

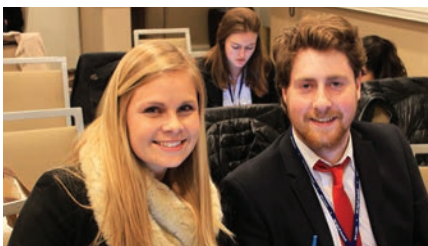


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SECURITY COUNCIL BACKGROUND GUIDE 2017

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NATIONAL MODEL UNITED NATIONS



THE 2017 NATIONAL MODEL UNITED NATIONS

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Dear Delegates,

Welcome to the 2017 National Model United Nations New York Conference (NMUN•NY)! We are pleased to introduce you to our committee, the Security Council (SC). This year's staff is: Directors Joshua Cummins (SC-A, Week A), Michael Valdivieso (SC-A, Week B), Eileen Austin (SC-B, Week A), Martina Vetrovcova (SC-B Week B), Maike Weitzel (SC-C, Week A), and Jakob Landwehr (SC-C Week B). Joshua completed his B.A. in History and M.A. in International and Comparative Politics, and he currently works for General Dynamics. Michael completed his B.A. in International Relations from Universidad San Francisco de Quito and currently works there as a Project Coordinator. Eileen completed her B.S. in Political Science and B.A. in International Studies and currently works for Cintas. Martina received her B.A. in International Studies and Diplomacy from the University of Economics in Prague and her M.A. in Political Science from Heidelberg University, and she is currently pursuing her PhD in International Relations at Heidelberg University. Maike graduated with a B.A. in European Studies from the University of Magdeburg and is pursuing her M.A. in International Relations at the Technical University of Dresden. Jakob holds a B.A. in European Studies and M.A. in International Conflict Analysis. He works in the field of mediation and negotiation with a focus on the United Nations (UN).

The topics under discussion for the Security Council are:

- I. Protection of Civilians in the Context of Peacekeeping Operations
- II. The Situation in Libya
- III. The UN-AU Partnership on Peace Operations

The Security Council is the main UN body tasked with ensuring international peace and security. The Council may issue both binding and nonbinding resolutions, authorize humanitarian and peacekeeping missions, commission reports by the Secretary-General, release presidential statements, and enact economic sanctions.

This Background Guide serves as an introduction to the topics for this committee. However, it is not intended to replace individual research. We encourage you to explore your Member State's policies in depth and use the Annotated Bibliography and Bibliography to further your knowledge on these topics. In preparation for the Conference, each delegation will submit a Position Paper by 11:59 p.m. (Eastern) on 1 March 2017 in accordance with the guidelines in the [Position Paper Guide](#) and the [NMUN•NY Position Papers](#) website.

Two essential resources for your preparation are the [Delegate Preparation Guide](#) and the [NMUN Rules of Procedure](#) available to download from the NMUN website. The [Delegate Preparation Guide](#) explains each step in the delegate process, from pre-Conference research to the committee debate and resolution drafting processes. The [NMUN Rules of Procedure](#) include the long and short form of the rules, as well as an explanatory narrative and example script of the flow of procedure. In tandem, these documents thus serve as essential instruments in preparing for the Conference and as a reference during committee sessions.

Please take note of information in the [Delegate Preparation Guide](#) on plagiarism and the prohibition of pre-written working papers and resolutions. Additionally, please review the [NMUN Policies and Codes of Conduct](#) on the NMUN website regarding the Conference dress code; awards philosophy and evaluation method; and codes of conduct for delegates, faculty, and guests regarding diplomacy and professionalism. Importantly, any instances of sexual harassment or discrimination based on race, gender, sexual orientation, national origin, religion, age, or disability will not be tolerated. Adherence to these policies is mandatory.

If you have any questions concerning your preparation for the committee or the Conference itself, please contact the Under-Secretaries-General for the Peace and Security Department, Claudia Sánchez (Conference A) and Clarissa Manning (Conference B), at usg.ps@nmun.org.

We wish you all the best in your preparations and look forward to seeing you at the Conference!

Sincerely,

Conference A

Joshua Cummins, *Director*
Eileen Austin, *Director*
Maike Weitzel, *Director*

Conference B

Michael Valdivieso, *Director*
Martina Vetrovcova, *Director*
Jakob Landwehr, *Director*



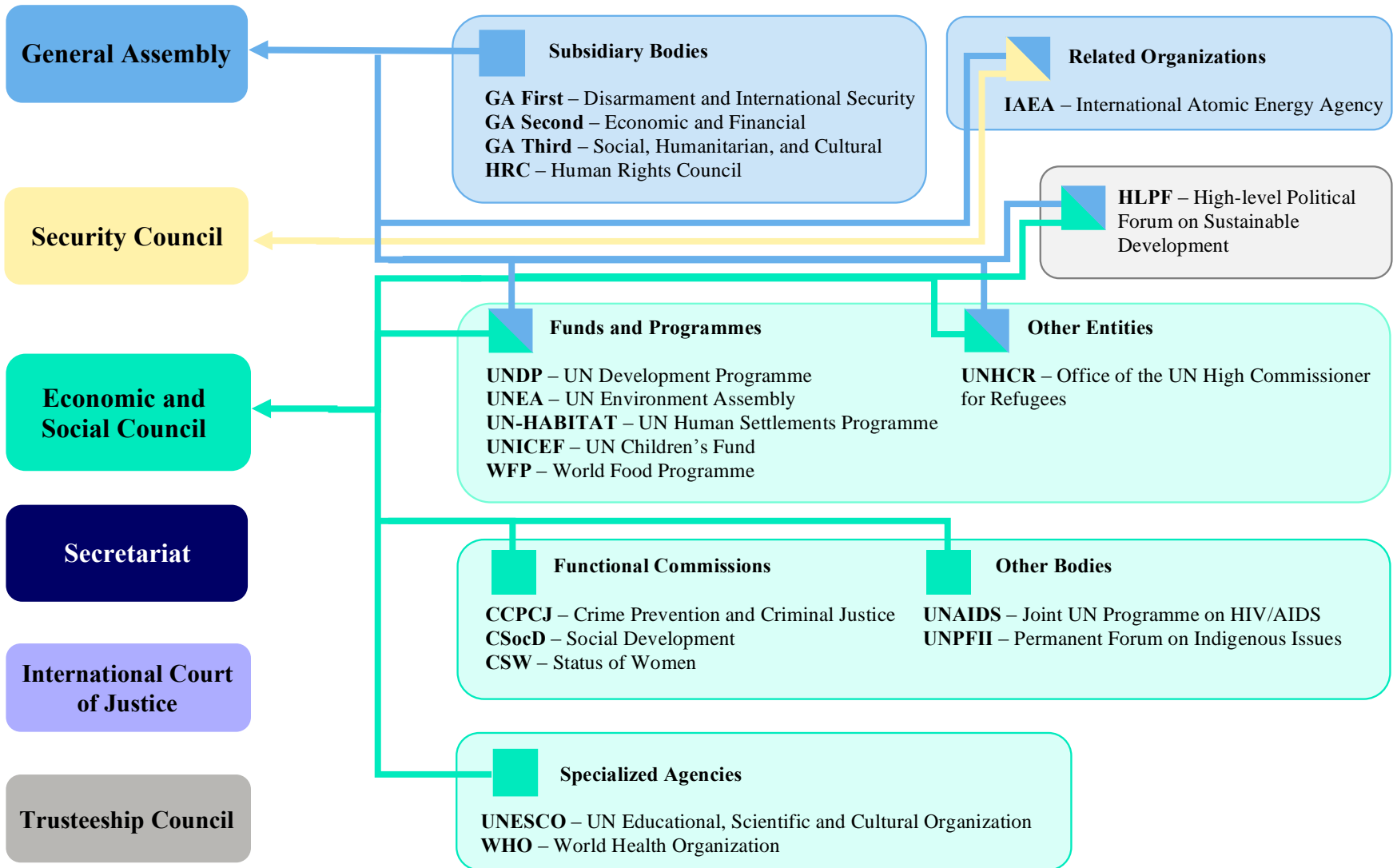
Table of Contents

United Nations System at NMUN•NY.....	3
Abbreviations.....	4
Committee Overview.....	6
Introduction	6
Governance, Structure, and Membership.....	6
Mandate, Functions, and Powers	8
Recent Sessions and Current Priorities	10
Conclusion.....	11
Annotated Bibliography.....	11
Bibliography	13
I. Protection of Civilians in the Context of Peacekeeping Operations	17
Introduction	17
International and Regional Framework	17
Role of the International System.....	19
Protection through Political Processes.....	21
Providing Protection from Physical Violence.....	21
Establishing a Protective Environment.....	22
Accountability.....	22
Conclusion	23
Further Research.....	23
Annotated Bibliography.....	23
Bibliography	26
II. The Situation in Libya.....	31
Introduction	31
International and Regional Framework	31
Role of the International System.....	32
Conflict History	34
Security Challenges	35
Human Rights and Humanitarian Issues.....	36
Conclusion.....	37
Further Research.....	37
Annotated Bibliography.....	37
Bibliography	39
III. The UN-AU Partnership on Peace Operations.....	44
Introduction	44
International and Regional Framework	44
Role of the International System.....	45
Opportunities for UN-AU Collaboration on Peace Operations	47
Challenges Associated with Working with the AU	49
Case Study: The AU-UN Hybrid Operation in Darfur (UNAMID)	50
Conclusion.....	50
Further Research.....	50
Annotated Bibliography.....	51
Bibliography	52



United Nations System at NMUN•NY

This diagram illustrates the UN system simulated at NMUN•NY and demonstrates the reportage and relationships between entities. Examine the diagram alongside the Committee Overview to gain a clear picture of the committee's position, purpose, and powers within the UN system.





Abbreviations

AMIS	African Union Mission in Sudan
AMISOM	African Union Mission in Somalia
APSA	African Peace and Security Architecture
ASF	African Stand-by Force
AU	African Union
C-34	Special Committee on Peacekeeping Operations
CAR	Central African Republic
CEWS	Continental Early Warning System
DFS	Department of Field Support
DPA	Department of Political Affairs
DPKO	Department of Peacekeeping Operations
EU	European Union
FARC	Fuerzas Armadas Revolucionarias de Colombia
GNA	Government of National Accord
GNC	General National Congress
HIPPO	High-level Independent Panel on UN Peace Operations
HoR	House of Representatives
HRC	Human Rights Council
ICC	International Criminal Court
ICTR	International Criminal Tribunal for Rwanda
ICTY	International Criminal Tribunal for the Former Yugoslavia
IDP	Internally displaced person
IHL	International humanitarian law
IOM	International Organization for Migration
IS	Islamic State
LPA	Libyan Political Agreement
MSF	Médecins Sans Frontières
NATO	North Atlantic Treaty Organization
NGO	Non-governmental organization
OCHA	Office for the Coordination of Humanitarian Affairs
OHCHR	Office of the United Nations High Commissioner for Human Rights
OPCW	Organisation for the Prohibition of Chemical Weapons
PAIDA	Partnership on Africa's Integration and Development Agenda
PBC	Peacebuilding Commission
PKO	Peacekeeping operation
PoC	Protection of Civilians
PotW	Panel of the Wise
PSC	Peace and Security Council
REC	Regional Economic Community
SC	Security Council
SEA	Sexual exploitation and abuse
SG	Secretary-General
SSR	Security Sector Reform
R2P	Responsibility to Protect
TCC	Troop-contributing country
TYCBP	Ten-Year Capacity-Building Program
UN	United Nations
UN-Women	United Nations Entity for Gender Equality and the Empowerment of Women
UNAMID	African Union-United Nations Hybrid Operation in Darfur
UNAMSIL	United Nations Mission in Sierra Leone
UNCT	United Nations Country Team



UNDP	United Nations Development Programme
UNHCR	Office of the United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNMAS	United Nations Mine Action Service
UNMISS	United Nations Mission in the Republic of South Sudan
UNOAU	United Nations Office to the African Union
UNSMIL	United Nations Support Mission in Libya

Committee Overview

Introduction

After the devastating effects of two world wars, the international community decided to establish the United Nations (UN) as an intergovernmental organization with the primary responsibility of maintaining international peace and security, creating the conditions conducive to economic and social development, while advancing universal respect for human rights.¹ The Security Council was established as one of its six principal organs and was given the primary responsibility to preserve international peace and security.²

The **United Nations Security Council** is one of the six primary organs of the United Nations, mandated by the *Charter of the United Nations* to maintain international peace and security. The Council submits an annual report to the General Assembly.

The Security Council held its first session on 17 January 1946 at Church House in London.³ After its first meeting, the Council relocated to its permanent residence at the UN Headquarters in New York City.⁴ At that time, five permanent members and six non-permanent members comprised the membership of the Council.⁵ However, over subsequent years, discussions regarding the structure of the Council began to take place.⁶ In 1965, the number of non-permanent members increased to ten, and although membership has not changed since, discussions regarding a change in configuration take place frequently.⁷

During the Cold War, disagreements between the United States of America and the former Soviet Union blocked the Council from being an effective institution due to lack of agreement on even the most basic of issues.⁸ However, over the last two decades, progress has happened, especially in the field of peacekeeping missions, which have improved to cover a wider range of issues, including facilitating a political process (including elections), protecting human rights, and assisting with disarmament.⁹ Additionally, traditional challenges to international peace and security have shifted, forcing the Council to adapt to new scenarios, such as the challenge of addressing multiple humanitarian crises simultaneously, and in different regions of the world.¹⁰ After 2000, terrorism, extremism, and other thematic, rather than country-specific issues, became priorities of the Council, as evidenced by the adoption of a range of resolutions and the establishment of several subsidiary bodies on cross-cutting issues.¹¹

The Committee Overview will provide a comprehensive synopsis of the history, mandate, structure, functions and recent proceedings of the Security Council. The goal of the Overview is to provide a full understanding of the UN's main policymaking body in the area of international peace and security, and to provide delegates with a clear vision about the Council's mandate and powers. The text will outline the concrete functions of the Security Council, whose main goal is to maintain international peace and security.

