style-type: none"> • Physical assault of civilians • Physical abuse against pregnant woman in camp of internally displaced persons • Threatening life of superior officers with grenade • Misappropriation of allowances by commander • Theft of rations
Contingent of Country D
<ul style="list-style-type: none"> • Physical abuse and torture of detainees • Refusal to execute orders • Forgery and misrepresentation
Contingent of Country E
<ul style="list-style-type: none"> • Shooting and killing of one fellow contingent member and wounding another

Source: OIOS analysis of UN documents

SEA, largely committed by re-hatted troops from new T/PCCs in MINUSCA, resulted in a high level of international opprobrium upon the UN, undermining the legitimacy of the mission and trust in the Organization globally

82. DPKO has observed that there is heightened global scrutiny of UN peacekeeping that is unlikely to abate. This was proven accurate, especially in the case of MINUSCA, which became the epicentre of SEA allegations against UN peacekeepers, with half of all such allegations across all missions. This triggered sustained negative media coverage of the UN, prompting scrutiny by governments and civil society, even affecting the reputation of the Secretary-General. From March to June 2016, there were only two days⁶⁶ without any news/media report on SEA by UN peacekeepers.

83. Some typical headlines included⁶⁷:

⁶⁵ The allegations summarised in Table 8 are based on a review of relevant code cables, which do not comprise a complete list.

⁶⁶ 7 May and 25 June 2016.

⁶⁷ The headlines appeared in the following news sources, respectively: <http://allafrica.com/> (13/4/2016), www.nytimes.com (13/4/2016), <http://www.telegraph.co.uk/>(14/4/2016), <http://www.graphic.com.gh/> (26/4/2016), <http://www.dailylife.com.au/> (12/5/2016) and <http://www.scmp.com/> (18/6/2016).

- “What Is the Point of Peacekeepers in the CAR If They Are Predators Themselves?”
- “U.S. Senators Threaten U.N. Over Sex Abuse by Peacekeepers”
- “The vile sex abuse by UN peacekeepers is leaving the United Nations in tatters”
- “Dark side of UN peacekeeping - an insult to peacekeeping operations”
- “The devastating irony of calling UN troops 'peacekeepers'”
- “UN chief Ban Ki-moon’s legacy in tatters as reports of peacekeepers’ abuse grows”

84. A critical hashtag also appeared on popular social media platforms⁶⁸ and a website exclusively dedicated to the issue of SEA by peacekeepers, sought the removal of immunity for UN peacekeeping personnel.⁶⁹ It also dominated discussions on UN peacekeeping and prompted drastic measures by the Secretariat.⁷⁰

85. Key interviewees stated that dealing with SEA issues monopolised the energies and resources of both senior mission leadership and Headquarters backstopping entities, detracting them from focusing on mandate implementation. Allegations of SEA also overshadowed key achievements of MINUSCA.⁷¹

Unintended consequence of SEA prevention risked MINUSCA disengaging from the population

86. As MINUSCA sought to implement rigorous SEA prevention framework, a key military interviewee informed that instructions had been given to “not talk to women, and communicate [only] with the men”. Consequently, personnel of four re-hatted contingents indicated that troops were too afraid to interact with local population, especially women and children. Military participants in a focus group thought that the UN “had over-reacted”.

87. The active distancing of peacekeepers from women and children appears to run contrary to the HIPPO report’s call for UN peace operations to be more people-centred and engage with the local population.⁷²

Non-implementation of measures to thwart SEA in MINUSCA

88. Conditions observed in one of the re-hatted battalion camps located in Berberati contradicted the MINUSCA SEA prevention policy.⁷³ Violations included the presence of children inside the camp, absence of a physical boundary, a lack of an adequate entry/exit system, a sleeping guard, rolls of unused barbed wire and unfilled sand fortifications, although the battalion had been located there for three years. DPKO and DFS informed that the identified deficiencies have been addressed since then.

⁶⁸ #Predatorypeacekeepers appeared on YouTube, Twitter and Tumblr.

⁶⁹ <http://www.codebluecampaign.com/>

⁷⁰ Including the appointment of a Special Coordinator on improving the UN response to SEA and the adoption of Security Council resolution 2272 (2016).

⁷¹ Statement by USG DPKO to the Security Council on 15 April 2016.

⁷² Report of the High-Level Independent Panel on Peace Operations (A/70/95-S/2015/446).

⁷³ Reinforcement of Existing Measures to Thwart Sexual Exploitation and Abuses, MINUSCA Force Commander Directive, 3 June 2015.

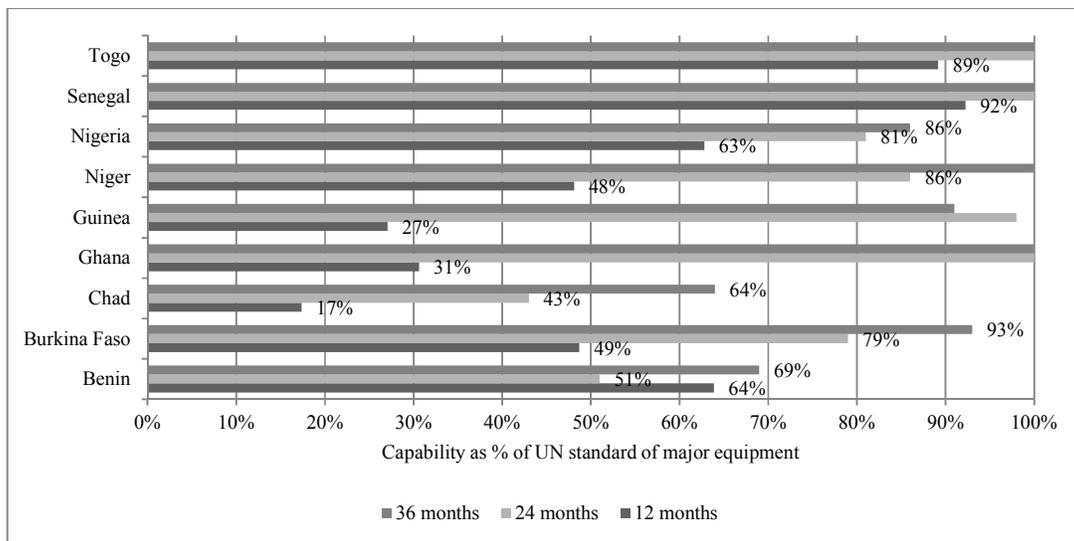
Re-hatted troops from neighbouring countries deployed in areas bordering their own countries affected perceptions of MINUSCA impartiality

89. A DPKO handbook⁷⁴ provided that “countries that are contiguous with the mission area will not participate” in peacekeeping operations, yet, three re-hatted contingents in MINUSCA and five in MINUSMA, were from countries that shared borders with the missions. Key interviewees in MINUSCA stated that such deployments generated suspicions concerning the impartiality and motivation of the T/PCC, and if necessary, they should be deployed away from their own borders. DPKO also considered deployment of such troops as a “double-edged sword” as the countries could be inherently interested in ensuring stability, but may also have interests that are not aligned with the UN mandate.⁷⁵

Re-hatted contingents continued to have capability and self-sustainment shortfalls

90. Re-hatted contingents in both missions continued to have capability and self-sustainment shortfalls and delays in deploying contingent-owned equipment (COE).

Figure 1: MINUSMA: Capability of T/PCCs as % of UN standard at various periods since re-hatting



Source: COE inspection reports

91. All re-hatted contingents in MINUSMA remained below the critical shortfall cut-off of 70 per cent of capability a year after re-hatting while two-thirds remained so for over two years (Figure 1).⁷⁶ As of June 2016, six out of the 10 re-hatted T/PCCs⁷⁷ were still below the stated requirements. As of June 2016, MINUSMA was short of 61 armoured personnel carriers

⁷⁴ The DPKO Force Generation Handbook of 2009

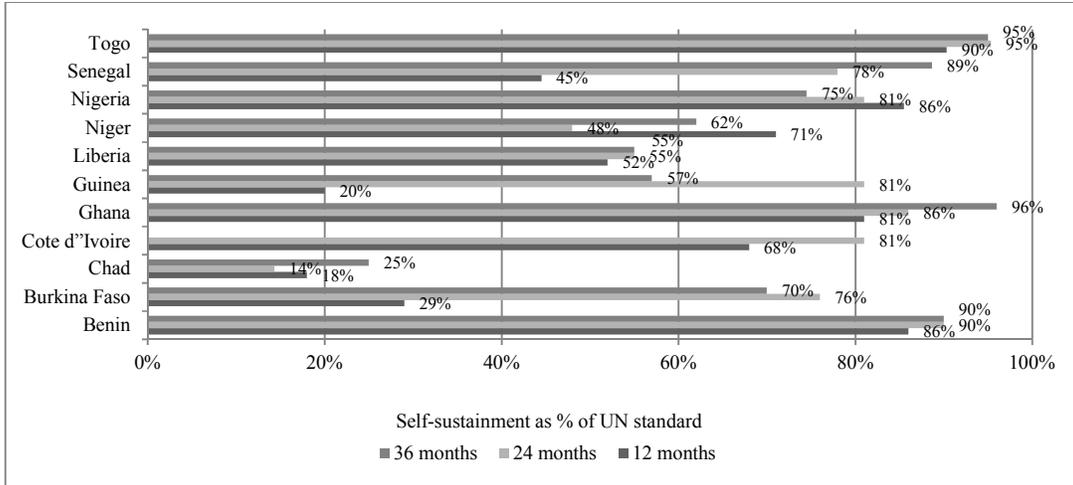
⁷⁵ The lessons learnt study on the MONUSCO force intervention brigade (January 2016) recommended DPKO to conduct a risk-benefit analysis during planning and force generation process to gain a “... deeper understanding of the interests that drive the involvement of regional TCCs, how those interests could affect mandate implementation, and include analysis on the TCC’s foreign and security policy and specific interests in the host country.”

