"Towards More Inclusive Mandate-Making, More Effective Mandate Implementation"

Background Paper by the Centre on International Cooperation for the Thematic Series "Building More Effective UN Peace Operations"

The combined burden of record high deployment levels, an increasingly complex range of tasks and the ongoing global financial crisis have brought into sharp focus how the UN authorizes and maintains its peacekeeping operations. Despite having over 100,000 uniformed personnel in the field, UN peacekeeping is failing to deliver fully in the most high profile peacekeeping venues – including Darfur and the Democratic Republic of Congo – due to an inability to field troops and resources, absence of clarity on political goals for mandated tasks, and disagreement on the means necessary to achieve them. Meanwhile, where the UN has helped established stability, as for example in Haiti and Liberia, it must determine how to efficiently and responsibly transition from heavy and costly peacekeeping operations to lighter, alternative presences in an international atmosphere where financial austerity is of primary concern.

Ideally, UN peacekeeping mandates are strategic documents – the informed outcome of detailed consultations between the Security Council, troop/police contributing countries (T/PCC), and the Secretariat. But, in practice, negotiation of mandates has been a less inclusive process. This has contributed to a crisis in confidence in UN peacekeeping. The perceived lack of adequate consultation has amplified deeper questions about the purposes of UN peacekeeping and the political consensus needed to support it, and has spurred recent activity both within and outside of the Security Council aimed at strengthening the relationship among the stakeholders in UN peacekeeping operations.

This is not the first time peacekeeping stakeholders have attempted to mend the UN's mandating process. Since the outset of the multidimensional era of UN peacekeeping in the early 1990s, better interaction between T/PCCs, the Secretariat, and the Security Council has been the subject of both formal and informal initiatives that culminated in the development of consultative structures. Used either inconsistently or disregarded, past structures have failed to cultivate mandating process that actually builds confidence between the Security Council and those who implement operations. This is most evident in the stalled implementation of recommendations for more consultative and informed mandating processes put forward in the "Brahimi" Report in 2000.

Current Dysfunction

The coalition of Member States needed to support multidimensional peacekeeping operations – those who sit on the Security Council, those who contribute troops/police, and those who pay the bulk of the assessed budget – has become increasingly fractured, threatening the performance of UN peacekeeping. Meetings held between the Security Council, T/PCCs, and the UN Secretariat on drafting mission mandates are often perfunctory, without sufficient discussion of the substance of mandates – e.g., clearly defined goals, agreement on strategy, and acknowledgement of resource implications. Although there are indications that this process recently has begun to change, engagement has historically been timed when Security Council deliberations on a mandate have essentially concluded. The result has been a relationship where T/PCCs have limited opportunity to influence the overall design of an operation, but are expected to carry the bulk of the operational risks associated with the Security Council's decisions. In particularly, conducting tactical operations

Canada

that go beyond purely defensive posture – undertaken, for example, to protect civilians or to extend state authority – subjects contingents to risks that some Member States are unwilling to bear. Lack of sustained consultation also frequently results in a situation of mandates being ill-adapted to realities on the ground.

The Brahimi Report stressed that authorization of a mission mandate should be tied to securing the requisite resources prior to approval – an issue that DPKO has re-introduced in it's 'New Horizons' report.[1] Insufficient consultation has yielded slow personnel deployment timelines and has also had a dissuasive impact on potential contributors of valuable specialized assets necessary to support contemporary multidimensional operations. This was most recently seen in generating both personnel and helicopters for UNAMID in Darfur. In the absence of such consultations, the Secretariat has tended to recommend large forces, conscious of the fact that numbers may be required to mitigate the lack of mobility and capacity to employ tactical use of force. The consequence of this, however, has been increased cost, and a Security Council that is wary of DPKO's military estimates.