Governance, Structure, and Membership

The Security Council is the only UN body that has the power to adopt binding resolutions.¹² This means that when the Council adopts a resolution, Member States, in accordance with Article 25 of the *Charter of the United Nations* (1945), are obliged to accept and carry out the Council's recommendations and decisions.¹³ The Security Council

¹ *Charter of the United Nations*, 1945, Preamble.

² UN Security Council, *What is the Security Council?*, 2016.

³ *Ibid.*

⁴ *Ibid.*

⁵ Hanhimäki, *The United Nations: A Very Short Introduction*, 2008, p. 32.

⁶ *Ibid.*

⁷ Bourantonis, *The History and Politics of UN Security Council Reform*, 2005, p. 10.

⁸ Encyclopaedia Britannica, *United Nations Security Council*, 2014.

⁹ UN Security Council, *Structure*, 2016.

¹⁰ Council on Foreign Relations, *CFR Backlanders: The UN Security Council*, 2015; Encyclopaedia Britannica, *United Nations Security Council*, 2014.

¹¹ Security Council Report, *September 2014 Monthly Forecast: Counter-Terrorism*, 2014.

¹² UN Security Council, *What is the Security Council?*, 2016.

¹³ *Charter of the United Nations*, 1945, Art. 25.

also has a variety of other tools to address issues on its agenda.¹⁴ For example, the President of the Security Council may issue press statements or presidential statements to communicate the position of the Council.¹⁵ Although they are not legally-binding, such statements are used to bring attention to important issues, and to make recommendations to solve conflicts.¹⁶

Membership

The Security Council is comprised of five permanent members and 10 non-permanent members. The five permanent members of the Security Council are: China, France, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland, and the United States of America.¹⁷ Every year, the General Assembly elects five of the 10 non-permanent members for a two-year term.¹⁸ Elections for non-permanent seats on the Council can be extremely competitive, with countries expressing interest years in advance.¹⁹ Countries elected to serve on the Security Council are expected to represent the interests of their region; they usually have an influence at the international level and demonstrate leadership in specific areas of interest to their foreign policy.²⁰ Angola, Egypt, Japan, Malaysia, New Zealand, Senegal, Spain, Ukraine, Uruguay, and Venezuela are the current non-permanent members.²¹ Security Council elections for non-permanent members are held in June, six months before the term starts.²² This change allows Member States ample time to prepare for their new role.²³ The 10 non-permanent members represent countries from five groups: Africa, the Asia-Pacific Group, Latin America and the Caribbean, the Eastern European Group, Western European and Other.²⁴ For the upcoming term, Italy and the Netherlands will be splitting one of the European seats, with each holding the seat for one year.²⁵ This decision was reached after they both failed to achieve a two-thirds majority after five rounds of voting.²⁶ As is customary in Security Council elections, after multiple rounds of voting, compromise is often sought in order to fill the seat.²⁷

Presidency

Each member of the Security Council holds the presidency of the Council for one month, rotating according to alphabetical order.²⁸ Security Council meetings can be held at any time when convened by the President and by the request of any Member State.²⁹ Under Article 35 of the Charter, the President shall call a meeting if a dispute or situation calls the Council's attention.³⁰ According to Rule 6 of the Provisional Rules of Procedure, all concerns that are brought to the attention of the Secretary-General (SG) are drafted in an agenda that is approved by the President of the Security Council.³¹

Participation

Any Member State of the UN may attend the Council's sessions if the body decides to extend an invitation.³² Member States are invited if the Security Council is discussing an issue that directly concerns the interests of the

¹⁴ UN Security Council, *Functions and Powers*, 2016.

¹⁵ NGO Working Group on Women, Peace and Security, *Mapping Women, Peace and Security in the United Nations Security Council: Report of the NGOWG Monthly Action Points, 2009-2010*, 2010, p. 11.

¹⁶ *Ibid.*, p. 15.

¹⁷ UN Security Council, *Current members*, 2016.

¹⁸ *Ibid.*

¹⁹ UN DPI, *Ahead of Security Council elections, General Assembly President explains how a country can get a non-permanent seat*, 2016.

²⁰ Bourantonis, *The History and Politics of UN Security Council Reform*, 2005, p. 6.

²¹ UN Security Council, *Current members*, 2016.

²² UN General Assembly, *Revitalization of the work of the General Assembly (A/RES/68/307)*, 2014, p. 4.

²³ UN DPI, *Ahead of Security Council elections, General Assembly President explains how a country can get a non-permanent seat*, 2016.

²⁴ UN General Assembly, *Rules of procedure*.

²⁵ *Italy, Netherlands ask to share Security Council seat*, Al Jazeera, 2016.

²⁶ *Ibid.*

²⁷ UN DPI, *Ahead of Security Council elections, General Assembly President explains how a country can get a non-permanent seat*, 2016.

²⁸ UN Security Council, *Provisional rules of procedure*, 2016.

²⁹ UN Security Council, *Repertoire of the practice of the Security Council*, 2016.

³⁰ *Charter of the United Nations*, 1945, Art. 35.

³¹ UN Security Council, *Provisional rules of procedure*, 2016.

³² *Ibid.*

Member State.³³ Invited Member States do not have the right to vote, but are allowed to submit proposals and draft resolutions.³⁴ Furthermore, those Member States can inform the Council about a current crisis in their region.³⁵ However, such proposals may only be put to a vote at the request of a member of the Council.³⁶

Subsidiary Organs

The Security Council has many subsidiary bodies established under Article 29 of the Charter, including: the International Criminal Tribunal for the Former Yugoslavia (ICTY), the International Criminal Tribunal for Rwanda (ICTR), sanctions committees, and ad hoc committees, such as the Ad Hoc Sub-Committee on Namibia.³⁷ The Peacebuilding Commission (PBC) is a body that reports jointly to the General Assembly and the Security Council.³⁸ Additionally, Security Council Member States participate in various working groups, which discuss the topics of concern of the Security Council.³⁹ These working groups consist of some or all of the Security Council Member States, and focus on regional issues, as well as improving the working methods of the Security Council itself.⁴⁰ The Security Council is also responsible for determining if, when, and where a Peacekeeping operation is needed.⁴¹ A Peacekeeping operation is created through an adopted Security Council resolution, and the Security Council must monitor the operation through reports issued by the SG, as well as specific Security Council meetings.⁴²

Voting

Every Member State of the Security Council has one vote.⁴³ Votes on all matters require a majority of nine Member States.⁴⁴ However, if one of the five permanent members of the Security Council votes “no” on a matter of substance, such as a draft resolution, it does not pass.⁴⁵ This is known as the “veto power.”⁴⁶ In the 1950s, Security Council Member States, in particular the former Soviet Union, made frequent use of their veto power, but its usage declined in the 1960s, rising again in the 1970s and 1980s.⁴⁷ In the last decades, the use of the veto power has been on a comparatively low level.⁴⁸ In recent years, the Council has adopted many resolutions by consensus and has only been divided on a very limited number of issues; a prominent example being the case of Syria.⁴⁹

Mandate, Functions, and Powers

The mandate of the Security Council is to maintain international peace and security, and to take action whenever peace and security are threatened.⁵⁰ The Council’s authority is particularly relevant with respect to the UN’s four primary purposes, as specified in the *Charter of the United Nations*: maintaining international peace and security; developing friendly relations among nations; cooperating in solving international problems; promoting respect for human rights, as well as being a center for harmonizing the actions of nations.⁵¹ Chapters VI and VII of the *Charter of the United Nations* specifically concern the Security Council and the range of actions that can be taken when settling disputes.⁵² Although the main goal is always to dissolve the disputes, Chapter VI aims to achieve this by

³³ *Charter of the United Nations*, 1945, art. 31.

³⁴ UN Security Council, *Provisional rules of procedure*, 2016.

³⁵ UN Security Council, *Provisional rules of procedure*, 2016.

³⁶ *Ibid.*

³⁷ UN Security Council, *Structure*, 2016.

³⁸ *Ibid.*

³⁹ UN Security Council, *Repertoire of the practice of the Security Council*, 2016.

⁴⁰ *Ibid.*

⁴¹ United Nations Peacekeeping, *Role of the Security Council*, 2016.

⁴² *Ibid.*

⁴³ *Charter of the United Nations*, 1945, art. 27.

⁴⁴ *Ibid.*

⁴⁵ Hanhimäki, *The United Nations: A Very Short Introduction*, 2008, p. 52.

⁴⁶ *Ibid.*

⁴⁷ Security Council Report, *In Hindsight: The Veto*, 2013; Security Council Report, *The Permanent Members and the Use of the Veto: An Abridged History*, 2013.

⁴⁸ Security Council Report, *The Permanent Members and the Use of the Veto: An Abridged History*, 2013.

⁴⁹ Security Council Report, *In Hindsight: Consensus in the Security Council*, 2014; Security Council Report, *In Hindsight: The Veto*, 2013.

⁵⁰ UN Security Council, *What is the Security Council?*, 2016.

⁵¹ *Charter of the United Nations*, 1945, art. 1.

⁵² *Ibid.*

peaceful means, whereas Chapter VII explores further actions that can be taken.⁵³ As noted in Chapter VI, the role of the Security Council is to determine the severity of the dispute brought before the body and the impact of the dispute internationally.⁵⁴ Any Member State is able to report a dispute to the Security Council.⁵⁵ The Security Council is responsible for making recommendations to broker peace that take into considerations the previously attempted measures by the parties involved.⁵⁶ Under Chapter VII, the Security Council has the authority to implement provisional measures aimed to deescalate the situation.⁵⁷ If the provisional measures are ignored or are unsuccessful, the Security Council may decide to call upon military forces to act on behalf of the UN.⁵⁸ Non-military actions that can be implemented include blockades or economic interruptions. The *Charter of the United Nations* provides the Security Council with a number of powers in order to guarantee international security:

- **Sanctions:** Pursuant to Article 41 in the Charter, the Council can call its members to apply economic sanctions and other measures not involving the use of force to prevent or end violence.⁵⁹ These include economic sanctions, financial penalties and restrictions, travel bans, severance of diplomatic relations, and blockades, among others.⁶⁰ It may further mandate arms embargos, enforce disarmament, or call upon international criminal mechanisms to become active.⁶¹
- **Diplomatic Tools:** The Council has a mandate to investigate any dispute or situation that might lead to aggressions between states or other non-state groups or within states' national territories.⁶² In order to do so, it may "recommend methods of adjusting such disputes or the terms of settlement; formulate plans for the establishment of a system to regulate armaments; determine the existence of a threat to the peace or act of aggression and recommend what action should be taken."⁶³
- **Military Action:** Besides the above-mentioned diplomatic instruments, the Council may also take military action against a state or other entity threatening international peace and security and may further decide on the deployment of troops or observers.⁶⁴ Article 39 of the Charter states that the Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression.⁶⁵ Due to the voting structure, some regions of the world are underrepresented and others use their veto to block draft resolutions.⁶⁶ Again, Syria serves as an example, where the international community did not have the power to act because the Russian and Chinese vetoes.⁶⁷ The Security Council may also decide upon the deployment of new UN peacekeeping operations to be led by the Department of Peacekeeping Operations, as well as the extensions of their mandates and subsequent modification or drawdown of any troops.⁶⁸
- **Partnerships:** The Council also cooperates with a number of international and regional organizations as well as non-governmental organizations (NGOs) to implement its decisions.⁶⁹ Cooperation between the Security Council and UN-related organizations, such as the Organisation for the Prohibition of Chemical Weapons and the International Atomic Energy Agency, is significant; but partnerships with independent

⁵³ Ibid.

⁵⁴ Ibid., art. 34.

⁵⁵ Ibid., art. 35.

⁵⁶ Ibid., art. 36.

⁵⁷ Ibid., art. 40.

⁵⁸ Ibid., art. 41.

⁵⁹ Ibid.

⁶⁰ Biersteker, T., et al, *The Effectiveness of United Nations Targeted Sanctions*, 2013; UN Security Council, *United Nations Security Council: About*, 2014.

⁶¹ Cousens & Malone, *Conflict Prevention in The UN Security Council: From the Cold War to the 21st Century*, 2004, p. 111.

⁶² UN Security Council, *Functions and Powers*, 2016.

⁶³ *Charter of the United Nations*, 1945.

⁶⁴ Ibid.

⁶⁵ Ibid.

⁶⁶ *Charter of the United Nations*, 1945; Security Council Report, *In Hindsight: The Veto*, 2013; Security Council Report, *The Permanent Members and the Use of the Veto: An Abridged History*, 2013.

⁶⁷ Security Council Report, *In Hindsight: The Veto*, 2013; Security Council Report, *The Permanent Members and the Use of the Veto: An Abridged History*, 2013.

⁶⁸ UN DPKO, *Forming a New Operation*.