⁷⁶ Used by DPKO/DFS as performance standards in its COE global overview reports whereby capability shortfalls below 70% is classified as critical.

⁷⁷ Two re-hatted contingents in MINUSMA are not included in Figure 1 due to lack of adequate information in the COE inspection reports, one of them was repatriated from MINUSMA at the end of 2015.

(APCs), mostly in re-hatted contingents, with one contingent alone accounting for 62 per cent of the gap (or 38 APCs).

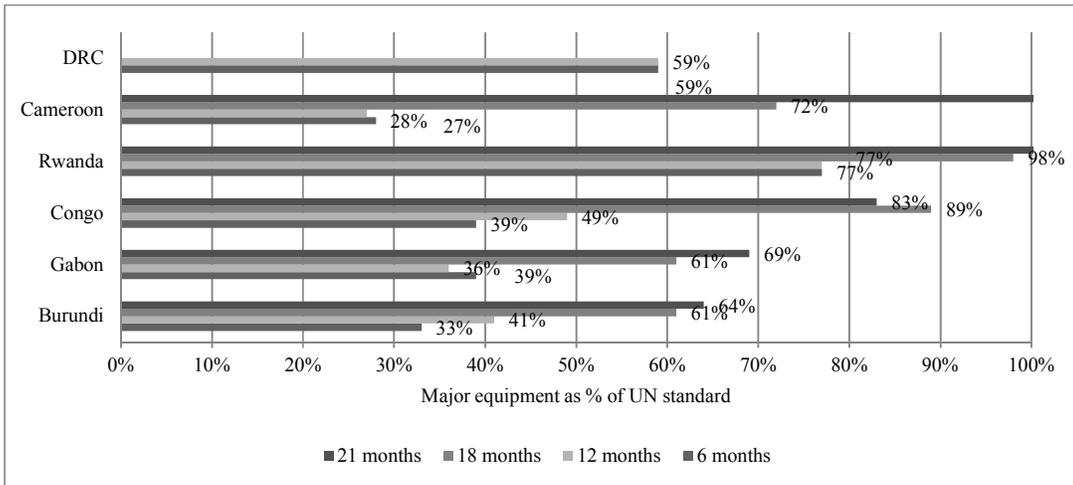
Figure 2: MINUSMA - Self-sustainment of T/PCCs as % of UN standard at various periods since re-hatting



Source: COE inspection reports

92. Similarly, all of MINUSMA re-hatted contingents continued to have shortfalls in self-sustainment three years after re-hatting (Figure 2). Notably, one contingent remained at 25 per cent capacity three years after re-hatting while four other T/PCCs remained below the critical shortfall cut-off of 70 per cent.

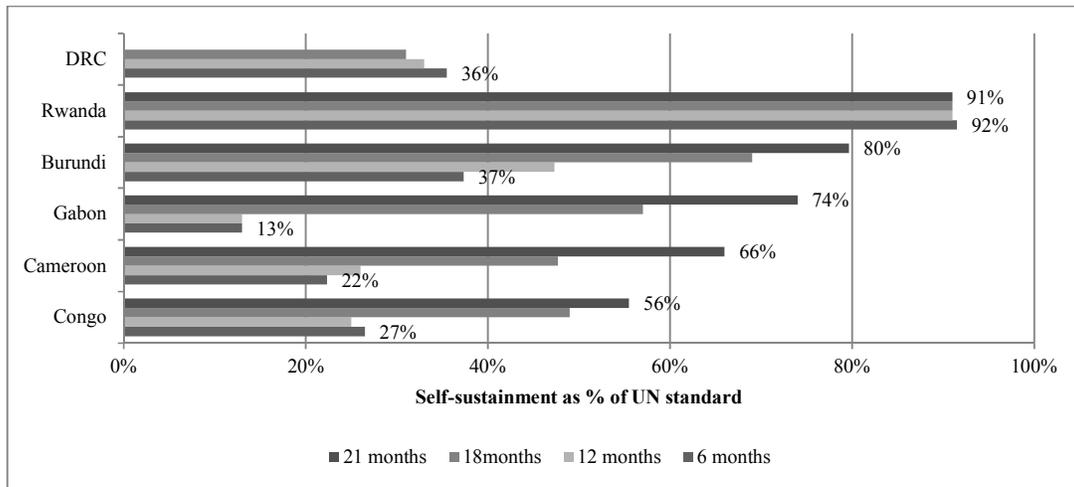
Figure 3: MINUSCA - Capability of T/PCCs as % of UN standard at various periods since re-hatting



Source: COE inspection reports

93. All re-hatted contingents in MINUSCA also continued to have critical capability shortfalls for over 18 months (Figure 3). As of June 2016, over 21 months since re-hatting, four out of the six re-hatted contingents were still below standard.

Figure 4: MINUSCA - Self-sustainment of T/PCCs as % of UN standard at various periods since re-hatting



Source: COE inspection reports

94. All of MINUSCA re-hatted contingents except one were below the critical shortfall cut-off of 70 per cent in terms of self-sustainment capacity at the time of re-hatting, which continued as of June 2016 (Figure 4). Three T/PCCs remained below or around the critical shortfall cut-off of 70 per cent.

T/PCCs repeatedly failed to meet deadlines to deploy COE

95. With the slowness of equipment deployment by re-hatted T/PCCs, extended deadlines and grace periods were agreed upon with the Secretariat but these were not met, with little or no consequence. The situation resulted in the Security Council calling on re-hatted T/PCCs to immediately deploy all required COE in MINUSCA in July 2016.⁷⁸

96. For their part, ten military advisors of re-hatted T/PCCs highlighted their countries' financial limitations, priorities, lengthy procurement processes for defence equipment, as well as difficulty in understanding UN COE policies and procedures, which contributed to the delays. Additionally, communication and follow-up by DPKO with three re-hatted T/PCCs without any military advisors in their PMNYs caused further difficulties.

Capability shortfalls of re-hatted contingents hampered mandate implementation

97. All 19 heads of substantive components of MINUSMA and 23 out of 24 managers in MINUSCA interviewed, stated that capability shortfalls of re-hatted contingents had directly or indirectly impacted their work. As of June 2016, MINUSMA leadership estimated that over 70 per cent of its military capability was used for self-protection, and only half of the troops had enough capability to leave their camps.

98. The lack of APCs was identified as one of the reasons for failing to prevent numerous troop casualties, especially in MINUSMA. Re-hatted contingents accounted for nearly 90 per cent and 58 per cent of all casualties and serious injuries due to hostile actions against MINUSMA (293) and MINUSCA (24) respectively.⁷⁹

⁷⁸ S/RES/2301 (2016), para 27.

⁷⁹ OIOS-IED analysis of data provided by MINUSMA and MINUSCA.

99. Two key interviewees in MINUSCA provided several examples of re-hatted contingents which failed to fully implement orders due to lack of equipment. Military units assigned to new areas to address imminent threats to civilians needed a disproportionate amount of time to prepare due to lack of key equipment on multiple occasions. In another example, a unit's ability to conduct assigned tasks was limited due to limited mobility. Furthermore, contingents faced difficulties in clearing barricades due to shortage of APCs, thereby increasing risk to troops and civilians.

100. Notwithstanding the willingness of re-hatted troops, military leadership in both missions indicated that limited mobility and firepower of re-hatted troops had reduced the missions' ability to protect civilians, deter spoilers, and create a secure environment.