Further complicating matters are divisions within the Security Council itself. Here, disputes among the P5 regarding mandated tasks, especially in relation to the use of force, yield ambiguity on how they should be implemented in the field and what the ultimate goals should be. UN operations have been increasingly mandated to deploy to conflict zones where there is no accepted peace agreement, or where tasks such as the protection of civilians and providing support to government forces is central to the mandate. But when overall direction comes from a divided Security Council the result is operations with a poorly defined role and insufficiently resourced. From Kosovo to the Democratic Republic of Congo, the failure of the Council to clearly delineate its stance and provide clear direction on sensitive issues has placed a tremendous strain on the entire UN political/peacekeeping enterprise. While resolving the political differences amongst members of the Security Council is by no means the ultimate goal that should drive strategy on the ground, clarity on these issues gleaned through consultations could alleviate some of the risks associated with them.

Potential for a More Inclusive Mandating Process

There is growing consensus on the need to revisit the manner in which the Security Council negotiates and drafts peacekeeping mandates. In the first half of 2009, the issue has been taken up under the auspices of several reform initiatives within and outside the Security Council. This is a potentially positive development, but it risks duplication of efforts and competing outcomes or repeating the failures of previous initiatives. It is thus important to consider the variety of options being discussed.

The Security Council has begun considering ways in which it could improve the quality of military advice it receives in order to better assess Secretariat proposals. Some Security Council members have proposed reactivating the moribund Military Staff Committee (and expanding it beyond the P5) for regular, if informal, meetings of Council members' military advisors to pre-vet Secretariat military plans, and/or meetings of political directors to review political strategy with the Secretariat. While this initiative may work toward an enhanced relationship between the Secretariat and Security Council, its effectiveness in creating better informed mandates may be limited if it fails to simultaneously engage with T/PCCs.[2]

---

[1] Note that CIC, in its background paper to the DPKO New Horizon's process ('Building on Brahimi'), took issue with this recommendation, arguing that the act of passing the mandate was an necessary pre-cursor to the political effort to mobilize forces.

[2] In 'Building on Brahimi' CIC recommended that major TCCs be incorporated into any new MSC function.

Canada

Heightened, informal strategic engagement prior to the authorization of mandates could also serve to validate Secretariat plans for more robust operations where warranted. Sound technical advice from military advisors of the Security Council and T/PCCs could reaffirm the case for robust, mobile, and technologically advanced capabilities for missions deployed to challenging environments, logistically or politically (or both.). T/PCC engagement at this stage, while currently an anomaly, could provide a constructive forum for joint planning with those involved and give national contingents in theatre (and their capitals) more ownership over mission objectives and their rules of engagement.

Further, more informal strategic engagement throughout the mission lifespan in the form of mission specific "Friends Groups" could also serve a crucial function of assessing progress toward mandated tasks, while also providing a venue for inclusive consultations on mission drawdown and appropriate exit/handover strategies. Here, one option being considered for better communication on mission management and performance is the enhanced use of benchmarks in mandates and the requirement of periodic reporting against them throughout a mission's life span – though work on this issue suffers from a continuing tendency to substitute quantifiable measures from more dynamic political analysis.

Finally, and as important as collaboration on the technical mandating process, is the need to achieve strategic agreement among peacekeeping stakeholders on key issues that have recently proven divisive. In particular, reaching consensus on issues like the protection of civilian and the implications of robust peacekeeping would be useful in providing clearer mandates and potentially illustrate the limitations of UN peacekeeping in relation to both capabilities and ultimate objectives. Here, the current initiative started by the Security Council's Working Group on Peacekeeping Operations, engaging Secretariat and T/PCC and Security Council on generic issues as they relate to specific mission contexts in an effort to achieve more clarity on roles and mandated tasks is a step in the right direction. However, it must be noted that previous experience in the Working Group has not been effective in cultivating inclusiveness and any progress will come only with heightened substantive engagement by all parties.

Conclusion

Previous initiatives suggest two basic ground rules if present efforts are to succeed. First, it is essential that inclusiveness and collaboration on mandates do not come at the expense of the unique relationship between the Security Council, Secretariat and T/PCC. The Secretariat's right to make independent recommendations to the Security Council and non-Security Council personnel contributors, are a crucial characteristic of UN peacekeeping operations. Second, and potentially more importantly, creating a more collaborative mandating process does not require the creation of new bureaucratic structures, but can be effected by a shift in the manner in which stakeholders approach the process of creating a mandate.