⁶⁹ UN Security Council, *Repertoire of the practice of the Security Council*, 2016.

intergovernmental organizations such as the North Atlantic Treaty Organization and the African Union are also of paramount importance for addressing a broad range of issues such as terrorism, disarmament, nuclear nonproliferation, extreme violence from non-state actors, among others.⁷⁰

Recent Sessions and Current Priorities

2016 is an important year for not only the Security Council, but for the UN as a whole. The current SG will retire from his position, with the body electing a successor.⁷¹ The presidents of the Security Council and the General Assembly mutually called for candidate nominations in December 2015, most coming from Eastern Europe.⁷² The Security Council has an important role in the selection of the SG.⁷³ The Security Council holds periodic straw polls to assess each candidate.⁷⁴ When the Security Council agrees on a viable candidate, the candidate is recommended to the General Assembly, who then confirms the appointment through a resolution.⁷⁵ Although the Security Council, unlike some UN bodies, does not have a set of predefined priorities, it has recently focused its attention on certain countries and regions, such as Sudan, South Sudan, Mali, Libya, Iran, and the Central African Republic (CAR).⁷⁶ The Security Council has established a committee with a mandate specifically concerning the CAR.⁷⁷ While playing a role in the successful elections that took place in early 2016, the Security Council was also instrumental in implementing an arms embargo upon the CAR.⁷⁸ The main goal of this embargo is to curb the smuggling and sale of weapons in the country.⁷⁹

In 2013, the Security Council established the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA).⁸⁰ The mandate of MINUSMA is to stabilize the population throughout the country, while also reestablishing state authority.⁸¹ The Security Council has taken an active role in the implementation of MINUSMA, and is working to eliminate all armed rebel groups with ties to terrorism.⁸² Recently, the Security Council has renewed the mandate of MINUSMA, in order to aid the group in combating the continuous acts of terrorism within Mali's borders.⁸³ Furthermore, in 2011, through Resolution 1996, the Security Council created the United Nations Mission in the Republic of South Sudan (UNMISS), with the goal of ensuring peace in South Sudan as it continued the process of state-building.⁸⁴ The current violent situation in South Sudan has resulted in the Security Council calling for a complete ceasefire in the country, with the hope of protecting all civilians and their property.⁸⁵ The UN Under-Secretary-General for Peacekeeping has called for the Security Council to impose an arms embargo on South Sudan, following the multiple deaths of civilians and UN personnel surrounding the UNMISS compounds.⁸⁶

The Security Council condemns all acts of terrorism, and aims to aid states in combating terrorist threats, in ways that align with the *Charter of the United Nations*.⁸⁷ In Somalia, Al-Shabaab, a terrorist group linked to Al-Qaeda, has been violently campaigning to install an Islamic State.⁸⁸ The African Union Mission in Somalia (AMISOM), mandated by the Security Council to combat Al-Shabaab, works to re-establish areas and populations devastated by

⁷⁰ UN Security Council, *Structure*, 2016; UN Security Council, *Middle East (S/RES/2118 (2013))*, 2013.

⁷¹ Kovanda, UN Secretary-General Election, *Global Policy Watch*, 2016.

⁷² *Ibid.*

⁷³ Security Council Report, *July 2016 Monthly Forecast*, 2016.

⁷⁴ *Ibid.*

⁷⁵ WFM-IGP, *UN Secretary-General*.

⁷⁶ UN Security Council, *Highlights of the Security Council Practice 2014*, 2015.

⁷⁷ UN Security Council, *The situation in the Central African Republic (S/PV.7734)*, 2016, p. 6.

⁷⁸ *Ibid.*, pp. 6-7.

⁷⁹ *Ibid.*, p. 7.

⁸⁰ UN Security Council, *The situation in Mali (S/RES/2100(2013))*, 2013, p. 5.

⁸¹ *Ibid.*, p. 7.

⁸² UN Security Council, *The situation in Mali (S/RES/2295(2016))*, 2016, p. 5.

⁸³ UN Security Council, *Security Council Press Statement on Mali, 8 August (SC/12473-AFR/3424-PKO/599)*, 2016.

⁸⁴ UN Security Council, *Reports of the Secretary-General on the Sudan (S/RES/1996(2011))*, 2011, p. 3.

⁸⁵ UN Security Council, *Reports of the Secretary-General on the Sudan and South Sudan (S/RES/2304(2016))*, 2016, p. 2.

⁸⁶ UN Security Council, *Security Council Must Consider Impose Arms Embargo on South Sudan, United Nations Peacekeeping Chief Tells Security Council (SC/12445)*, 2016.

⁸⁷ UN Security Council, *Security Council Press Statement on Al-Shabaab Attack in Somalia, 15 January (SC/12205-AFR/3304)*, 2016.

⁸⁸ Masters & Sergie, Al-Shabab, *Council on Foreign Relations*, 2015.

the terrorist organization.⁸⁹ In resolution 2297 dated 7 July 2016 on “The Situation in Somalia,” the Security Council calls upon the Joint AU-UN Review to continue to support AMISOM and its efforts.⁹⁰ In Latin America, Colombia has been battling internally since 1964 with a rebel group called Fuerzas Armadas Revolucionarias de Colombia (FARC).⁹¹ In 2016, the Security Council authorized the creation of an unarmed political mission in Colombia, to be used as a resource during the ceasefire and peace discussions between the government and FARC leaders.⁹² As of August 2016, an agreement was reached, and the UN Mission in Colombia will continue to oversee the laying down of arms as it progresses.⁹³

Furthermore, the five permanent Member States of the Council, together with Germany (P5+1) and Iran, signed an international agreement on Iran’s nuclear program in Vienna on 14 July 2015.⁹⁴ The Joint Comprehensive Plan of Action represents a historic international agreement that places limitations on Iran’s nuclear program, curbs its progress towards developing a nuclear weapon.⁹⁵ Additionally, the Security Council has authorized the Executive Council of the Organisation for the Prohibition of Chemical Weapons (OPCW) to work with Libya to safely destroy all chemical weapons, while reporting directly to the Security Council on the progress of this action.⁹⁶

Conclusion

As the international community faces increasing asymmetrical threats from non-state actors and transnational organized crime, the Security Council has tried to adapt to new working methods.⁹⁷ The current situation in Somalia, Mali, and CAR showcase the Security Council’s inability to completely guarantee peace and security in all regions of the world.⁹⁸ But they also represent the systemic divides among Council members.⁹⁹ This lacking capacity can be partially explained by the Council’s controversial decision-making process, specifically the veto power of the five permanent members.¹⁰⁰ However, as the Security Council represents the only body within the UN that has the power to adopt binding resolutions, it is still the entity of utmost importance for the maintenance of international peace and security.¹⁰¹

Annotated Bibliography

Charter of the United Nations. (1945). Retrieved 20 September 2016 from: <http://www.un.org/en/documents/charter/index.shtml>

As the fundamental principles of the Security Council are written down in the Charter of the UN, this document should be the first resource to consider. Article 23, which sets the membership structure and articles 23 to 26, which discuss its basic functions and powers, are of particular importance for understanding both the structure and function of the Security Council. In addition, articles 27 to 32 explain the Council’s voting procedure and its overall structure. The Charter can be particularly helpful for delegates in understanding the powers and limitations of the body. Delegates will find Chapters VI and VII most helpful when researching the mandate of the Security Council, and also while at the conference simulating the body.

Council on Foreign Relations. (2013). *CFR Backgrounders: The UN Security Council* [Website]. Retrieved 20 September 2016 from: <http://www.cfr.org/international-organizations-and-alliances/un-security-council/p31649>

⁸⁹ AMISOM, *AMISOM mandate*, 2016.

⁹⁰ UN Security Council, *The situation in Somalia (S/RES/2297(2016))*, 2016, p. 4.

⁹¹ Encyclopaedia Britannica, *FARC Colombian Militant Group*, 2016.

⁹² UN Security Council, *Identical letters dated 19 January 2016 from the Permanent Representative of Colombia to the United Nations addressed to the Secretary-General and the President of the Security Council (S/RES/2261(2016))*, 2016, p. 2.

⁹³ UN DPI, *Security Council reiterates commitment to Colombian peace process*, 2016.

⁹⁴ UN Security Council, *Non-proliferation (S/RES/2231(2015))*, 2015.

⁹⁵ *Ibid.*

⁹⁶ UN Security Council, *The situation in Libya (S/RES/2298(2016))*, 2016, p. 2.

⁹⁷ UN Security Council, *Structure*, 2016; UN Security Council, *1540 Committee*, 2015.

⁹⁸ Security Council Report, *September 2014 Monthly Forecast – Syria*, 2014.

⁹⁹ Security Council Report, *The Permanent Members and the Use of the Veto: An Abridged History*, 2013.

¹⁰⁰ *Ibid.*

¹⁰¹ *Charter of the United Nations*, 1945, art. 24.

The Council on Foreign Relations provides a comprehensive introduction into the structure and work of the Security Council and therefore constitutes a good starting point for more detailed research. The website discusses the Council's powers and possibilities in taking coercive actions and addresses broadly discussed issues as criticism to the Security Council's structure as well as possible reforms. In addition, the website contains links on further resources on the Security Council and recent international security issues as, for example, the Global Governance Monitor, which evaluates the international regime for armed conflict.

Cousens, E., & Malone, D. (2004). Conflict Prevention, *The UN Security Council: From the Cold War to the 21st Century*. Boulder, Colorado: Lynne Rienner Publishers, Inc.

This volume provides readers with a very detailed overview of the Security Council and its past and present challenges. Written on a high academic level, this book touches upon a large number of the Council's themes, institutions, and operations, explaining the Council's structure in depth. As it discusses major operations on four continents, the document can be a useful tool for detailed analysis on various international security crises.

Hanhimäki, J. M. (2008). *The United Nations: A Very Short Introduction*, New York, New York: Oxford University Press.

While giving a brief overview of the history, structure, mandate and perspective of the UN in general, this volume also includes a comprehensive section on the Security Council, as well as a separate chapter on peacekeeping and peacebuilding. The book offers a succinct explanation of the Council's political and operational constraints, including the veto power principle. It further provides delegates with a general overview of the importance of the Security Council for international security from its creation until now. Due to its comprehensive language, this book may serve delegates as a first starting point for further research on the Security Council as well as on international power relations.

Security Council Report. (2016). *Security Council Report* [Website]. Retrieved 17 July 2016 from: <http://www.securitycouncilreport.org/>

On the Security Council Report website, there is a separate page for each month that describes the action plan for the Security Council meetings that will take place. Every month the website is updated monthly to reflect the current agenda of the Security Council. Delegates will be able to review these pages throughout the year, beyond what is discussed in the guide. It will be helpful throughout the position paper process and even in the month of the conference. Delegates will also find links to UN source documents on this website, which will be helpful during their research.

United Nations, Department of Public Information. (2016, February 11). *Speakers Differ over Use of Sanctions as Security Council Considers Working Methods of Its Subsidiary Bodies (SC/122338)* [Meetings Coverage]. Retrieved 17 July 2016 from: <http://www.un.org/press/en/2016/sc122338.doc.html>

The Security Council published a press release that detailed the concerns of Member States regarding sanctions imposed by the Council. In this source, delegates will find the exact concerns of these Member States, and some recommendations on how to solve them. Member States that have sanctions imposed upon them were invited to the meeting, even though most are not current members of the Security Council. Delegates will be able to see how the sanctions affect Member States, as well as how the Security Council works during meetings. This document states that although it seems that sanctions have been successful in curbing the effects of Al-Qaeda, some Security Council representatives feel that the temporary sanctions may become permanent, causing more harm than good.

United Nations, Security Council. (2016). What is the Security Council? [Website]. Retrieved 24 August 2016 from: <http://www.un.org/en/sc/about/>

This website gives an overview of the Security Council's history, its mandate, and its basic functions and powers. It should be considered one of the most important resources and a foundation for delegates' further research, since it provides detailed information on how the Security Council works in practice. The website contains the body's provisional rules of procedure and a section on frequently asked questions. The latter is particularly useful when it

comes to understanding the Council's functions and powers. Delegates will find on this website detailed information about the Council's recent sessions as well as other worth noting outputs.

United Nations, Security Council, 7731st meeting. (2016). *The situation in Somalia (S/RES/2297(2016))* [Resolution]. Retrieved 28 August 2016 from: [http://www.undocs.org/S/RES/2297\(2016\)](http://www.undocs.org/S/RES/2297(2016))

This is a resolution that was recently adopted by the Security Council regarding the current situation in Somalia. This resolution condemns the attacks and civilian deaths caused by Al-Shabaab, and support the efforts made by AMISOM in their attempts to create a safer environment for the Somali people. By reading this resolution, delegates will see that although the Security Council has the authority to impose sanctions or deploy peacekeeping operations, there are many other actions that can be taken as well. This resolution shows the wide scope that is the mandate of the Security Council, and the delegates will gain a greater understanding of the body as a result.

United Nations, Security Council, 7754th meeting. (2016). *Reports of the Secretary-General on the Sudan and South Sudan (S/RES/2304(2016))* [Resolution]. Retrieved 28 August 2016 from: [http://www.undocs.org/S/RES/2304\(2016\)](http://www.undocs.org/S/RES/2304(2016))

This resolution, recently adopted by the Security Council, condemns all acts of violence against civilians and UN personnel in South Sudan. The resolution calls for the implementation of the ceasefire that was recently declared, and also extends the mandate of UNMISS. By reading this resolution, delegates will get an understanding of the ways that the Security Council operates when it becomes involved in solving major conflicts. Specifically, this resolution will show the delegates the steps that need to be taken to achieve peace in a conflicting region.