MINUSMA and MINUSCA continued to use certain premises, including schools, raising issues of compliance with applicable international law

101. A Security Council resolution expressed deep concern at the military use of schools in contravention of applicable international law and urged all parties to respect the civilian character of schools in accordance with international humanitarian law.⁸⁰

102. MINUSMA inherited from AFISMA, and continued to occupy four educational establishments as military camps for about two years resulting in protest from local population and concerns raised by child protection actors. Recognizing that such use puts MINUSMA at potential risk of being perceived to be in contravention of international law, DPKO urged MINUSMA leadership to prioritise efforts to vacate the schools, which were subsequently returned to the host Government after renovation.⁸¹

103. MINUSCA inherited MISCA troops living in civilian houses left by people fleeing violence, and continued to use them due to difficulties in providing alternative accommodation.

The UN mission support system was neither structured nor capable of effectively supporting large scale re-hatting

104. The mission support components of both missions struggled to support re-hatted contingents, with widespread dissatisfaction on both sides. Internally, the 2016 DFS global client survey showed the uniformed personnel of MINUSMA and MINUSCA amongst the least satisfied.⁸² Externally, press reports indicated that Chad accused the UN of neglecting its peacekeepers in Mali,⁸³ while Burundi accused it of unfair treatment of its troops in MINUSCA.⁸⁴

⁸⁰ S/RES/2143 (2014). The Safe Schools Declaration, an inter-governmental effort advocated by the UN, also urged parties not to use schools for any purpose in support of military effort.

⁸¹ The schools were returned to the Malian authority at different times, with the last one at the beginning of 2016.

⁸² With 57 and less than 50 per cent satisfied, military and police of MINUSMA and MINUSCA, respectively, were the least satisfied with field support services. Main areas of concern were ablution, accommodation and recreation facilities.

⁸³ <http://www.reuters.com/article/usmalichadunidUSKBN0HE2ES20140920>

⁸⁴ http://news.xinhuanet.com/english/2016-11/04/c_135806896.htm

105. Key interviewees in missions and DPKO/DFS expressed reservations about future re-hatting without proper assessment and planning, and reported spending disproportionate amount of time managing the challenges posed by re-hatted contingents. Challenges included:

- (i) A lack of equipment directly linked to operational capability and living standards of contingents that were T/PCC responsibility to provide but remained unfulfilled by them, leaving the UN to provide. Even then, some contingents were unable to utilise/maintain them properly as illustrated by a number of re-hatted contingents continuing to cook with firewood.
- (ii) Equipment provided through a trust fund established to support AFISMA contingents generated little interest by contingents as such equipment was ineligible for UN reimbursement.
- (iii) The UN was unable to provide accommodation for forces after the first six months of deployment and paid additional reimbursement to T/PCCs.⁸⁵ As of June 2016, over 2,500 troops in MINUSMA and 2,400 in MINUSCA were yet to be provided with appropriate UN accommodation.
- (iv) The camps of three re-hatted contingents visited represented environmental threats; including, inter alia, open-pit foul smelling toilets; open sewage, thousands of littered empty plastic water bottles; animals around the kitchen; and a severe lack of ablution facilities. Widespread skin infections and stomach ailments were also reported. In addition, fuel facilities posed both a physical and environmental risk.

Re-hatting facilitated the involvement of third-party private defence companies in UN peacekeeping for the provision of equipment that are normally pre-requisites for deployment

106. Relevant UN policies and procedures did not envisage the involvement of private defence companies in peacekeeping, especially with regards to the provision of equipment for T/PCCs in theatres of operations, which are normally a pre-requisite for deployment. However, two companies, with no contractual relationship with the UN, were present to ostensibly provide a “full package” of equipment required by seven re-hatted contingents in MINUSMA and MINUSCA.

107. These companies worked on behalf of T/PCCs and received payments from UN reimbursements to the respective T/PCCs. Their personnel frequently visited missions and interacted directly with military officials both in the field and at UN Headquarters (UNHQ).

108. Reactions to the involvement of these companies were mixed. DPKO considered this as “standard practice” for T/PCCs to engage with commercial companies, which did not “necessarily create any conflict of interest”. It further stated that the approach was appreciated in MINUSMA where these companies provided equipment maintenance services and expertise

⁸⁵ The COE manual requires the UN to pay additional reimbursement to T/PCCs if it is unable to provide hard wall accommodation after six months of deployment. While delays in providing such accommodation in peacekeeping missions are not uncommon, the high demand for accommodation coming from a large number of re-hatted troops was seen by key interviewees in both Missions as a contributing factor for the delays in providing accommodation in MINUSMA and MINUSCA.

to re-hatted T/PCCs. On contrast, some concerns were expressed about the risk of potential conflict of interest and accountability gap in this arrangement.⁸⁶

E. There is difference in the reporting practice, particularly with regards to public disclosure of information on allegations of SEA and non-SEA related HRVs by the Organization's uniformed personnel

109. The significance of HRV allegations against re-hatted forces in MINUSMA and MINUSCA (as indicated in Tables 7 and 8) was strongly emphasised by key interviewees in missions and UNHQ. Both missions' leadership reported the adverse effects of HRV incidents to UNHQ. In MINUSCA, one case in which two civilians were killed and another two severely wounded caused an outpouring of grief and anger among the local population. In MINUSMA, allegations of numerous HRVs by members of one re-hatted contingent posed a high risk to the mission's credibility.

110. In this context, the question of how the UN publicly disclosed information on allegations of SEA and non-SEA related HRVs by its uniformed personnel arose as a material issue during the evaluation.

111. In the case of SEA, with a view to improving the UN response, the Secretary-General decided to disclose publicly allegations of SEA by uniformed personnel, including since 2015, information on the nationality of the alleged perpetrator and, thus, of the concerned contributing country. The Secretary-General's decision was aimed at enhancing transparency and accountability for both the Member States and the Organization. The effectiveness of this practice has been acknowledged and reported by the Organization.⁸⁷

112. Similar information is not made public using the same reporting mechanisms with regard to allegations of non-SEA related HRVs against UN uniformed personnel.⁸⁸ However, such public disclosure of alleged HRVs, including the nationality of the alleged perpetrators, where available, is appropriate and consistent with the exercise of the UN human rights mandate and methodology. It commonly occurs for non-UN actors, consistently addressing both sexual violence and other violations, such as torture, extrajudicial executions or enforced disappearances.

113. Key Secretariat interviewees acknowledged the difference in the Organization's reporting practice with regards to public disclosure of information, including the nationality of alleged perpetrators, for allegations of SEA but not for non-SEA related HRVs. In effect, this

⁸⁶ Interviewees gave various reasons for potential conflict of interest, including: (i) lack of comfort with this business model which relied on potential UN reimbursements to T/PCCs whereas UN policies require T/PCCs to have all the capabilities before they are deemed qualified for deployment; (ii) some Mission military officials had prior working relationships with the companies' personnel, as some had worked in the UN prior to being engaged in those companies; (iii) UN military officials often communicated with these company personnel directly instead of the respective T/PCCs for information on status of equipment deployment; and (iv) the records of these companies were not known and vetted.

⁸⁷ In his report on Special measures for protection from sexual exploitation and abuse: a new approach (A/71/818), the Secretary-General argued that public disclosure of the nationalities enhances transparency and enables Member States and the Organization to demonstrate their efforts to ensure accountability.

⁸⁸ The public disclosure of sensitive information is regulated by the Secretary-General's Bulletin on Information sensitivity, classification and handling (ST/SGB/2007/6). Determination on whether to disclose sensitive information is a policy decision that belongs to the concerned office, and ultimately to the Secretary-General.

difference in reporting practice affects the Organization's ability to utilise what has proven to be an effective accountability measure in the case of SEA allegations for improving its response to allegations of non-SEA related HRVs by its uniformed personnel.

114. Furthermore, regular public reporting on violations that amount to serious crimes would also signal that the UN attaches the same importance to all violations committed by its forces. Equal focus on all violations would also constitute an incentive for T/PCCs to ensure that their personnel deployed in UN peacekeeping are trained to carry out tasks in line with human rights standards and that, when violations occur, accountability is pursued. Introducing regular public reporting on all violations would also be in line with the Secretary-General's strategy on SEA of putting the rights and dignity of victims first, and ending impunity.⁸⁹

F. Several challenges with operationalising the UN-AU partnership in the context of re-hatting

115. The AU has been described as "the most important peacekeeping partner" of the UN,⁹⁰ with its evolving relationship with the Organisation attested to by various milestones.⁹¹ Reflecting this growing inter-dependence, the AU has committed to contribute up to 25 per cent of the cost of its peace operations⁹² by 2020 and requested the remaining funding through the UN assessed contributions, which is under consideration.

116. The AU comparative advantage in intervening rapidly in conflicts was widely acknowledged, while the UN was seen as having a better capacity for sustained engagement for integrated response. However, there were distinct differences and preferences toward the partnership.

117. On the AU side, there was a premium on guarding its policy space, its pride in the primacy of African solutions to African problems and a desire to be treated as an equal by the UN.⁹³ The AU considered its political legitimacy as its "most profound comparative advantage rather than merely its ability to deploy rapidly". In the UN, there was a preference for ensuring compliance with international norms and standards, accountability and improving quality.⁹⁴

⁸⁹ A/71/818

⁹⁰ DPKO USG statement to the Security Council (SC/12370), also available at: <http://www.un.org/apps/news/story.asp?NewsID=54033#.WNVtZW8rJhE>

⁹¹ These include the signing of the UN-AU ten-year capacity-building programme in 2006, the establishment of UNOAU in 2010, and the agreement on Partnership on Africa's Integration and Development Agenda of 2016. There are also annual joint consultative meetings between the UN Security Council and the AU Peace and Security Council since 2007 and six-monthly meetings of the Joint Task Force on Peace and Security between the USGs of DPKO, DFS and DPA and the AU Commissioners for Peace and Security and for Political Affairs since 2010.

⁹² The AU Assembly agreed to institute a 0.2 per cent levy on eligible imports into Africa in July 2016 to finance the AU, including raising 25% of the costs of AU peace operations by 2020.

⁹³ One of the seven main principles of the Partnership between the UN and the AU on Africa's Integration and Development Agenda (PAIDA) is "respect for Africa's policy space". "The African solutions to African problems" is a phrase used by many, including the AU Commission Chairperson, as here:

<https://www.au.int/web/en/speeches/welcome-remarks-african-union-commission-chairperson-he-dr-nkosazana-dlamini-zuma>, and also in AU official report, such as RPT/Exp/VI/STCDSS/(i - a)2013. The desire to be treated as an equal was expressed by key AU interviewees.

⁹⁴ HIPPO report also recommended the Secretariat to engage with regional organizations to develop a common appreciation of re-hatting issues, including performance, conduct and accountability, and logistics support requirements, which need to be taken into account from the outset in preparations for transition.

There was dissatisfaction in the AU about the manner in which the UN assumed control over its operations in Mali and CAR

118. The AU felt that its operations had been cut short prematurely by the UN, and voiced its concern that “Africa was not appropriately consulted” before MINUSMA was mandated. It considered this “not in consonance with the spirit of partnership”.⁹⁵ The early closure of its missions had negative financial consequences as they had to conclude their fund-raising operations despite having incurred costs.

African partners were dissatisfied with the utilisation of the AFISMA trust fund resources by the UN

119. The AFISMA trust fund,⁹⁶ managed by the UN to provide support to AFISMA (for a range of activities outlined in the Terms of Reference, including reimbursement of AFISMA T/PCCs) was contentious amongst African partners. In April 2014, ECOWAS claimed \$20.1 million from the unspent balance of the fund for reimbursing its T/PCCs for COE. Following this, the UN outlined a range of options for donors on the potential utilisation of the unspent balances of the fund, which included: (a) transfer of funds to ECOWAS as per their request; (b) initiation of efforts to enhance the force protection capacity of ex-AFISMA contingents currently deployed under MINUSMA; or (c) other projects in support of peace and security in Mali. Regarding the first option, the UN emphasised that it was not in a position to independently verify the occurrence of the COE costs as claimed by ECOWAS, including the presence and serviceability of such equipment. Subsequently, one donor instructed to transfer its contribution of \$1 million to ECOWAS while the rest preferred the other two options resulting in the remaining sum of about \$20 million being used to bolster force protection and capacity enhancement of ex-AFISMA contingents of MINUSMA and the transfer of approximately \$5 million to the separate Trust Fund in support of Peace and Security in Mali.

120. Key interviewees in ECOWAS and AU believed that the UN owed them money from the trust fund to liquidate AFISMA for a variety of purposes including reimbursement for COE. A high-level UN official assessed the trust fund’s management negatively owing to the confusion on its use. Key weaknesses in the fund’s management included absence of any verification mechanism by the UN even though the fund’s purposes included reimbursement for AFISMA troop and police contingents⁹⁷ and the lack of a signed MoU between the UN and the AU.⁹⁸

⁹⁵ PSC/PR/COMM.(CCCLXXI)

⁹⁶ The trust fund was established pursuant to Security Council resolution 2085 (2012) and generated \$44 million through voluntary contributions.

⁹⁷ The fund was established to undertake activities including: (a) the reimbursement of the costs of troop and police contingents, and associated self-sustainment costs, for countries contributing troops or police to AFISMA; (b) acquisition of equipment required for troop and police contingents deployed to AFISMA to operate in accordance with its mandate; (c) other logistics requirements of AFISMA beyond support provided by the UN to mandated troops and police deployed in AFISMA; (d) hiring of personnel, consultants, experts and support staff; (e) assistance to the development of financial and administrative systems and capacity in support of AFISMA; (f) outreach activities aimed at the Malian general population, civil society and governmental institutions that establish and build confidence in the mission, its mandate, and the peace process, thereby improving the environment for effective mandate implementation; and (g) any other activity in providing support to AFISMA.

⁹⁸ Draft MoUs were prepared for both the AFISMA and MISCA trust funds but were not signed by the AU (See paragraph 45).

UN was unable to obtain reliable information on the human rights records of forces deployed in AU missions

121. The AU lacked systems for recording and responding to HRVs, including SEA, excessive use of force, and disciplinary issues. This created difficulties for the UN to assess the human rights records of specific AU contingents prior to re-hatting.

There were gaps and unmet training needs for integrating human rights in AU peace operations

122. AU interlocutors stated that policy documents “tended to remain on shelves” and identified various professional needs, including those related to policy and guidance, strategic planning, backstopping and human rights monitoring mechanisms at the AU and mission headquarters levels. Training needs identified included scenario based training on detention, arrests and crowd control. The maximum use of standardised materials in both pre-deployment and in-theatre training was also advocated to reduce the risk of HRVs.

123. At the same time, AU interlocutors⁹⁹ put forward the idea of a “limited notion of compliance” to international norms and standards by AU Peace Support Operations, often regarding counter-terrorism and peace enforcement.¹⁰⁰ While the need for accountability mechanisms was recognised, this was considered “the trickiest part to operationalise”. The AU has begun taking steps toward strengthening the compliance and accountability framework for its peace operations.¹⁰¹

Limited authority of AU for force generation

124. Internally, the AU interviewees outlined the inherent challenges involved in developing its approach in coordination with RECs, in particular its limited control over force generation and authority over T/PCCs. For example, one of the MISCA contingents ‘self-deployed’ in CAR with no formal process initiated by the AU.

UNOAU had challenges in supporting re-hatting

125. The UNOAU - a key UN entity with a current and detailed understanding of AU issues - assisted the AU in formulating its mission concepts and facilitated interactions, to a degree, between the AU and RECs. In addition, it was the interface between UNHQ and AU prior to the establishment of the UN missions. It facilitated and coordinated between the UN and the AU during the transitions.

126. However, for various reasons, its role in re-hatting was limited, despite having been an active adviser to the AU during the planning and establishment of AFISMA and MISCA.

⁹⁹ These were in the context of subsequent current discussions on the UN-AU partnership, including the human rights framework.

¹⁰⁰ Workshop on compliance framework for AU peace support operations, OHCHR draft report, June 2016.

¹⁰¹ These included: the development of an aide memoire on protection of civilians and ongoing efforts to develop training framework to support its implementation and the development of mission-specific protection of civilians strategies and tools. The African Heads of States also agreed to establish a comprehensive human rights and code of conduct compliance framework for AU peace operations at the 2016 AU Summit in Kigali.

127. Structural reasons, including the legacy of integrating four offices funded, backstopped and administered by different parts of the Secretariat (DPA, DPKO and DFS) under UNOAU limited its overall effectiveness. Different interests and demands from the three ‘parent’ departments, oftentimes added unnecessary layers of bureaucracy between headquarters and UNOAU. Multiple reviews since 2010 highlighted the issue, with ongoing efforts to enhance the backstopping arrangements and inter-departmental coordination and coherence in support of UNOAU. The General Assembly approved the restructuring of UNOAU with effect from 1 January 2017 to enhance UNOAU contribution in the UN-AU partnership.¹⁰²

128. Key AU interviewees considered that UNHQ needed to give more space and recognition to UNOAU to reflect its understanding of AU dynamics. According to the AU, the UNHQ had a tendency to “parachute people” to the AU while bypassing the UNOAU, which needed to change. By way of example, a high level UNHQ official visited the AU without UNOAU knowledge. In addition, an after-action review also pointed to a disconnect between UNOAU and DPKO/DFS planners which affected AFISMA planning.¹⁰³

129. There was no evidence of any advice provided by the UNOAU to UNHQ regarding the risks associated with re-hatting. The Office considered that the determination of the risks associated with re-hatting was not within its purview. However, this limited the full utilisation of its specialist knowledge about AU contingents in the re-hatting process and was incompatible with the inherent management responsibility of recognising and flagging relevant risks for the UN.