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United Nations, Security Council, 7731st meeting. (2016) *The situation in Somalia (S/RES/2297(2016))* [Resolution]. Retrieved 28 August 2016 from: [http://undocs.org/S/RES/2297\(2016\)](http://undocs.org/S/RES/2297(2016))

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I. Protection of Civilians in the Context of Peacekeeping Operations

Introduction

The origins of United Nations (UN) peacekeeping date back to 1948 when UN military observers were first deployed to the Middle East.¹⁰² At that time, the primary goal of peacekeeping was to maintain ceasefires and address inter-state conflicts, through a monitoring and reporting function.¹⁰³ With more than 60 years in existence, peacekeeping has gained a multidimensional character and now encompasses a wide range of activities, including the protection of civilians (PoC).¹⁰⁴ Nevertheless, it was not until 1999 that the Security Council declared PoC as central to its peacekeeping mandates and gave the first ever PoC mandate to the UN Mission in Sierra Leone (UNAMSIL).¹⁰⁵ The seminal *Report of the Panel on United Nations Peace Operations* (Brahimi Report) (2000) presented a thorough review of the UN peace operations and stipulated that PoC must be an intrinsic part of peacekeeping.¹⁰⁶

Despite progress in terms of prioritizing PoC in mandates for peacekeeping operations, the implementation of such mandates has not always been successful.¹⁰⁷ The *Report of the High-level Independent Panel on UN Peace Operations* (HIPPO Report), published in June 2015, identified a growing gap between expectations and delivered results by peacekeeping operations in relation to PoC.¹⁰⁸ In addition, the multidimensionality and complexity of the missions brings with it significant issues including sexual and other crimes committed by peacekeeping personnel while being on duty in the host countries.¹⁰⁹ These acts, as well as the occasional inability of peacekeepers to protect civilians, exemplified by the experiences in Somalia, Rwanda, and Srebrenica during the 1990s, have undermined the UN's credibility in the past and caused the UN to approach PoC more systematically.¹¹⁰ The following sections will evaluate the current stand of PoC in peacekeeping missions' mandating, planning, as well as implementation of protection mandates, followed by a presentation of the three tiered approach to protecting civilians, as developed in the operational concept on PoC, and a brief review of accountability mechanisms in peacekeeping.

International and Regional Framework

In accordance with the *Charter of the United Nations* (1946), the Security Council is mandated to adopt resolutions establishing UN peacekeeping operations, and Chapters VI, VII, and VIII constitute the legal basis for UN peacekeeping.¹¹¹ Furthermore, international humanitarian, human rights, and refugee law form an important integral part of the normative framework for UN peacekeeping.¹¹² UN peacekeeping operations are conducted in accordance with the *Universal Declaration of Human Rights* (1948) and the UN peacekeeping personnel is bound to these human rights standards by international law.¹¹³ The protection of fundamental rights of civilians, victims, and non-combatants is also the cornerstone of the international humanitarian law (IHL), which is reflected in the Geneva Conventions of 1949, particularly the *Fourth Geneva Convention relative to the Protection of Civilian Persons in*

¹⁰² UN Peacekeeping, *History of Peacekeeping*.

¹⁰³ Holt, *Protecting Civilians in the Context of UN Peacekeeping Operations: Successes, Setbacks and Remaining Challenges*, 2009, p. 93; UN Peacekeeping, *The early years*.

¹⁰⁴ UN Peacekeeping, *Peace and security*.

¹⁰⁵ UN Peacekeeping, *Protection of civilians*; UN Security Council, *Establishment of the UN Mission in Sierra Leone (UNAMSIL) (S/RES/1270 (1999))*, 1999.

¹⁰⁶ UN General Assembly & UN Security Council, *Comprehensive review of the whole question of peacekeeping operations in all their aspects (A/55/305–S/2000/809)*, 2000, p. 11.

¹⁰⁷ International Conference on the Protection of Civilians, *The Kigali Principles: A commitment to the Protection of Civilians*.

¹⁰⁸ UN General Assembly & UN Security Council, *Comprehensive review of the whole question of peacekeeping operations in all their aspects (A/70/95–S/2015/446)*, 2015.

¹⁰⁹ *Ibid.*, p. 14.

¹¹⁰ UN DPKO & UN DFS, *United Nations Peacekeeping Operations: Principles and Guidelines*, 2008, pp. 36-38; UN Peacekeeping, *Success in peacekeeping*.

¹¹¹ *Charter of the United Nations*, 1945, Ch. V, Art. 24; Dag Hammarskjöld Library, *Security Council & Peacekeeping*.

¹¹² International Committee of the Red Cross, *Civilians protected under international humanitarian law*, 2010; UN DPKO & UN DFS, *United Nations Peacekeeping Operations: Principles and Guidelines*, 2008, pp. 14-16.

¹¹³ UN General Assembly, *Universal Declaration of Human Rights (A/RES/217 A (III))*, 1948; UN DPKO & UN DFS, *United Nations Peacekeeping Operations: Principles and Guidelines*, 2008, p. 14.

Time of War, and the two Additional Protocols (AP I and II) of 1977.¹¹⁴ While the Geneva Conventions and AP I focus on PoC in international armed conflicts, Common Article 3 of the Geneva Conventions and AP II cover non-international armed conflict, establishing the minimum standards to follow concerning the treatment and protection of civilians.¹¹⁵ IHL obliges parties to the conflict and individual combatants to conduct their military operations in conformity with fundamental humanitarian rules and treat civilians humanely.¹¹⁶ The civilian population must be protected against all forms of violence, including murder, torture, and other cruel and degrading treatment, and wounded, sick, and shipwrecked people must be aided and cared for in all circumstances.¹¹⁷ Special protection under IHL is guaranteed to women, children, as well as journalists, refugees, and medical and humanitarian personnel.¹¹⁸

Despite the comprehensive legal framework and internationally recognized rules for PoC in armed conflicts, civilians remain at high risk during armed conflicts.¹¹⁹ Consequently, the first report by the Secretary-General on PoC in armed conflict was submitted to the Council in 1999, followed by resolution 1265 on the “Protection of Civilians in Armed Conflict,” which called for the enhancement of PoC in armed conflicts.¹²⁰ Since then, the Security Council adopted four additional resolutions concentrating on the “Protection of Civilians in Armed Conflict” in which the Council reiterated its desire to deepen its efforts in addressing civilian protection in UN peacekeeping mandates.¹²¹

To address the mismatch of available capacities and expectations of PoC, the *Framework for Drafting Comprehensive PoC Strategies in UN Peacekeeping Operations*, Brahimi Report, and HIPPO report provided landmark reviews of peace operations, putting PoC as central to UN peacekeeping, and made concrete recommendations to enhance the effectiveness of UN peace operations.¹²² The HIPPO report recognized the necessity to formulate clear, realistic, and achievable mandates to manage expectations about what UN peacekeeping operations are able to achieve regarding PoC and offered a number of reforms and suggestions on how to better implement protection mandates on the ground.¹²³ Accordingly, the HIPPO report advised the Security Council to intensify the focus on PoC in its mission planning and analysis and recommended applying phased and sequenced mandates, which can be revised and changed depending on the situation on the ground.¹²⁴

Both the Brahimi and the HIPPO reports have led to a number of peacekeeping reforms.¹²⁵ The Department of Peacekeeping Operations (DPKO), the Department of Field Support (DFS), and the UN Office for the Coordination of Humanitarian Affairs (OCHA), which are responsible for setting the core PoC policy guidelines, produced several reports serving as an important foundation for the PoC concept in UN peacekeeping, including the study on *Protecting Civilians in the Context of UN Peacekeeping Operations* (2009), the *Framework for Drafting*

¹¹⁴ Geneva Convention relative to the Protection of Civilian Persons in Time of War (2nd part), 1949; Geneva Convention relative to the Treatment of Prisoners of War, 1949; Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 1977; Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 1977.

¹¹⁵ International Committee of the Red Cross, *The Geneva Conventions of 1949 and their Additional Protocols*, 2010.

¹¹⁶ *Ibid.*

¹¹⁷ International Committee of the Red Cross, *Summary of the Geneva conventions of 12 august 1949 and their additional protocols*, 2012, p. 3.

¹¹⁸ Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 1977.

¹¹⁹ Davies, *Reclaiming protection of civilians under international humanitarian law: Reflections from the Oslo global conference*, 2015.

¹²⁰ UN Security Council, *Protection of Civilians in Armed Conflict (S/RES/1265 (1999))*, 1999.

¹²¹ UN Security Council, *Protection of Civilians in Armed Conflict (S/RES/1296 (2000))*, 2000; UN Security Council, *Protection of Civilians in Armed Conflict (S/RES/1674 (2006))*, 2006; UN Security Council, *Protection of Civilians in Armed Conflict (S/RES/1894 (2009))*, 2009; UN Security Council, *Protection of Civilians in Armed Conflict (S/RES/2222 (2015))*, 2015.

¹²² Gorur & Sharland, *Prioritizing the Protection of Civilians in UN Peace Operations*, 2016; OCHA, *Framework for Drafting Comprehensive Protection of Civilians Strategies in UN Peacekeeping Operations*, 2011.

¹²³ UN General Assembly & UN Security Council, *Comprehensive review of the whole question of peacekeeping operations in all their aspects (A/70/95–S/2015/446)*, 2015, p. 44.

¹²⁴ *Ibid.*

¹²⁵ Oxfam Australia, *Chronological Evolution of the Protection of Civilians (POC) 1991-2012: Key documents*, 2013.

Comprehensive Protection of Civilians Strategies in UN Peacekeeping Operations (2011), and the *Operational Concept on the Protection of Civilians in UN Peacekeeping Operations* (2010).¹²⁶ However, despite these reform efforts, the implementation of the PoC mandates has not always been successful.¹²⁷ Accordingly, in May 2015, the Kigali International Conference on the Protection of Civilians took place, which brought together the biggest troop- and financial-contributing countries to discuss ways of a more effective implementation of protection efforts on the ground.¹²⁸ As a result, the contributing countries adopted the *Kigali Principles on the Protection of Civilians* (2015), in which they pledged to improve the preparedness of the peacekeeping staff by pre-deployment trainings and to deliver on their responsibility to protect civilians in accordance with the mandate.¹²⁹

Role of the International System

Having the power to adopt resolutions with explicit PoC mandates, the Security Council provides the initial framework and guidance for the subsequent peacekeeping operations on the ground.¹³⁰ The Security Council also monitors peacekeeping and PoC activities through regular reports from the Secretary-General.¹³¹ Since 1999, the Council has regularly held open debates on PoC, mostly on the ministerial level, and has produced seven cross-cutting reports on PoC in armed conflict.¹³² Besides formulating country-specific PoC mandates for UN peacekeeping operations, the Security Council covers PoC as a thematic agenda item as well.¹³³ This is reflected in its resolutions on the “Protection of Civilians in Armed Conflict” and in other resolutions that address particularly vulnerable groups during armed conflict, such as women and children, as well as journalists, media professionals, health care workers, and humanitarian personnel.¹³⁴

The Special Committee on Peacekeeping Operations (C-34), established by General Assembly resolution 2006(XIX) of 18 February 1965 with the aim of reviewing all peacekeeping-related issues, is the primary policymaking body for peacekeeping and plays an indispensable role for the PoC agenda.¹³⁵ Its periodic reviews and recommendations are of great importance to the General Assembly, Security Council, DPKO, and DFS.¹³⁶ In its latest report of 2015, C-34 noted accusations of continued serious misconduct by UN staff and related personnel, including but not limited to human rights violations and sexual exploitation of civilians, and strongly recommended the screening of personnel prior to their deployment in peacekeeping operations.¹³⁷

Another key player in evaluating the status of peacekeeping is the Secretary-General who reports annually to the Council on peacekeeping-related issues and gives impetus for improvements and reforms.¹³⁸ His latest action in this regard was the 2015 report on “The future of United Nations peace operations” (A/70/357), in which he reiterated that PoC must be considered a mission-wide task and that UN protection efforts must be coherent.¹³⁹ To this end, he emphasized “empowering the field” through effective pre-deployment trainings, quick recruitment and timely deployment of civilian, military, and police personnel, and regular assessment of mission progress.¹⁴⁰

¹²⁶ Ibid.

¹²⁷ UN DPKO & UN DFS, *New Partnership Agenda: Charting a New Horizon for UN Peacekeeping*, 2009, p. 20.

¹²⁸ International Conference on the Protection of Civilians, *The Kigali Principles on the Protection of Civilians*, 2015.

¹²⁹ Ibid., pp. 4-6.

¹³⁰ UN Peacekeeping, *Role of the Security Council*.

¹³¹ Ibid..

¹³² Security Council Report, *Cross-Cutting Report: Protection of Civilians in Armed Conflict*, 2015.

¹³³ UNMISS, *Mandate*.

¹³⁴ UN Security Council, *Protection of Civilians in Armed Conflict S/RES/2222 (2015)*, 2015; UN Security Council, *Protection of the wounded and sick, medical personnel and humanitarian personnel in armed conflict (S/RES/2286 (2016))*, 2016; UN Security Council, *Protection of United Nations personnel, associated personnel and humanitarian personnel in conflict zones S/RES/1502 (2003)*, 2003.

¹³⁵ UN General Assembly, *Statement by the President at Opening of 2015 Session of the Special Committee on Peacekeeping Operations (C34) on 17 February 2015, in New York*, 2015.

¹³⁶ Hanrahan, *The United Nations Special committee on Peacekeeping Operations: From 1965 to 2005*, 2007, pp. 30-31.

¹³⁷ UN General Assembly, *Report of the Special Committee on Peacekeeping Operations (A/69/19)*, 2015, pp. 15-16.

¹³⁸ UN Peacekeeping, *Reports*.

¹³⁹ UN General Assembly & Security Council, *The Future of United Nations Peace Operations: Implementation of the Recommendations of the High-level Independent Panel on Peace Operations (A/70/357)*, 2015, p. 5.

¹⁴⁰ Ibid.

In order to implement new incentives regarding peacekeeping, C-34 and the Security Council work very closely with DPKO and DFS, which are responsible for planning, deploying, and managing peacekeeping operations in the areas of logistics, communication, as well as financial and human resources.¹⁴¹ The 2009 study on “Protecting Civilians in the Context of UN Peacekeeping Operations: Successes, Setbacks and Remaining Challenges” found that DPKO lacks a codified concept of PoC and that specific protection components are missing in the planning process, resulting in the absence of a clear vision for the implementation of PoC tasks.¹⁴² Consequently, the DPKO Peacekeeping Best Practice Unit and the PoC Coordination Team have undertaken substantial efforts around establishing better system-wide guidance and training materials for mission personnel on PoC.¹⁴³

DPKO works together with uniformed police and military officers and civilian personnel.¹⁴⁴ Military personnel has the mandate to prevent and respond to threats of physical violence against civilians.¹⁴⁵ Furthermore, in today’s multidimensional peacekeeping operations, it strives to provide a secure and stable environment for other mission components.¹⁴⁶ Police personnel may further enhance PoC by undertaking preventive measures, ensuring public order, restoring rule of law, and protecting civilians from imminent threat.¹⁴⁷ Furthermore, the UN Police provides host states with “critical support in terms of advice and training,” including strengthening the capacity of domestic police.¹⁴⁸ Civilian support is also an indispensable component of peacekeeping operations, complementing activities of the military and police and deterring violence in conflict zones.¹⁴⁹ The physical presence of nonpartisan and unarmed peacekeepers is vital for the success of PoC.¹⁵⁰ Moreover, DPKO units that contribute to PoC, such as the Child Protection Unit, Women’s Protection Unit, and Gender Unit, deploy field-based child protection advisers, gender advisers, and women’s protection advisers to mainstream the protection of women and children as an integral part of all peacekeeping missions.¹⁵¹ Finally, the DPKO provides human rights officers and senior PoC advisers with protection mandates who monitor the situation on the ground and coordinate implementation of PoC strategies.¹⁵²

The Office of the High Commissioner for Human Rights (OHCHR) is focused on strengthening human rights in peacekeeping operations.¹⁵³ In line with the Rights Up Front initiative, which was launched in 2013 to address situations of serious and large-scale violations of human rights, OHCHR monitors and assesses potential human rights risks and reports on human rights violations, boosting early warning throughout the UN system and enabling more effective responses.¹⁵⁴ At the strategic level, OHCHR cooperates with DPKO and the Department of Political Affairs (DPA) to ensure the inclusion of human rights components in PoC policies and guidance.¹⁵⁵

In order to improve PoC in armed conflicts, the UN collaborates with relevant regional and other intergovernmental organizations in this regard.¹⁵⁶ Security Council resolution 2167 of 2014 on “Regional organizations and peacekeeping” is the most recent effort to stress the importance of partnerships in peacekeeping.¹⁵⁷ The African

¹⁴¹ UN DPKO & UN DFS, *e-Guide to the United Nations Departments of Peacekeeping Operations and Field Support – A Resource for New Staff at Headquarters*, 2015, p. 95.

¹⁴² Holt, *Protecting Civilians in the Context of UN Peacekeeping Operations*, 2009, pp. 99-102; Giffen, *Enhancing the Protection of Civilians in Peace Operations: From Policy to Practice*, 2011, pp. 7-8.

¹⁴³ UN Peacekeeping, *Peacekeeping Resource Hub – Policy & Guidance*.

¹⁴⁴ UN Peacekeeping, *Protection of civilians*.

¹⁴⁵ Médecins Sans Frontières, *Voices of the people: "Security is the most important thing". Findings from MSF survey in the Malakal UN Protection of Civilian site*, 2016.

¹⁴⁶ UN DPKO & UN DFS, *e-Guide to the UN Departments of Peacekeeping Operations and Field Support*, 2015, p. 63.

¹⁴⁷ Holt, *Protecting Civilians in the Context of UN Peacekeeping Operations*, 2009, p. 123.

¹⁴⁸ UN DPI, *Police Often Seen as ‘Face’ of United Nations Peacekeeping Operations, Under-Secretary-General Says in Briefing to Security Council (SC/12119)*, 2015.

¹⁴⁹ UN Volunteers, *The power of volunteerism*; Wallis, *Nonviolent Peaceforce*, 2010.

¹⁵⁰ Julian & Schweitzer, *The Origins and Development of Unarmed Civilian Peacekeeping*, 2015, p. 1; UN DPKO & UN DFS, *New Partnership Agenda: Charting a New Horizon for UN Peacekeeping*, 2009, p. 19.

¹⁵¹ UN DPKO & UN DFS, *e-Guide to the UN Departments of Peacekeeping Operations and Field Support*, 2015, pp. 26-33.

¹⁵² UN Security Council, *Report of the Secretary-General on the protection of civilians in armed conflict (S/2016/447)*, 2016.

¹⁵³ OHCHR, *What we do*.

¹⁵⁴ OHCHR, *Strengthening human rights in peace operations*; UNDG, *Human Rights up Front Initiative*.

¹⁵⁵ OHCHR, *Strengthening human rights in peace operations*.

¹⁵⁶ UN Security Council, *Protection of Civilians in Armed Conflict (S/RES/1674 (2006))*, 2006, p. 5.

¹⁵⁷ UN Security Council, *Enhancing the relationship between the United Nations and regional and subregional organizations, in particular the African Union (S/RES/2167 (2014))*, 2014.

Union (AU) has become a key actor and contact partner for civilian protection in peacekeeping operations in Africa.¹⁵⁸ The AU has successfully endeavored to mainstream PoC within the African peace and security architecture and was the first regional organization that developed operational-level guidance on PoC in peacekeeping operations.¹⁵⁹ Similarly, since 2010, the European Union (EU) has been operating with “Revised Guidelines on the Protection of Civilians in Common Security and Defense Policy Missions and Operations,” in which it adopted the operational concept on PoC developed by the UN and strengthened the role of PoC in EU missions and operations.¹⁶⁰ The UN also cooperates with the EU and the AU on the ground by establishing hybrid missions, benefitting from the provision of the resources and capabilities it needs for peacekeeping and PoC.¹⁶¹

Protection through Political Processes

Political strategies can contribute to resolving conflicts and, by appealing to governments to fulfill their primary responsibility to provide security and protection for their populations, enhance the long-term security of civilians and should therefore underlie and guide mission mandates.¹⁶² However, mission activities to support political solutions and PoC do not always present complementary and mutually reinforcing mandated tasks and prioritizing a speedier political agreement may sometimes even increase immediate risks to civilians.¹⁶³ As the HIPPO report noted, protection mandates and political solutions must be interlinked and the support of political solutions should always be the mission’s ultimate objective, guiding all remaining peacekeeping tasks.¹⁶⁴ Nevertheless, as the Security Council stated in resolution 1894 of 2009 on “Protection of civilians in armed conflict,” PoC should maintain the highest priority over other mission activities, especially where violence against civilians takes place.¹⁶⁵

Providing Protection from Physical Violence

Physical protection from imminent threat is the most visible form of PoC during peacekeeping operations and is thus an important indicator for measuring the success of a mission in protecting civilians.¹⁶⁶ Operations with the mandate to protect civilians under imminent threat of physical attack or physical violence focus on a range of diverse tasks, including preventive deployment of peacekeepers and other monitoring and early warning measures.¹⁶⁷ If serious human rights violations are underway, peacekeeping missions may be mandated to use “all necessary means” to deter hostile acts against civilians, including direct military action.¹⁶⁸ Despite this, the UN has faced repeated criticism for being unable to protect civilians from widespread violence due to slow deployment and inaction.¹⁶⁹ The latest wave of criticism erupted in 2016 after the UN Mission in the Republic of South Sudan (UNMISS) failed to protect the civilians residing in the PoC site in Malakal.¹⁷⁰ A special investigation conducted by a UN independent high-level board of inquiry found out that there was confusion over command and poor coordination between various civilian and uniformed peacekeepers.¹⁷¹ Due to incidents such as the one in Malakal, there is a growing need for the Security Council to authorize robust mandates.¹⁷² However, the implementation of such robust mandates is often hampered by inadequate coordination among various mission components, failure of troops to take actual

¹⁵⁸ African Union et al., *Draft Guidelines for the Protection of Civilians by African Union Peace Support Missions*, 2010.

¹⁵⁹ Ibid.

¹⁶⁰ Council of the European Union, *Revised Guidelines on the Protection of Civilians in CSDP Missions and Operations*, 2010.

¹⁶¹ European Parliament, *EU-UN cooperation in peacekeeping and crisis management*, 2015.

¹⁶² UN DPKO & UN DFS, *Draft DPKO/DFS Operational Concept on the Protection of Civilians in United Nations Peacekeeping Operations*, 2010, p. 4.

¹⁶³ Gorur & Sharland, *Prioritizing the Protection of Civilians in UN Peace Operations*, 2016, p. 21.

¹⁶⁴ UN General Assembly & UN Security Council, *Comprehensive review of the whole question of peacekeeping operations in all their aspects (A/70/95–S/2015/446)*, 2015, pp. 26-27.

¹⁶⁵ UN Security Council, *Protection of Civilians in Armed Conflict (S/RES/1894 (2009))*, 2009.

¹⁶⁶ Harston, *Protection of Civilians*, 2016, p. 14.

¹⁶⁷ UN DPKO & UN DFS, *Draft DPKO/DFS Operational Concept on the Protection of Civilians in United Nations Peacekeeping Operations*, 2010, pp. 4-5.

¹⁶⁸ Ibid.

¹⁶⁹ UN General Assembly & UN Security Council, *Comprehensive review of the whole question of peacekeeping operations in all their aspects (A/70/95–S/2015/446)*, 2015, p. 9.

¹⁷⁰ Médecins Sans Frontières, *Voices of the people: "Security is the most important thing". Findings from MSF survey in the Malakal UN Protection of Civilian site*, 2016, p. 2.

¹⁷¹ UN DPI, *South Sudan: Special investigation into Malakal violence completed, says UN*, 2016.

¹⁷² Hultman, *Robust Peacekeeping: A Desirable Development?*, 2014.

action, lack of consent of the host government, and improper understanding of the rules of engagement by the personnel.¹⁷³

Establishing a Protective Environment

The establishment of a protective environment is needed to ensure that the physical security of civilians as well as their human rights are guaranteed and includes measures such as child protection, prevention and combating of sexual and gender-based violence, and establishment of a safe and secure environment for the delivery of humanitarian aid.¹⁷⁴ In addition, building a protective environment involves providing support and assistance to host government authorities and strengthening of national institutions in the areas of security sector and rule of law.¹⁷⁵ Rule of law plays a key role for the physical security of civilians and the Security Council should therefore aim to ensure that this aspect is better incorporated into the work of peacekeeping operations through formulating clear, country-specific mandates and providing a synergy between the rule of law and PoC objectives.¹⁷⁶

Accountability

During an open debate in the Security Council on PoC 10 June 2016, Secretary-General Ban Ki-moon presented his latest report on “Protection of civilians in armed conflict” in which he underlined the need for a renewed focus on accountability mechanisms in peacekeeping.¹⁷⁷ He further stated that human rights violations and sexual violence against civilians remain widespread and stressed that improving compliance with the fundamental norms of IHL and human rights law is “a prerequisite for improving protection of civilians.”¹⁷⁸ In this sense, the Secretary-General called for better monitoring and reporting of human rights violations and for strengthening national and international accountability mechanisms, including proper investigation and prosecution of committed crimes.¹⁷⁹

Sexual exploitation and abuse (SEA) committed by UN personnel against civilians, including children, is a grave concern for the whole peacekeeping system.¹⁸⁰ Noting that the number of allegations of SEA perpetrated by UN personnel, especially military personnel, has increased, the report of the Secretary-General specified that by means of enhanced transparency and accountability, acts of sexual violence can be better addressed and prevented.¹⁸¹ In a similar vein, on 11 March 2016, the Security Council adopted resolution 2272 on “United Nations peacekeeping operations,” in which it welcomed the Secretary-General’s continued efforts to strengthen his zero-tolerance policy that rules out impunity for personnel committing SEA.¹⁸² It further stressed the importance of SEA pre-deployment training and called upon personnel contributing countries to hold the perpetrators accountable.¹⁸³

Not only allegations of misconduct, but also the failure by peacekeepers to fulfill their responsibility of protecting civilians undermines the credibility of the UN.¹⁸⁴ States contributing troops or funds to peacekeeping operations pledged in the Kigali Principles that they would investigate and, where necessary, prosecute its personnel in the

¹⁷³ Sloan, *UN Peacekeeping in Darfur: A ‘Quagmire’ That We Cannot Accept*, 2014; UN DPKO & UN DFS, *Protection of Civilians: Implementing Guidelines for Military components of United Nations Peacekeeping Missions*, 2015, p. 15.

¹⁷⁴ UN DPKO & UN DFS, *Draft DPKO/DFS Operational Concept on the Protection of Civilians in United Nations Peacekeeping Operations*, 2010, p. 5.