V. Conclusion

130. Re-hatting was politically and operationally expedient, with important successes but many negative consequences.

131. On the positive side, re-hatting had significant political and human security advantages as it enabled the immediate deployment of forces and demonstrated that the UN was responsive to the human cost of conflict in the two countries and plausibly saved many lives. It allowed African partners to remain fully engaged in addressing the region’s problems while new African T/PCCs became acquainted with UN peacekeeping in a process akin to on-the-job training.

132. Yet, the re-hatting process and its resulting consequences were deeply problematic. The lack of policy framework to guide the process raised tensions between political imperatives and normative compliance, in which the former largely prevailed. The stakeholder consultation process and adherence to established UN standards were inadequate, and known risks and concerns not escalated to the appropriate level for action.

133. Consequently, re-hatting forces that did not meet UN standards had negative reputational and human rights consequences. Countries against which parts of the UN system had flashed warnings prior to re-hatting were precisely those accused of HRVs. SEA by re-hatted personnel in CAR resulted in high level of international opprobrium upon the UN,

¹⁰² A/RES/71/270. In addition, Security Council resolution 2320 (2016) requested the Secretary-General for a report on the assessment of the UN-AU cooperation, including the structure and capacity of UNOAU.

¹⁰³ Code Cable from SRSG UNOAU to USGs of DPKO and DFS of 4 March 2014 “After Action Review of ECOWAS’ response to the crisis in Mali”, para. 10.

undermining trust in the Organization globally. Operationally, the deficits of re-hatted contingents impacted negatively on mandate implementation.

134. The Organization's difference in the reporting practice, particularly on public disclosure of country-specific information for allegations of SEA but not for non-SEA HRVs must be corrected. The protection of human rights is one of the three pillars of the Organization and there should not be differing standards in its operationalisation; that is, there is moral equivalence in treating SEA and non-SEA HRV similarly in terms of reporting. Given the Organization's practice for reporting SEA allegations, there is need for policy coherence in this respect. Mission-specific progress reports to the Security Council which contain sections on both human rights and conduct and discipline offer an appropriate vehicle for reporting on alleged HRVs by UN forces.

135. Despite the increasing importance of the UN-AU partnership, it still confronted multiple and systemic challenges as the re-hatting exercises revealed.

136. Re-hatting provided a short-term solution by immediately providing forces on the ground to work towards creating safe and secure environment, but the disproportionate involvement of poorly trained re-hatted troops in HRVs, including SEA, along with limited capacity to implement assigned tasks imposed negative reputational and operational costs upon the UN.

137. In conclusion, re-hatting should not be an automatic process. When the risks of re-hatting certain contingents are too high, the UN should, in compliance with its own standards, be willing, ready and able to delay or refuse such re-hatting.

VI. Recommendations

Critical recommendations

Recommendation 1 (result C)

Building upon the initiatives outlined in S/2015/3, DPKO/DFS should develop a policy framework for re-hatting, including strengthened mechanisms for managing the process. It should include, inter alia:

- (i) Assessment: The process, roles and responsibilities for evaluating the proposed contingents' records and readiness in terms of (a) human rights, (b) sexual exploitation and abuse, (c) equipment, (d) training, (e) operational capability, (f) the benefits and risks of deploying neighbouring countries, (g) the capacity of mission support components, (h) reputational risks to the UN and any other relevant risks;
- (ii) Consultation: A consultation process to solicit information, analysis and recommendations from UN and other relevant stakeholders when considering re-hatting of non-UN forces;
- (iii) Risk flagging on need basis: A documented decision-making process to flag to the Secretary-General challenges and risks, as well as any major disagreements amongst UN stakeholders on important issues with regard to contingents to be re-hatted, prior to and during re-hatting.

Indicators: Framework developed, adopted and implemented.

Recommendation 2 (result E)

DFS, in consultation with DPKO, DPA, OHCHR and OLA, should take necessary actions to review and make uniform the Organisation's reporting practices on allegations of sexual exploitation and abuse and allegations of non-sexual exploitation and abuse related human rights violations by United Nations forces, particularly to also include country-specific information for the latter in the regular and public reports of the Organization, including those to the General Assembly and the mission-specific reports to the Security Council.

Indicator: The results of the review with regards to the public disclosure of country-specific information on allegations of non-sexual exploitation and abuse related human rights violations implicating United Nations forces be reported to the General Assembly and subsequent implementation of necessary changes in the reporting practice of the Organization to bring them in line with that currently practiced for allegations of sexual exploitation and abuse.

Important recommendations

Recommendation 3 (result B)

DPKO/DFS should document the reasons, challenges and determine accountability, as appropriate, for its non-implementation of the provisions of the Human Rights Due Diligence Policy while providing support to AFISMA and MISCA and report the results thereon to the Secretary-General as provided for in Section F (Accountability) of the Policy.

Indicators: Reasons, challenges and accountability established, documented and reported to the Secretary-General.

Recommendation 4 (result B)

The Secretariat Human Rights Screening Working Group, in particular OHCHR as its co-chair and DPKO/DFS as the concerned entities, should, revisit the Policy on Human Rights Screening of United Nations Personnel to strengthen its application with regards to re-hatting of uniformed personnel, clarifying its link to the Human Rights Due Diligence Policy where applicable, and in line with the Secretary-General's Human Rights Up Front initiative.

Indicator: Strengthened Policy on Human Rights Screening of UN Personnel as applicable for re-hatting.

Recommendation 5 (result D)

MINUSCA should review environmental risks of re-hatted contingents' camps with specific attention to address those noted in the report.

Indicators: Environmental risk assessment report and evidence of actions undertaken to mitigate risks.

Recommendation 6 (result D):

DPKO/DFS should urge the peacekeeping missions to avoid, to the greatest extent feasible, the use of civilian premises that are dedicated to education, worship and other similar purposes, in the implementation of their mandated tasks.

Indicators: Clear instructions to peacekeeping missions to avoid the use of civilian premises that are dedicated to education, worship and other similar purposes, in the implementation of their mandated tasks.

Recommendation 7 (result D):

DPKO/DFS should clarify the role of private third-party defence companies contracted by T/PCCs for the provision of equipment in theatres of operations that are normally a pre-requisite for deployment in UN peacekeeping and ensure that potential conflicts of interest are addressed appropriately.

Indicators: Policy guidance clarifying the roles of third-party companies in UN peacekeeping, including what they are and not allowed to do, with specific provisions addressing potential conflicts of interest.

Recommendation 8 (results B and F)

OHCHR should, in coordination with DPKO and DFS and in consultation with the African Union, develop and agree on an implementation framework for the Human Rights Due Diligence Policy to guide any future support to the peace operations of the African Union or those of regional entities.

Indicators: HRDDP implementation framework developed and adopted prior to supporting peace operations of the African Union in the future.

Recommendation 9 (result F)

UNOAU should, in collaboration with OHCHR and in partnership with the African Union, develop a time-bound specific plan to enhance the capacity of the African Union's Peace Support Operations to gather, store, classify, retrieve and report on human rights violations and misconduct related data of its forces, and to which the UN should have access.

Indicators: A specific plan developed, implemented and periodically reported upon.



UNCLASSIFIED

Immediate

TO: Ms. Heidi Mendoza, Under-Secretary-General
A: for Internal Oversight Services

DATE: FEB 01 2018

REFERENCE: 2018.UNHQ.AR-BOI.MEMO.36225.2

THROUGH:
S/C DE:

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

A handwritten signature in black ink, appearing to read 'Atul Khare', with a horizontal line underneath it.

SUBJECT: **Final Draft Report on the Evaluation of re-hatting in MINUSMA and MINUSCA**
OBJET:

1. I refer to the communication from the Office of Internal Oversight Services, dated 28 December 2017, regarding the above-mentioned report. Please find attached comments on the findings and the recommendations contained in the final draft report as Annexes I (comments) and II (Recommendation Action Plan).
2. Thank you for the opportunity to comment on the final draft report. We stand ready to provide any further information that may be required.

cc: Mr. Jean-Pierre Lacroix

**Draft Report on the Evaluation of Re-hatting in
the United Nations Multidimensional Integrated Stabilization Mission in Mali and
the United Nations Multidimensional Integrated Stabilization Mission in the Central
African Republic**

1. Thank you for the opportunity to comment on the draft evaluation report (hereafter referred as “the report”). In formulating this response, the respective officials at the Executive Office of the Secretary-General (EOSG), the Department of Peacekeeping Operations (DPKO), the Department of Field Support (DFS), the Office of Legal Affairs (OLA), the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA), and the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA) and the United Nations Office to the African Union (UNOAU) were conferred, and their comments, where appropriate, have been incorporated in this reply.

General comments

2. DPKO and DFS acknowledge with appreciation some changes made by OIOS to address the Departments’ comments to its previous draft report. DPKO and DFS, however, maintain that the report is not well-balanced, especially OIOS’ statements on the cover page and in the Executive Summary thereof, presenting a very negative assessment regarding the extremely difficult organizational and operational processes of re-hatting. In particular, the report does not give due respect to the tremendous efforts made by the dedicated staff of the Organization and its partners.

Executive summary

3. DFS notes that, while OIOS re-worded recommendation 8 of the draft report by replacing “...*negotiate the formal acceptance of the Human Rights Due Diligence Policy...*” with “...*develop and agree on an implementation framework for the Human Rights Due Diligence Policy...*”, the change was not reflected in the penultimate bullet in the executive summary on page 4 of the draft report, which reads: “*Negotiate the formal acceptance of the HRDDP with the AU.*” DFS, therefore, requests that the afore-mentioned bullet be re-worded, accordingly.

Paragraph 71

4. DPKO and DFS wish to clarify that the observations contained in paragraph 71 of the draft report are inaccurate. The Departments request that the second sentence in paragraph 71 be re-worded to read: “*In addition, in late August 2014, two weeks prior to re-hatting, and in response to human rights concerns over the DRC contingent, DPKO instructed its mission in DRC to screen 65 military (out of the 862 deployed in MISCA) and 148 police officers to provide available information on the human rights record of the chain of command, as well as members of both the battalion and FPU.*”

Paragraph 88

5. DPKO and DFS wish to clarify that the observations contained in paragraph 88 of the draft report relate to the condition existing as far back as 2016. Since then, the described

situation has been addressed and measures taken regarding deficiencies identified. The Departments request that the aforementioned comments be reflected in the report, accordingly.

Paragraphs 101 – 103

6. As earlier communicated to OIOS, no legal determination had been made that MINUSMA was a party to an armed conflict and consequently bound by the international humanitarian law in Mali. Also, the international humanitarian law does not contain an absolute prohibition on the use of schools for military purposes. Therefore, OLA requests that the title of the section comprising paragraphs 101 to 103 of the draft report be re-worded to read: "*MINUSMA and MINUSCA continued to use certain premises, including schools, in contravention of applicable international law.*" Alternatively, OLA suggests that the title could be re-worded to read: "*MINUSMA and MINUSCA continued to use certain premises, including schools, in contravention of applicable international law, raising issues of compliance with applicable international law.*"

7. OLA further requests that the second sentence in paragraph 102 of the draft report be re-worded to read: "*Recognizing that such use puts MINUSMA at potential risk of being perceived to be in contravention of international humanitarian law, DPKO urged MINUSMA leadership to prioritise efforts to vacate the schools, which were subsequently returned to the host Government after renovation.*" Alternatively, the Office suggests that the sentence could be re-worded to read: "*Recognizing that such use puts MINUSMA at potential risk of being perceived to be in contravention of international humanitarian law (IHL), although MINUSMA might not have been bound by IHL at the time, DPKO urged MINUSMA leadership to prioritise efforts to vacate the schools, which were subsequently returned to the host Government after renovation.*"

Paragraphs 109 – 114

8. While DFS acknowledges the changes made to observations in paragraphs 109 to 112 and 114, the Department remains concerned with the wording (highlighted in bold) in paragraph 113 referring to "...**a policy gap that precludes the Organization from utilising what has proven to be an effective accountability measure in improving its response to allegations of HRVs by its uniformed personnel.**" In earlier discussions of the draft report, DFS had been assured by OIOS that the reference to "*policy gap*" used in different parts of the report, in relation to the topic of reporting on allegations of human rights violations (HRVs) by the United Nations personnel, would be changed to "*differences in reporting practices*". This, however, was not changed in paragraph 113. The Department also believes that the use of the word "precludes" is exaggerated and should be replaced by "*affects.*" Finally, the reference to HRVs in this sentence does not follow, since what has proven an effective accountability measure is the reporting by the United Nations of allegations of sexual exploitation and abuse (SEA) involving its uniformed personnel.

Paragraphs 119 – 120

9. DFS requests that the third sentence in paragraph 119 of the draft report be re-worded to read: "*...the UN outlined a range of options for donors on the potential utilisation of the unspent balances of the fund, which included: (a) transfer of funds to ECOWAS as per their request; (b) initiation of efforts to enhance the force protection capacity of ex-AFISMA contingents currently deployed under MINUSMA; or (c) other projects in support of peace and security in Mali.*"

10. With regards to the OIOS' statement in paragraph 120 of the draft report that "...key weaknesses in the fund's management included...the lack of a MOU between the UN and the AU," DFS notes that the respective MOUs had been drafted by the UN and negotiated for both trust funds. The documents, however, were not ultimately signed by the African Union. The Department requests that the aforementioned comments are included in the report, accordingly.

Recommendation 1 (result C) Building upon the initiatives outlined in S/2015/3, DPKO/DFS should develop a policy framework for re-hatting, including strengthened mechanisms for managing the process. It should include, inter alia:

- (i) **Assessment:** The process, roles and responsibilities for evaluating the proposed contingents' records and readiness in terms of (a) human rights, (b) sexual exploitation and abuse, (c) equipment, (d) training, (e) operational capability, (f) the benefits and risks of deploying neighbouring countries, (g) the capacity of mission support components, (h) reputational risks to the UN and any other relevant risks;
- (ii) **Consultation:** A consultation process to solicit information, analysis and recommendations from UN and other relevant stakeholders when considering re-hatting of non-UN forces;
- (iii) **Risk elevation on need basis:** A documented decision-making process to elevate any significant risk and/or major disagreements or irreconcilable views amongst UN stakeholders with regards to re-hatting of certain contingents to the Secretary-General.

11. With regards to part (iii) of the recommendation, DPKO reiterates that, as a general rule, the Secretary-General is regularly updated on developments related to peacekeeping operations, including prior to and during re-hatting. Challenges and risks are flagged, as well as any major disagreements within the system on important issues. Escalating any and all disagreements among United Nations stakeholders to the Secretary-General's level would be inappropriate. Based on the afore-mentioned comments, DPKO requests that part (iii) of the recommendation 1 be deleted from the report.

Recommendation 2 (result E) DFS, in consultation with DPKO, DPA, OHCHR and OLA, should take necessary actions to review and make uniform the Organization's reporting practices on allegations of sexual exploitation and abuse and allegations of non-sexual exploitation and abuse related human rights violations by United Nations forces, particularly to also include country-specific information for the latter in the regular and public reports of the Organization, including those to the General Assembly and the mission-specific reports to the Security Council.

12. DFS requests that the indicator for recommendation 2 of the report be re-worded to read: "~~Implementation of the necessary changes in the reporting practice of the Organization resulting in the regular~~ **The results of the review with regards to the public reporting disclosure of country-specific information on allegations of non-sexual exploitation and abuse related human rights violations as currently practiced for allegations of sexual exploitation and abuse implicating United Nations forces be reported to the General Assembly for consideration.**".

Recommendation 8 (results B and F) DPKO/DFS should, in consultation with the African Union, develop and agree on an implementation framework for the Human Rights Due Diligence Policy to guide any future support to the peace operations of the African Union and its various regional economic communities.

13. DPKO requests that recommendation 8 be re-worded to read: "**OHCHR, in coordination with DPKO and DFS, should, in consultation with the African Union, develop**

and agree on an implementation framework for the Human Rights Due Diligence Policy to guide any future support to the peace operations of the African Union ~~and its~~ or those of ~~various~~ regional economic communities entities.”