¹⁷⁵ Harston, *Protection of Civilians*, 2016, p. 15; UN DPKO & UN DFS, *Draft DPKO/DFS Operational Concept on the Protection of Civilians in United Nations Peacekeeping Operations*, 2010, p. 5.

¹⁷⁶ UN DPKO & UN DFS, *Draft DPKO/DFS Operational Concept on the Protection of Civilians in United Nations Peacekeeping Operations*, 2010, p. 6; UN Rule of Law Unit, *The Rule of Law in the UN’s Intergovernmental Work*.

¹⁷⁷ UN Security Council, *Report of the Secretary-General on the protection of civilians in armed conflict (S/2016/447)*, 2016.

¹⁷⁸ *Ibid.*, p. 4.

¹⁷⁹ *Ibid.*

¹⁸⁰ *Ibid.*, p. 7.

¹⁸¹ UN General Assembly, *Special measures for protection from sexual exploitation and sexual abuse: Report of the Secretary-General (A/70/729)*, 2016.

¹⁸² UN General Assembly, *Special measures for protection from sexual exploitation and sexual abuse: Report of the Secretary-General (A/70/729)*, 2016, p. 14; UN Security Council, *Sexual exploitation and abuse by United Nations peacekeepers (S/RES/2272 (2016))*, 2016.

¹⁸³ UN Security Council, *Sexual exploitation and abuse by United Nations peacekeepers (S/RES/2272 (2016))*, 2016.

¹⁸⁴ UN Peacekeeping, *Success in peacekeeping*.

event that they were unwilling or unable to protect civilians.¹⁸⁵ Accordingly, an independent special inquiry was launched to investigate UN peacekeepers' failure to respond appropriately to an attack on Juba residential compound in South Sudan.¹⁸⁶ The Council must strive to improve global mechanisms of accountability by including corresponding clauses in its peacekeeping resolutions and civilian protection mandates.¹⁸⁷

Conclusion

Civilians account for the vast majority of casualties in today's armed conflicts.¹⁸⁸ The UN has recognized that the PoC is a core responsibility of the UN peacekeeping and strives to bring together the Security Council, the General Assembly, the Secretariat, especially by DPKO and DFS, as well as other national and international protection actors in order to provide better protection to civilians.¹⁸⁹ Successful PoC requires concerted and coordinated action among all protection actors and it has to adapt constantly to evolving environments, changing nature of conflicts and other challenges.¹⁹⁰ Furthermore, PoC must be mainstreamed into developing of protection strategies and overall planning of the peacekeeping operations and a better implementation of protection mandates must be ensured.¹⁹¹ Last but not least, compliance with international humanitarian, human rights, and refugee law must be improved and accountability for violations must be consistently pursued.¹⁹²

Further Research

PoC has become an integral part of UN peacekeeping, but several challenges still exist. Bearing this in mind while conducting research, delegates should consider questions such as: How can the integration of PoC components into peacekeeping strategies be improved? How can PoC mandates be better implemented on the ground? How can the cooperation of diverse protection actors be strengthened? What is the importance of peacekeeping partnerships? How can be ensured that the three tiers contained in the *DPKO/DFS Operational Concept on PoC in UN Peacekeeping Operations* are indeed mutually reinforcing? How the accountability for violations of international humanitarian and human rights law can be enhanced?

Annotated Bibliography

African Union et al. (2010). *Draft Guidelines for the Protection of Civilians by African Union Peace Support Missions*. Retrieved 27 August 2016 from: <http://www.peaceau.org/uploads/draft-au-poc-guidelines-english.pdf>

This draft guideline was designed to improve PoC in AU peacekeeping operations. It lists essential factors for mainstreaming PoC in the African peace and security architecture and explains how mission-specific protection strategies can be developed. Bearing in mind that conflicts across the globe differ greatly, making it hard to find general solutions, this draft gives a great example of how civilians can be protected in specific cases and thus provides an example of which other cases might benefit. Furthermore, the guideline introduces the tiered approach towards PoC that could be used for various cases around the world. Accordingly, this document provides important examples for delegates when they are looking for possible solutions for PoC in different environments and thus serves as a great supplement to the general literature on the topic under discussion.

Holt, V., et al. (2009). *Protecting Civilians in the Context of UN Peacekeeping Operations: Successes, Setbacks and Remaining Challenges*. Retrieved 15 July 2016 from:

<https://docs.unocha.org/sites/dms/Documents/Protecting%20Civilians%20in%20the%20Context%20of%20UN%20>

¹⁸⁵ International Conference on the Protection of Civilians, *The Kigali Principles on the Protection of Civilians*, 2015, p. 6.

¹⁸⁶ Burke & Pilkington, *UN under pressure over 'failure to act' during South Sudan rampage*, 2016.

¹⁸⁷ UN Security Council, *Report of the Secretary-General on the protection of civilians in armed conflict (S/2016/447)*, 2016, p. 15.

¹⁸⁸ Harston, *Protection of Civilians*, 2016, p. 18.

¹⁸⁹ Gorur & Sharland, *Prioritizing the Protection of Civilians in UN Peace Operations*, 2016; UN Security Council, *Protection of Civilians in Armed Conflict (S/RES/1674 (2006))*, 2006, p. 2.

¹⁹⁰ Harston, *Protection of Civilians*, 2016, p. 20.

¹⁹¹ UN General Assembly & UN Security Council, *Comprehensive review of the whole question of peacekeeping operations in all their aspects (A/70/95-S/2015/446)*, 2015.

¹⁹² UN Security Council, *Report of the Secretary-General on the protection of civilians in armed conflict (S/2016/447)*, 2016.

[Peacekeeping%20Operations.pdf](#)

This independent study conducted jointly by DPKO and OCHA focuses explicitly on PoC in peacekeeping operations. It stresses not only the considerable progress that has been achieved over the years, but particularly the setbacks and shortcomings of peacekeeping. It accentuates that current peacekeeping operations are still lacking systematic and consistent civilian protection on the ground. Accordingly, the study contains specific recommendations for improvement addressing a wide range of UN protection actors, including the Security Council, which seek to enhance PoC. Not only does this study provide a great overview of challenges of protecting civilians, but it serves as an example of how to make concrete recommendations to tackle and overcome these challenges. It also contains four detailed case studies, which show delegates various strategies on protection at the field level.

International Conference on the Protection of Civilians. (n.d.). *The Kigali Principles: A commitment to the Protection of Civilians*. Retrieved 18 August 2016 from: <http://civilianprotection.rw>

This website covering the 2015 Kigali International Conference on the Protection of Civilians and the resulting Kigali Principles focuses on how the international community can implement PoC mandates in peacekeeping operations more effectively and how it can achieve better-coordinated protection efforts on the ground. The conference took place in Rwanda, the fifth largest contributor of UN peacekeepers worldwide, and brought together the top personnel contributing as well as top financial contributing countries to UN peace operations. The Kigali Principles on the Protection of Civilians contain the pledges of these countries to improve civilian protection. The webpage contains a short as well as a long version of the Kigali Principles, complemented by statements of the speakers at the conference and further background information, which provides delegates with an idea of how concrete policies on PoC are adopted in practice.

United Nations, Department of Peacekeeping Operations & United Nations, Department of Field Support. (2008). *United Nations Peacekeeping Operations: Principles and Guidelines* [Report]. Retrieved 17 July 2016 from: http://www.un.org/en/peacekeeping/documents/capstone_eng.pdf

This landmark document, also called UN Capstone Doctrine, draws on analysis contained in the Brahimi Report of 2000. It reflects the multidimensional nature and the unprecedented scale and scope of today's UN peacekeeping operations and tries to draw lessons from former operations. This internal DPKO/DFS publication serves primarily as a guide for all military, police and civilian personnel serving at UN Headquarters as well as deployed in the field and helps them understand the basic principles of peacekeeping. Consequently, it strives to professionalize the management and conduct of peacekeeping operations. For delegates, this report provides a detailed background on the major principles guiding the planning and conduct of UN peacekeeping operations, including PoC.

United Nations, General Assembly, Seventieth session. (2016). *Special measures for protection from sexual exploitation and sexual abuse: Report of the Secretary-General (A/70/729)*. Retrieved 18 August 2016 from: <http://undocs.org/A/70/729>

This report of the Secretary-General provides data on allegations of sexual exploitation and abuse in the UN system in 2015 and addresses gaps in the current system. The report noted a regrettable increase in the number of allegations of sexual violence perpetrated by peacekeeping personnel. After providing a comprehensive overview of all reported cases of sexual exploitation and abuse in 2015, including detailed charts and tables, the report offers ways of how to strengthen measures for protection from sexual exploitation and abuse and how to better implement the Secretary-General's zero-tolerance policy. The document also contains a report of the external independent panel reviewing the UN response to allegations of sexual violence and other serious crimes by members of foreign military forces not under UN command in the Central African Republic. Since this report focuses on a very concrete challenge to PoC and peacekeeping in general, it provides delegates with an example of how current problems are recognized and addressed by the UN.

United Nations, General Assembly, Fifty-fifth session & United Nations, Security Council, Fifty-fifth year. (2000). *Comprehensive review of the whole question of peacekeeping operations in all their aspects (A/55/305–S/2000/809)* [Report]. Retrieved 25 August 2016 from: <http://undocs.org/A/55/305>

As the title suggests, this report analyzes peacekeeping operations in all their aspects from mandating and planning of peacekeeping operations to their deployment. Accordingly, one of its parts is devoted to PoC. The report notes that mandates for civilian protection must be matched by adequate resources needed to protect civilians and that expectations on the peacekeeping missions must be better managed in the future. Since this recent report discusses topics relevant to peacekeeping in general, such as “UN capacities to deploy operations rapidly and effectively,” “structural adjustments required in DPKO,” and “peace operations and the information age,” it presents a useful complementary source for delegates if they need to delve more into the whole problematic of peacekeeping.

United Nations, General Assembly, Seventieth session & United Nations, Security Council, Seventieth year. (2015). *The Future of United Nations Peace Operations: Implementation of the Recommendations of the High-level Independent Panel on Peace Operations (A/70/357)* [Report]. Retrieved 17 July 2016 from: <http://undocs.org/A/70/357>

In October 2014, Secretary-General Ban Ki-moon established a 17-member High-level Independent Panel on UN Peace Operations and ordered them to conduct a comprehensive assessment of current UN peace operations. The report “The Future of United Nations Peace Operations” draws on the Panel’s report and its proposed recommendations. First, it mentions the most profound problems and challenges linked to peacekeeping. Building on these challenges, the report sets out priorities for further action and proposes short-term measures as well as long-term strategic reforms of the peacekeeping system based on three pillars: renewed focus on prevention and mediation; stronger global-regional partnerships; and finding new ways of making UN peace operations more effective, efficient, and accountable. This report is a valuable source for delegates to garner a better understanding of the current challenges of peacekeeping operations. Moreover, they can critically review the priorities set by the Secretary-General for future peacekeeping actions and search for possible gaps and opportunities of further improvement.

United Nations, Office for the Coordination of Humanitarian Affairs. (2011). *Framework for Drafting Comprehensive Protection of Civilians (POC) Strategies in UN Peacekeeping Operations*. Retrieved 16 August 2016 from: <http://www.refworld.org/pdfid/523998464.pdf>

The Framework aims to facilitate drafting of PoC strategies and so contribute to a more effective implementation of PoC mandates authorized by the Security Council. It divides the roles among protection actors, clarifies their responsibilities within the mission, describes various tasks and activities of the mission, and analyzes resources and capacities needed for a successful implementation of the PoC mandate. It guides the creation of a strategy from the first considerations prior to drafting an actual strategy to monitoring and reporting on implementation of PoC mandates, covering issues such as analysis of PoC risks, roles and responsibilities of protection actors, and coordination with other protection partners. This Framework, which builds upon the Operational Concept on the Protection of Civilians in UN Peacekeeping Operations, is a mandatory lecture for all DPKO/DFS personnel as well as staff of other UN entities involved in the peacekeeping missions. It provides a template upon which PoC strategies should be drafted. Thank to this source, delegates can get an impression of how PoC in peacekeeping operations is first planned and then, in the ideal case, implemented on the ground.

United Nations Peacekeeping. (n.d.). *What is Peacekeeping?* [Website]. Retrieved 15 July 2016 from: <http://www.un.org/en/peacekeeping/operations/peacekeeping.shtml>

This website highlights all important aspects regarding peacekeeping operations. It provides helpful answers to questions such as how peacekeeping is to be defined, what are its principles, what is the legal basis for peacekeeping, what are the mandates, and what is the role of the Security Council and other UN bodies in this regard. In addition, it gives a brief overview of the history of peacekeeping, its reform efforts as well as the current operations. Since peacekeeping operations are organized as global partnerships between the UN and Member States, regional organizations, and other UN partners, the webpage also lists various options of such partnerships.



This website provides delegates with a broad overview of most relevant aspects of the topic under consideration and presents thus a good starting point for further research.

United Nations, Security Council. (2016). *Report of the Secretary-General on the protection of civilians in armed conflict (S/2016/447)*. Retrieved 18 August 2016 from: <http://undocs.org/S/2016/447>

This latest report of the Secretary-General on the protection of civilians in armed conflict, submitted within the newly introduced annual reporting cycle, reviewed the current state of PoC and provided recommendations aimed at making the PoC policies more consistent and systematic in the future. The report first examines what the state of protection is across conflicts and lists the most frequent threats to civilians, such as conflict-related sexual violence, violations against children, and the usage of explosive weapons in populated areas. Then it addresses the importance of humanitarian access and illustrates on concrete examples the daily struggle of many humanitarian organizations trying to reach civilians in need. Finally, it mentions the progress, achievements, as well as opportunities and makes several concrete recommendations. Delegates should have a look at this document to understand what the current state of PoC is and where there is still room for improvement.