Recommendation Action Plan**Evaluation of re-hatting in the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) and the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA)**

IED Recommendation	Actions	Responsible Entity(ies)	Target date for completion
<p><u>Recommendation 1</u></p> <p>Building upon the initiatives outlined in S/2015/3, DPKO/DFS should develop a policy framework for re-hatting, including strengthened mechanisms for managing the process. It should include, inter alia:</p> <p>(i) <u>Assessment</u>: The process, roles and responsibilities for evaluating the proposed contingents' records and readiness in terms of (a) human rights, (b) sexual exploitation and abuse, (c) equipment, (d) training, (e) operational capability, (f) the benefits and risks of deploying neighbouring countries, (g) the capacity of mission support components, (h) reputational risks to the UN and any other relevant risks;</p> <p>(ii) <u>Consultation</u>: A consultation process to solicit information, analysis and</p>	<p>DPKO and DFS have already identified the need to develop a policy framework for re-hatting and will take the necessary action to implement the recommendation.</p> <p>With regards to part (iii) of recommendation 1, please refer to DPKO's comments in paragraph 11 of Annex I.</p>	<p>DPKO and DFS, in consultation with OHCHR, OLA and UNOAU</p>	<p>First quarter of 2020</p>

IED Recommendation	Actions	Responsible Entity(ies)	Target date for completion
<p>(iii) recommendations from UN and other relevant stakeholders when considering re-hatting of non-UN forces; <u>Risk elevation on need basis:</u> A documented decision-making process to elevate any significant risk and/or major disagreements or irreconcilable views amongst UN stakeholders with regards to re-hatting of certain contingents to the Secretary-General.</p> <p>Indicators: Framework developed, adopted and implemented.</p>			
<p><u>Recommendation 2</u></p> <p>DFS, in consultation with DPKO, DPA, OHCHR and OLA, should take necessary actions to review and make uniform the Organization's reporting practices on allegations of sexual exploitation and abuse and allegations of non-sexual exploitation and abuse related human rights violations by United Nations forces, particularly to also include country-specific information for the latter in the regular and public reports of the Organization, including those to the General Assembly and the mission-specific reports to the Security Council.</p>	<p>Consultations between DFS, DPKO, DPA, OHCHR and OLA will be arranged in order to review the current reporting practices. The outcome of the review will be reported to the General Assembly, through the Secretary-General, for consideration.</p> <p>With regards to the wording of the indicator relating to recommendation 2, please refer to DFS' comments in paragraph 12 of Annex I.</p>	<p>DFS, DPKO, DPA, OHCHR and OLA</p>	<p>First quarter of 2020</p>

IED Recommendation	Actions	Responsible Entity(ies)	Target date for completion
<p>Indicator: Implementation of the necessary changes in the reporting practice of the Organization resulting in the regular public reporting of country-specific information on allegations of non-sexual exploitation and abuse related human rights violations as currently practiced for allegations of sexual exploitation and abuse.</p>			
<p><u>Recommendation 3</u></p> <p>DPKO/DFS should document the reasons, challenges and determine accountability, as appropriate, for its non-implementation of the provisions of the Human Rights Due Diligence Policy while providing support to AFISMA and MISCA and report the results thereon to the Secretary-General as provided for in Section F (Accountability) of the Policy.</p> <p>Indicators: Reasons, challenges and accountability established, documented and reported to the Secretary-General.</p>	<p>DPKO will undertake a study on the HRDDP aspects of the re-hatting process. This will include a review of documents, as well as interviews with key stakeholders, to: (i) provide analysis of the situation; (ii) identify challenges; and (iii) suggest corrective actions moving forward.</p>	<p>DPKO and DFS, in consultation with OHCHR,</p>	<p>First quarter of 2020</p>

IED Recommendation	Actions	Responsible Entity(ies)	Target date for completion
<p><u>Recommendation 4</u></p> <p>The Secretariat Human Rights Screening Working Group, in particular OHCHR as its co-chair and DPKO/DFS as the concerned entities, should, revisit the Policy on Human Rights Screening of United Nations Personnel to strengthen its application with regards to re-hatting of uniformed personnel, clarifying its link to the Human Rights Due Diligence Policy where applicable, and in line with the Secretary-General's Human Rights Up Front initiative.</p> <p>Indicator: Strengthened Policy on Human Rights Screening of UN Personnel as applicable for re-hatting.</p>	<p>DPKO and DFS trust that OHCHR, as co-chair of the Secretariat Human Rights Screening Working Group, will provide its comments on the recommendation.</p>	<p>The Secretariat Human Rights Screening Working Group</p>	<p>To be provided by the OHCHR, as co-chair of the Secretariat Human Rights Screening Working Group</p>
<p><u>Recommendation 5</u></p> <p>MINUSCA should review environmental risks of re-hatted contingents' camps with specific attention to address those noted in the report.</p> <p>Indicators: Environmental risk assessment report and evidence of actions undertaken to mitigate risks.</p>	<p>MINUSCA developed an Interim Risk Mitigation Plan (IRMP) for wastewater management with support from the Global Service Center (GSC) and Headquarters, which was approved in December 2016. The Mission is taking action to mitigate the risks. In addition, MINUSCA has developed a three-year Waste Management Master Plan with</p>	<p>MINUSCA</p>	<p>First quarter of 2018</p>

IED Recommendation	Actions	Responsible Entity(ies)	Target date for completion
	technical assistance from REACT (DFS-UNEP Technical Assistance Facility on implementing the DFS Environment Strategy) experts to address environmental threats identified across the Mission.		
<p><u>Recommendation 6</u></p> <p>DPKO/DFS should urge the peacekeeping missions to avoid, to the greatest extent feasible, the use of civilian premises that are dedicated to education, worship and other similar purposes, in the implementation of their mandated tasks.</p> <p>Indicators: Clear instructions to peacekeeping missions to avoid the use of civilian premises that are dedicated to education, worship and other similar purposes, in the implementation of their mandated tasks.</p>	A code cable will be circulated to all UN PKO reminding them to avoid, where feasible, the use of civilian premises for military purposes.	DPKO	Second quarter of 2018
<p><u>Recommendation 7</u></p> <p>DPKO/DFS should clarify the role of private third-party defence companies contracted by T/PCCs for the provision of equipment in theatres of operations that are normally a pre-requisite for deployment in UN peacekeeping</p>	DPKO and DFS will take the necessary action to implement the recommendation.	DPKO and DFS	First quarter of 2020

IED Recommendation	Actions	Responsible Entity(ies)	Target date for completion
<p>and ensure that potential conflicts of interest are addressed appropriately.</p> <p>Indicators: Policy guidance clarifying the roles of third-party companies in UN peacekeeping, including what they are and not allowed to do, with specific provisions addressing potential conflicts of interest.</p>			
<p><u>Recommendation 8</u></p> <p>DPKO/DFS should, in consultation with the African Union, develop and agree on an implementation framework for the Human Rights Due Diligence Policy to guide any future support to the peace operations of the African Union and its various regional economic communities.</p> <p>Indicators: HRDDP implementation framework developed and adopted prior to supporting peace operations of the African Union in the future.</p>	<p>With regards to the wording of recommendation 8, please refer to DPKO's comments in paragraphs 13 of Annex I.</p> <p>DPKO and DFS trust that OHCHR will provide its comments on the recommendation.</p>	<p>OHCHR, in coordination with DPKO and DFS</p>	<p>To be provided by OHCHR</p>
<p><u>Recommendation 9</u></p> <p>UNOAU should, in collaboration with OHCHR and in partnership with the African Union,</p>	<p>UNOAU, in collaboration with OHCHR and in partnership with the AU, will</p>	<p>UNOAU, in collaboration with</p>	<p>First quarter of 2020</p>

IED Recommendation	Actions	Responsible Entity(ies)	Target date for completion
<p>develop a time-bound specific plan to enhance the capacity of the African Union's Peace Support Operations to gather, store, classify, retrieve and report on human rights violations and misconduct related data of its forces, and to which the UN should have access.</p> <p>Indicators: A specific plan developed, implemented and periodically reported upon.</p>	<p>take the necessary action to implement the recommendation.</p>	<p>OHCHR and in partnership with the AU</p>	



MEMORANDUM INTERIEUR • INTEROFFICE MEMORANDUM

A: (Eddie) Yee Wook Guo, Director
TO: Inspection and Evaluation Division
Office of Internal Oversight Services

DATE: 2 February 2018

S/C DE:
THROUGH:

REFERENCE:

DE: Georgette Gagnon
FROM: Director, Field Operations and Technical Cooperation
Division

OBJET:
SUBJECT:

**Final Draft Report on the Evaluation of Re-hatting in the United Nations
Multidimensional Integrated Stabilization Mission in Mali and the United
Nations Multidimensional Integrated Stabilization Mission in the Central
African Republic**

1. OHCHR welcomes the work of OIOS on these complex and timely issues. OHCHR supports the recommendation to develop a re-hatting policy framework which can mitigate reputational risks and increase the operational readiness and effectiveness of re-hatted missions, including their key tasks of protecting civilians and supporting states in upholding human rights.
2. OHCHR also underlines the importance of the report's emphasis on accountability for compliance with key policies such as the Human Rights Due Diligence Policy (HRDDP). In this regard, OHCHR has been actively engaged in the development of a human rights and accountability compliance framework for AU peace operations and welcomes the recommendation that any support provided by a UN peace mission to an AU operation comply with the HRDDP policy.
3. OHCHR will continue to engage in such processes including where the records of human rights personnel are examined. OHCHR concurs that United Nations efforts be broadened to include prevention of and response to sexual exploitation and abuse-related human rights violations by UN forces and to other serious human rights violations committed by these same actors.
4. A broadening of UN efforts to prevent and respond to a range of serious human rights violations by UN forces is timely as missions are increasingly deployed in volatile high-risk environments, where they may be required to more frequently use force to avert asymmetric threats from armed groups operating within civilian populations.
5. Please find attached the updated recommendation action plan.

cc: Mr. Jean-Pierre Lacroix, DPKO

Mr. Atul Khare, DFS

Mr. Jeffrey Feltman, DPA

Mr. Miguel de Serpa Soares, OLA

Mr. Mahamat Saleh Annadif, MINUSMA

Mr. Parfait Onanga-Anyanga, MINUSCA

Recommendation Action Plan

Evaluation of re-hatting in the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) and the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA)

IED Recommendation	Anticipated Actions	Responsible Entity(ies)	Target date for completion
<p><u>Recommendation 1</u></p> <p>Building upon the initiatives outlined in S/2015/3, DPKO/DFS should develop a policy framework for re-hatting, including strengthened mechanisms for managing the process. It should include, inter alia:</p> <p>(i) <u>Assessment</u>: The process, roles and responsibilities for evaluating the proposed contingents' records and readiness in terms of (a) human rights, (b) sexual exploitation and abuse, (c) equipment, (d) training, (e) operational capability, (f) the benefits and risks of deploying neighbouring countries, (g) the capacity of mission support components, (h) reputational risks to the UN and any other relevant risks;</p> <p>(ii) <u>Consultation</u>: A consultation process to solicit information, analysis and recommendations from UN and other relevant stakeholders when considering re-hatting of non-UN forces;</p>	<p>OHCHR to support DPKO / DFS in the development of a policy framework for re-hatting, notably with regards to human rights, the human rights aspects of sexual exploitation and abuse, training and operational capability (including through personnel screening) and risk assessment processes, in particular in relation to human rights risks. This will build on the screening plus framework on force and police generation processes already developed and agreed by OHCHR and DPKO.</p>		

IED Recommendation	Anticipated Actions	Responsible Entity(ies)	Target date for completion
<p>(iii) <u>Risk elevation on need basis</u>: A documented decision-making process to elevate any significant risk and/or major disagreements or irreconcilable views amongst UN stakeholders with regards to re-hatting of certain contingents to the Secretary-General.</p> <p>Indicators: Framework developed, adopted and implemented.</p>			
<p><u>Recommendation 2</u></p> <p>DFS, in consultation with DPKO, DPA, OHCHR and OLA, should take necessary actions to review and make uniform the Organization's reporting practices on allegations of sexual exploitation and abuse and allegations of non-sexual exploitation and abuse related human rights violations by United Nations forces, particularly to also include country-specific information for the latter in the regular and public reports of the Organization, including those to the General Assembly and the mission-specific reports to the Security Council.</p> <p>Indicator: Implementation of the necessary changes in the reporting practice of the Organization resulting in the regular public reporting of country-specific information on</p>	<p>OHCHR will work with DFS to review and take the necessary steps to make uniform current reporting practices on allegations of SEA and non-SEA related human rights violations involving UN forces.</p>	<p>DFS, in consultation with DPKO, DPA, OHCHR and OLA</p>	<p>First quarter of 2020</p>

IED Recommendation	Anticipated Actions	Responsible Entity(ies)	Target date for completion
allegations of non-sexual exploitation and abuse related human rights violations as currently practiced for allegations of sexual exploitation and abuse.			
<p><u>Recommendation 3</u></p> <p>DPKO/DFS should document the reasons, challenges and determine accountability, as appropriate, for its non-implementation of the provisions of the Human Rights Due Diligence Policy while providing support to AFISMA and MISCA and report the results thereon to the Secretary-General as provided for in Section F (Accountability) of the Policy.</p> <p>Indicators: Reasons, challenges and accountability established, documented and reported to the Secretary-General.</p>	<p>OHCHR will provide substantive input in the study planned by DPKO on the HRDDP aspects of the re-hatting process and any other initiative to assess accountability. OHCHR is prepared to partake in the assessment body or, if an independent assessment is decided on, to recommend suitable independent human rights experts.</p>	<p>DPKO and DFS, in consultation with OHCHR,</p>	<p>First quarter of 2020</p>
<p><u>Recommendation 4</u></p> <p>The Secretariat Human Rights Screening Working Group, in particular OHCHR as its co-chair and DPKO/DFS as the concerned entities, should, revisit the Policy on Human Rights Screening of United Nations Personnel to strengthen its application with regards to re-hatting of uniformed personnel, clarifying its link to the Human Rights Due Diligence Policy where applicable, and in line with the</p>	<p>As Co-Chair of the Working Groups on Screening and HRDDP, OHCHR will work with relevant partners to strengthen the Policy on Human Rights Screening and its implementation with regards to re-hatting, while also clarifying the link between the Policy on human rights screening and the HRDDP, ensuring linkages with what envisaged under recommendation 1.</p>	<p>The Secretariat Human Rights Screening Working Group</p>	<p>Last quarter 2019</p>

IED Recommendation	Anticipated Actions	Responsible Entity(ies)	Target date for completion
<p>Secretary-General's Human Rights Up Front initiative.</p> <p>Indicator: Strengthened Policy on Human Rights Screening of UN Personnel as applicable for re-hatting.</p>			
<p><u>Recommendation 5</u></p> <p>MINUSCA should review environmental risks of re-hatted contingents' camps with specific attention to address those noted in the report.</p> <p>Indicators: Environmental risk assessment report and evidence of actions undertaken to mitigate risks.</p>			
<p><u>Recommendation 6</u></p> <p>DPKO/DFS should urge the peacekeeping missions to avoid, to the greatest extent feasible, the use of civilian premises that are dedicated to education, worship and other similar purposes, in the implementation of their mandated tasks.</p> <p>Indicators: Clear instructions to peacekeeping missions to avoid the use of civilian premises that are dedicated to education, worship and other similar purposes, in the implementation of their mandated tasks.</p>	<p>OHCHR will participate in the process to develop relevant guidance with a view to providing input and expertise with regards to the underlying human rights and humanitarian law standards, as required.</p>		

IED Recommendation	Anticipated Actions	Responsible Entity(ies)	Target date for completion
<p><u>Recommendation 7</u></p> <p>DPKO/DFS should clarify the role of private third-party defence companies contracted by T/PCCs for the provision of equipment in theatres of operations that are normally a prerequisite for deployment in UN peacekeeping and ensure that potential conflicts of interest are addressed appropriately.</p> <p>Indicators: Policy guidance clarifying the roles of third-party companies in UN peacekeeping, including what they are and not allowed to do, with specific provisions addressing potential conflicts of interest.</p>			
<p><u>Recommendation 8</u></p> <p>DPKO/DFS should, in consultation with the African Union, develop and agree on an implementation framework for the Human Rights Due Diligence Policy to guide any future support to the peace operations of the African Union and its various regional economic communities.</p> <p>Indicators: HRDDP implementation framework developed and adopted prior to supporting peace operations of the African Union in the future.</p>	<p>OHCHR to support the implementation of paragraph 55 of the SG report 454 of May 2017</p>	<p>OHCHR, in coordination with DPKO and DFS</p>	<p>Depending on UNSC decision to implement UNSCR 2320.</p>

IED Recommendation	Anticipated Actions	Responsible Entity(ies)	Target date for completion
<p><u>Recommendation 9</u></p> <p>UNOAU should, in collaboration with OHCHR and in partnership with the African Union, develop a time-bound specific plan to enhance the capacity of the African Union’s Peace Support Operations to gather, store, classify, retrieve and report on human rights violations and misconduct related data of its forces, and to which the UN should have access.</p> <p>Indicators: A specific plan developed, implemented and periodically reported upon.</p>	<p>OHCHR to continue its work of supporting the African Union in establishing a human rights compliance and accountability framework according to SC res 2320 (November 2016).</p>	<p>OHCHR in collaboration with UNOAU and in partnership with the AU</p>	<p>To be provided by UNOAU</p>