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II. The Situation in Libya

Introduction

Since the revolution against the former regime and its leader, Muammar Gaddafi, Libya has been characterized by violence and political instability.¹⁹³ In September 2011, six months after the first violence clashes occurred, the Security Council adopted resolution 2009 on “Libya” to establish the United Nations (UN) Support Mission in Libya (UNSMIL).¹⁹⁴ UNSMIL aims to ensure the transition to democracy through mediation between the conflict parties to address the issues threatening the fragile security situation.¹⁹⁵ In December 2015, the UN was able to mediate the Libyan Political Agreement (LPA), a milestone to enable peace and security after years of civil war.¹⁹⁶ This agreement and the resulting current political momentum is a unique chance for the country to maintain sustainable peace, which still faces various security threats.¹⁹⁷ The former administration of Tripoli, which relies on the support of powerful regional militias still partly opposes the LPA, which makes its implementation more difficult.¹⁹⁸ In October 2016, militias took over parliamentary headquarters in the capital calling for a new government and, in the eastern part of the country, forces led by General Khalifa Haftar expressed their opposition to the new UN-backed government.¹⁹⁹ Libya also still lacks a nationwide ceasefire.²⁰⁰ In post-Gaddafi Libya, Jihadist groups, including the Islamic State (IS), have increased their influence in the northern part of the country.²⁰¹ These groups benefit from acquiring large stockpiles of arms and ammunition left behind by the former regime in the aftermath of the war.²⁰² Reconciliation is complicated due to various human rights violations, the country’s past and displaced communities.²⁰³ The Security Council plays a crucial role in maintaining peace and security in the country and support the implementation of the recently signed LPA. To understand and achieve these tasks, the history of the conflict which led to the current situation needs to be considered. Only if all mentioned security threats and the growing humanitarian and human rights issues can be addressed adequately, there is a chance to maintain peace and security and stabilize the country.

International and Regional Framework

The international human rights norm of the Responsibility to Protect (R2P), which was adopted in 2005 at the UN World Summit, is used as justification for the involvement of the international community in the civil war against the Gaddafi regime.²⁰⁴ In general, the application of R2P is limited to genocide, ethnic cleansing, war crimes, and crimes against humanity.²⁰⁵ R2P consists of three pillars: (1) the responsibility of every state to protect its own citizens, (2) the responsibility of the international community “to encourage and assist individual states in meeting that responsibility,” and (3) “if a state is manifestly failing to protect its citizen, the international community must be prepared to take appropriate collective in accordance with the UN Charter.”²⁰⁶ In case a state is unable or unwilling to protect its citizens, Chapter VII of the Charter states that the Security Council can authorize the collective use of

¹⁹³ Bhardwaj, *Development of Conflict in Arab Spring Libya and Syria: From Revolution to Civil War*, 2012, p. 81.

¹⁹⁴ UN Security Council, *Libya (S/RES/2009 (2011))*, 2011, pp. 3-4.

¹⁹⁵ UN DPA, *Mediation Support Unit - Annual Report*, 2014, p. 15, UN Security Council, *Libya (S/RES/2144 (2014))*, 2014, p. 4.

¹⁹⁶ European Parliament, *Libya after Gaddafi: A challenging transition*, 2016, p. 2.

¹⁹⁷ UN Security Council, *Report of the Secretary-General on the United Nations Support Mission in Libya (S/2016/452)*, 2016, p. 1, 17.

¹⁹⁸ UN Security Council, *Report of the Secretary-General on the United Nations Support Mission in Libya (S/2016/452)*, 2016, p. 1; Aljazeera, *Libya's Tripoli authority rejects UN-backed government*, 2016.

¹⁹⁹ TRT World, *Rival group seizes Libya's UN-backed government offices*, 2016.

²⁰⁰ UN Security Council, *Report of the Secretary-General on the United Nations Support Mission in Libya (S/2016/452)*, 2016, p. 9.

²⁰¹ Gartenstein-Ross & Barr, *Dignity and Dawn: Libya's Escalating Civil War*, 2015, p. 37.

²⁰² HRC, *Investigation by OHCHR on Libya: detailed findings (A/HRC/31/CRP.3)*, 2016, p. 18.

²⁰³ OCHA, *Libya Humanitarian Response Plan*, 2015, p. 6; Sharqieh, *Reconstructing Libya: Stability through national reconciliation*, 2013, p. 7.

²⁰⁴ ICRtoP, *Impact of Action in Libya on the Responsibility to Protect*, 2011; Dembinski & Reinold, *Libya and the Future of the Responsibility to Protect*, 2011, p. 1; UN Security Council, *Libya (S/RES/2144 (2014))*, 2014, p. 4.

²⁰⁵ ICRtoP, *Impact of Action in Libya on the Responsibility to Protect*, 2011, p. 1.

²⁰⁶ *Ibid.*, p. 4.

force to avoid being passive with regard to war crimes, genocide, or crimes against humanity.²⁰⁷ The situation in Libya is the first instance in which the Security Council framed intervention in terms of R2P, citing the unwillingness of the Gaddafi regime to protect its citizens.²⁰⁸ In 2011, the Security Council unanimously adopted resolution 1970 on “Peace and security in Africa,” which recalled the responsibility of the regime to protect its citizens and, noting its unwillingness to do so, imposed a set of sanctions.²⁰⁹ That same year, the Security Council also adopted resolution 1973 on “Libya” which authorized Member States to “take all necessary measures” to protect the Libyan citizens.²¹⁰ The North Atlantic Treaty Organization (NATO)-led alliance interpreted the broad language of the resolution as authorization to become actively involved in the conflict, which led to the defeat of Gaddafi regime.²¹¹

UNSMIL was formed as a political support mission, led by the Department of Political Affairs, that focused on mediation and good offices as their core activity and included political engagement.²¹² UNSMIL was able to mediate the LPA, which is favored and supported by an overwhelming majority of Libyans.²¹³ The main principles of the agreement include a united government with a clear separation of powers and the improvement of institutions.²¹⁴ However, in June 2016, the House of Representatives (HoR) Presidential Council boycotted a formal vote to amend the Constitution and compose the new government.²¹⁵ This vote is necessary to transfer military power and to confirm the Government of National Accord (GNA), which would take over control as stated in the LPA.²¹⁶

Libya is party to the four *Geneva Conventions* (1949) and to *Additional Protocol I and II*.²¹⁷ The country has also joined the *Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction* (1992) and ratified the *Treaty on the Nonproliferation of Nuclear Weapons* (1968).²¹⁸ In addition, Libya is party to eleven of the eighteen core human rights treaties, including the *International Covenant on Civil and Political Rights* (1966) and the *Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment* (1984).²¹⁹

Role of the International System

The Security Council imposed an arms embargo, travel bans, and assets freezes against the Gaddafi regime, and a no-fly zone during the civil war in 2011.²²⁰ The mandate of UNSMIL includes a wide range of prescribed actions including restoring public security, promoting the rule of law and national reconciliation, extending state authority, strengthening Libyan institutions, restoring public services, protecting and further promoting human rights in particular for vulnerable groups, enhancing transitional justice, and supporting necessary steps to enable economic recovery.²²¹ UNSMIL continues to mediate and bring together all actors to ensure the formal vote and peaceful handover of all ministries.²²² Furthermore, to ensure high efficiency, UNSMIL is responsible for coordinating the

²⁰⁷ ICRtoP, *Impact of Action in Libya on the Responsibility to Protect*, 2011; Adams, *Libya and the Responsibility to Protect*, 2012, p. 3; *Charter of the United Nations*, 1945, Ch. VI.

²⁰⁸ Adams, *Libya and the Responsibility to Protect*, 2012, p. 3; Dembinski, & Reinold, *Libya and the Future of the Responsibility to Protect – African and European Perspectives*, 2011, p. 1.

²⁰⁹ UN Security Council, *Peace and security in Africa (S/RES/1970 (2011))*, 2011, pp. 2, 10.

²¹⁰ UN Security Council, *Libya (S/RES/1973 (2011))*, 2011, pp. 1, 3.

²¹¹ Adams, *Libya and the Responsibility to Protect*, 2012, p. 3; Dembinski, & Reinold, *Libya and the Future of the Responsibility to Protect – African and European Perspectives*, 2011, p. 1.

²¹² Kugel, *No helmets, just suits*, 2011, p. 4.; UN Security Council, *Libya (S/RES/2009 (2011))*, 2011, pp. 3-4; Schauseil, *Conflict analysis of the Libyan civil war*, 2014, p. 14.

²¹³ UN DPI, *Libya 'needs to move ahead now, or risk division and collapse,' UN envoy tells Security Council*, 2016.

²¹⁴ UNSMIL, *Libyan Political Agreement*, 2015, p. 2.

²¹⁵ UN Security Council, *June 2016 - Monthly Forecast*, 2016, pp. 9-10.

²¹⁶ *Ibid.*

²¹⁷ UN HRC, *Investigation by the Office of the United Nations High Commissioner for Human Rights on Libya: detailed findings (A/HRC/31/CRP.3)*, 2016, p. 8.

²¹⁸ NTI, *Libya*, 2015.

²¹⁹ UN HRC, *Investigation by OHCHR on Libya: detailed findings (A/HRC/31/CRP.3)*, 2016, p. 6.; UNSMIL, *Torture and Death Detention in Libya*, 2013, pp. 11-12.

²²⁰ UN Security Council, *Peace and security in Africa (S/RES/1970 (2011))*, 2011, p. 3.

²²¹ Schauseil, *Conflict analysis of the Libyan civil war*, 2014, p. 14.

²²² UN Security Council, *June 2016 - Monthly Forecast*, 2016, pp. 9-10.

support of multilateral and bilateral actors, monitoring and reporting human rights violations, and delivering humanitarian assistance.²²³ The activities and measures include the screening of conflict-related detainees, technical advice on the legislative reform and the reform of the judiciary, training of judges and the Judicial Police, and institutional support to the Ministry of Justice.²²⁴ Due to its wide range of activities, several UN organizations support and coordinate their work with UNSMIL, including the *United Nations Mine Action Service (UNMAS)*, which serves as the Arms and Ammunition Advisory Section and is responsible for the safe and secure management of weapons in the country and to counter proliferation.²²⁵ It also provides education, clearance, capacity enhancement, technical advice, and international advocacy to reduce landmines and other explosive remnant of war.²²⁶ In cooperation with women's civil society organizations and the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) Empowerment Division, UNMAS successfully launched a pilot project to empower women in the country to deliver risk education on Small Arms and Light Weapons to strengthen community resilience.²²⁷ The implementation of the UNSMIL mandate is supported by the United Nations Country Team (UNCT).²²⁸ The UNCT consists of all 15 UN specialized agencies, funds, and programmes that are currently active in Libya.²²⁹ While the UNCT focuses on development and recovery, it also addresses humanitarian needs.²³⁰

The Human Rights Council (HRC) and the Office of the United Nations High Commissioner for Human Rights (OHCHR) have focused their efforts in investigating human rights violations since 2014.²³¹ In addition, the HRC has developed recommendations to address the insufficient justice system and has identified further capacity-building needs.²³² On 15 February 2011 in resolution 1970 on "Peace and Security in Africa" the Security Council used its authority under Chapter VII of the Charter and referred the situation to the Prosecutor of the International Criminal Court (ICC), requiring the Libyan state to fully cooperate with the Court.²³³

The United Nations Development Programme (UNDP) is involved in the institutional strengthening process focusing on public administration, accountability, and transparency.²³⁴ UNDP also launched the Stabilization Facility for Libya, which is an initiative to stabilize the new united government through activities such as the financing to rebuild public infrastructure.²³⁵ Additional humanitarian assistance is provided by the United Nations Children's Fund (UNICEF) with a particular focus on child protection.²³⁶ It addresses the problems of underage recruitment and use of children by armed groups.²³⁷ In August 2016, UNICEF organized a workshop with representatives of the military, civil society organizations, officials from the social work and education sectors of the city Sebratha to discuss measures to better protect children and how to reintegrate them into the community.²³⁸ UNICEF also provides psychosocial services for former child soldiers.²³⁹

There are several regional and intergovernmental organizations presently operating in Libya. For example, NATO trained anti-regime forces in 2011 and supported them with airstrikes.²⁴⁰ The organization also imposed a naval

²²³ Schauseil, *Conflict analysis of the Libyan civil war*, 2014, p. 14.; UN Security Council, *The Situation in Libya (S/RES/2291 (2016))*, 2016, p. 2.

²²⁴ UN HRC, *Investigation by OHCHR on Libya: detailed findings (A/HRC/31/CRP.3)*, 2016, p. 79.

²²⁵ UNMAS, Libya, 2016.

²²⁶ UNMAS, Libya, 2016.

²²⁷ UNMAS, Libya, 2016.

²²⁸ UNDP, *United Nations Country Team in Libya - Strategic Framework 2013-2014*, 2012, pp. 8-9.

²²⁹ UNSMIL, *UN in Libya*.

²³⁰ UNSMIL, *UN in Libya*.

²³¹ UN HRC, *Investigation by OHCHR on Libya: detailed findings (A/HRC/31/CRP.3)*, 2016, p. 3.

²³² UN HRC, *Investigation by OHCHR on Libya: detailed findings (A/HRC/31/CRP.3)*, 2016, p. 3.

²³³ UN Security Council, *Peace and security in Africa (S/RES/1970 (2011))*, 2011, p. 2; HRC, *Investigation by OHCHR on Libya: detailed findings (A/HRC/31/CRP.3)*, 2016, p. 9; Coalition for the International Criminal Court, *Case & Situations: Libya*.

²³⁴ UNDP, *About Libya*, 2012.

²³⁵ UN DPI, *Libya: UN development programme launches initiative to support country's stabilization*, 2016.

²³⁶ UNICEF, *Libya – Humanitarian Situation Report*, 2016, p. 1.

²³⁷ UNICEF, *Libya – Humanitarian Situation Report*, 2016, p. 3.

²³⁸ UNICEF, *Libya – Humanitarian Situation Report*, 2016, p. 3.

²³⁹ UNICEF, *Libya – Humanitarian Situation Report*, 2016, p. 3.

²⁴⁰ Bhardwaj, *Development of Conflict in Arab Spring Libya and Syria: From Revolution to Civil War*, 2012, p. 89.

blockade and implemented an arms embargo.²⁴¹ While NATO has been involved in military activities, the European Union (EU) was involved in the early mediation efforts.²⁴² A peaceful solution was also supported by the African Union (AU), which tried to mediate in 2011 by proposing a roadmap for conflict resolution between the Gaddafi regime and the protesters.²⁴³ On the margins of the 26th AU Summit, the International Contact Groups, consisting of 20 UN Member States and international organizations, held its 5th meeting.²⁴⁴ The AU ensured to provide assistance for the security sector reform, training and equipped for the Libyan National Army, and to provide AU experience for the national reconciliation process.²⁴⁵ Additionally, after the LPA was signed, the Arab League together with UNSMIL and the new government in Libya will organize a conference in late 2016 to coordinate and mobilize support in the fight against terrorism and capacity-building.²⁴⁶

Conflict History

In February 2011, the spread of the Arab Spring from neighboring countries to Libya caused protesters to rise up against the Gaddafi regime.²⁴⁷ After the first protest in the eastern part of the country, rebel movements soon gained control of a significant part of the Libyan state.²⁴⁸ The regime responded with aircraft strikes and used mercenary troops, which led to a high number of casualties among civilians.²⁴⁹ To increase pressure to reach a ceasefire and end airstrikes against civilians the Security Council established a no-fly zone, imposed sanctions, and authorized Member States to take measures to protect the Libyan civilians nationally or through regional organizations.²⁵⁰ Due to increasing violence and deaths among the civilian population, NATO became involved and the former regime was defeated by the end of 2011.²⁵¹ In 2012, an election took place and the transitional parliament was governed by the Muslim Brotherhood's Libyan political wing, the Justice and Construction Party.²⁵² Although they received only 10% of the votes in the election for the General National Congress (GNC), they received support from a large number of independent representatives.²⁵³ However, the country was still divided and various armed groups based on tribal, ideological, and geographic affiliation destabilized the country in their attempts to seize power.²⁵⁴ After the election of the GNC, Islamists began to implement punitive measures against liberals and secularists.²⁵⁵ Additionally, in February 2014 the ruling parties of the GNC extended their own mandate to avoid the loss of the majority in new elections.²⁵⁶ General Khalifa Haftar launched Operation Dignity against the GNC, militias, and Islamist groups allied or in support of the GNC.²⁵⁷ Although he was retired and did not have any formal military appointment, parts of the Libyan National Army joined his forces, storming the parliament and forcing new elections for the HoR, which took place in June 2014.²⁵⁸ This attempt was condemned by the Islamist political parties, the leading bloc in the GNC and their powerful allies of former revolutionaries from the city of Misrata, and members of the ethnic Berber group.²⁵⁹ Although secularists won seats in the election, the Islamists refused to give up power, instead forming military campaign called Operation Dawn to take control of the capital, Tripoli, again to

²⁴¹ Schauseil, *Conflict analysis of the Libyan civil war*, 2014, p. 3.

²⁴² UN DPA, *Mediation Support Unit - Annual Report*, 2014, p. 15; UN Security Council, *Libya (S/RES/2144 (2014))*, 2014, p. 4.

²⁴³ De Wall, *The African Union and the Libyan Conflict of 2011*, 2012.

²⁴⁴ African Union, *Fifth Meeting of the International Contact Group on Libya*, 2016, pp. 2-3.

²⁴⁵ *Ibid.*

²⁴⁶ UNSMIL, *Libyan Political Agreement*, 2015, p. 18.

²⁴⁷ Siebens & Case, *The Libyan Civil War: Context and Consequences*, 2012, p. 15.

²⁴⁸ Mueller, *Precision and Purpose: Airpower in the Libyan Civil War*, 2015, p. 11.

²⁴⁹ *Ibid.*, pp. 11-12.

²⁵⁰ UN DPI, *Security Council Approves 'No-Fly Zone' over Libya, Authorizing 'All Necessary Measures' to Protect Civilians, by Vote of 10 in Favour with 5 Abstentions (SC/10200)*, 2011.

²⁵¹ O'Brien & Sinclair, *The Libyan War: A Diplomatic History: February - August 2011*, 2011, p. 6.; Siebens & Case, *The Libyan Civil War: Context and Consequences*, 2012, pp. 16-19.

²⁵² Smith, *Libya: deepening conflict*, 2014, p. 2.

²⁵³ *Ibid.*

²⁵⁴ UN HRC, *Investigation by OHCHR on Libya: detailed findings (A/HRC/31/CRP.3)*, 2016, p. 17.

²⁵⁵ Bisard, *The EU's Mediation Role in the Post-Arab Spring Era: A Comparative Analysis of Tunisia, Egypt and Libya*, 2015.

²⁵⁶ Smith, *Libya: deepening conflict*, 2014, pp. 2-3.

²⁵⁷ *Ibid.*

²⁵⁸ UN HRC, *Investigation by OHCHR on Libya: detailed findings (A/HRC/31/CRP.3)*, 2016, p. 18; Bisard, *The EU's Mediation Role in the Post-Arab Spring Era: A Comparative Analysis of Tunisia, Egypt and Libya*, 2015.

²⁵⁹ Gartenstein-Ross & Barr, *Dignity and Dawn: Libya's Escalating Civil War*, 2015, p. 7.

overthrow the newly elected government.²⁶⁰ As a result, the new government moved to Tobruk in August 2014.²⁶¹ In addition, the Libyan Supreme Court declared the basis for the elected HoR unconstitutional, although opponents claimed that the judges were pressured and issued personal threats to reach this decision.²⁶² The Operation Dawn forces reconvened the GNC, but soon realized that the international community recognized the HoR as legitimate representative body of Libya.²⁶³ A new outbreak of war was inevitable as both coalitions tried to expand their territory.²⁶⁴ As both parties could not make significant progress, increasing international pressure and the year-long political dialogue mediated by UNSMIL, the LPA was signed on 17 December 2015.²⁶⁵ The agreement included a roadmap to establish the GNA and outlined a path to democracy.²⁶⁶ However, in August 2016 the HoR rejected the proposed cabinet list submitted by the Presidency Council of the GNA and demanded a new list, which was in return rejected by two of the nine Presidency Council members leading to a deadlock and hampered the political situation in the country.²⁶⁷

Security Challenges

One of the most pressing security concerns in Libya is the proliferation of weapons and ammunition that has occurred since the fall of the Gaddafi regime, in which stockpiles were left unsecured and subsequently appropriated by armed groups.²⁶⁸ This has led to an increase in illicit trade of small arms and light weapons within Libya and among its regional neighbors.²⁶⁹ In resolution 1973 adopted in 2011 on “Libya,” the Security Council implemented an arms embargo for Libya and established a Panel of Experts to investigate trafficking dynamics to terrorist and criminal entities.²⁷⁰ Despite this embargo, there has been a significant increase of the redistribution of weapons since 2014, primarily because some Member States do not honor the arms embargo and Libya itself lacks capacity to fully implement it.²⁷¹ In 2016, the Security Council adopted resolution 2292 on “The Situation in Libya,” which allows the inspection of vessels in the high seas of the Libyan coast.²⁷² Another serious threat is the supervision of the destruction of the stockpile of usable chemical weapons, which should be completed in December 2016 and ensure the inspection of remaining nuclear-related stockpiles where uranium yellowcake is stored.²⁷³ Following the adoption of resolution 2298 of July 2016 on “The situation in Libya” allowing the transfer of such weapons, at least 400 tons of weapons were transported to Germany for destruction.²⁷⁴

Instead of only having a state army, the country has also to rely on a complex set of security forces with varying degrees of association with the Libyan government.²⁷⁵ These armed forces are based on tribal, ideological, and geographic affiliation and often follow their own economic and political interests.²⁷⁶ Some of them regard themselves as a national army, others as local security or even criminal enterprises.²⁷⁷ In some regions the government has accepted these forces as state representatives, but the Ministry of Justice, Ministry of Defence, or Ministry of Interior has little control of these groups.²⁷⁸ The established National Libyan Army in the post-Gaddafi

²⁶⁰ Smith, *Libya: deepening conflict*, 2014, pp. 3-4; Gartenstein-Ross & Barr, *Dignity and Dawn*, 2015, p. 7.

²⁶¹ Smith, *Libya: deepening conflict*, 2014, pp. 3-4.

²⁶² UN HRC, *Investigation by OHCHR on Libya: detailed findings (A/HRC/31/CRP.3)*, 2016, p. 14.

²⁶³ Gartenstein-Ross & Barr, *Dignity and Dawn: Libya’s Escalating Civil War*, 2015, p. 7.

²⁶⁴ *Ibid.*

²⁶⁵ UN HRC, *Investigation by OHCHR on Libya: detailed findings (A/HRC/31/CRP.3)*, 2016, p. 15.

²⁶⁶ *Ibid.*

²⁶⁷ UN Security Council, *September 2016 - Monthly Forecast*, 2016, p. 12.

²⁶⁸ UN HRC, *Investigation by OHCHR on Libya: detailed findings (A/HRC/31/CRP.3)*, 2016, p. 18.; SANA, *The Online Trade of Light Weapons in Libya*, 2016, p. 8.

²⁶⁹ SANA, *The Online Trade of Light Weapons in Libya*, 2016, p. 8.

²⁷⁰ UN Security Council, *Libya (S/RES/1973 (2011))*, 2011, p. 6; UN Security Council, *Final report of the Panel of Experts established pursuant to resolution 1973 (2011) concerning Libya (S/2015/128)*, 2015, p. 9.

²⁷¹ UN Security Council, *Final report of the Panel of Experts established pursuant to resolution 1973 (2011) concerning Libya (S/2015/128)*, 2015, pp. 26 - 27.

²⁷² UN Security Council, *The Situation in Libya (S/RES/2292 (2016))*, 2016, pp. 3-4.

²⁷³ NTI, *Libya*, 2015.

²⁷⁴ UN Security Council, *September 2016 - Monthly Forecast*, 2016, p. 13.

²⁷⁵ UN HRC, *Investigation by OHCHR on Libya: detailed findings (A/HRC/31/CRP.3)*, 2016, p. 16.

²⁷⁶ *Ibid.*, p. 17.

²⁷⁷ *Ibid.*

²⁷⁸ *Ibid.*, p. 11.

era has been divided by the two governments.²⁷⁹ All attempts to integrate militias and other armed forces were not successful.²⁸⁰ Although, the state theoretically has leverage on single armed forces through the salary paid by the Central Bank, the Libyan government could not get any oversight in the past.²⁸¹ UNSMIL started to support the new government by providing a platform for discussion on a code of conduct governing the behavior of armed groups, and supports the identification of military units capable to provide protection to the UN-backed government and the establishment of a presidential guard.²⁸² In addition, UNSMIL encourages talks with the new government on possible mechanisms to monitor the compliance of armed factions with their obligations under the LPA.²⁸³

Due to inadequate state authority, Jihadist groups have been able to increase the influence in the post-conflict era, particularly in the northern part of the country.²⁸⁴ The most prominent group is the IS, which was able to conquer the area around and city of Sirte.²⁸⁵ In 2014, armed groups started to pledge allegiance to the IS to increase their own territory control and strength in the fight against the two governments.²⁸⁶ While Sirte has been the most important base of the IS outside Syria and Iraq and their basis for a caliphate in North Africa and as coastal very important for their replenishments and range of operations, forces aligned with the UN-backed government were able to expel them in June 2016 and forced them to withdraw inland.²⁸⁷ The fight against Jihadists groups and in particular against IS remains of utmost importance for the new government to demonstrate its willingness to act and to demonstrate stability and safety for the Libyan population.

Human Rights and Humanitarian Issues

Since 2011, violent acts have been committed by all actors involved in the conflict often against certain groups based on their identity and actual or perceived political affiliation.²⁸⁸ The prosecution of such crimes is nonexistent as, yet, none of the leaders responsible for the violence have been prosecuted and few investigations have taken place.²⁸⁹ In 2015, the Security Council adopted resolution 2259 on “Libya,” calling for the new GNA to intensify investigations and identify the perpetrators by fully cooperating with the ICC.²⁹⁰ In addition, the Security Council called to transfer all detainees to state authorities.²⁹¹ UNSMIL’s Human Rights Division supported the government with information and advice on the situation in detention facilities and has started to strengthen institutional support to the Judicial Police by training them with regard to international human rights and the treatment of prisoners.²⁹² The LPA also included the measure to end impunity.²⁹³ HRC was also able to include human rights provisions in the agreement including the facilitation of a voluntary return of internally displaced persons (IDPs) and address the issues of missing persons.²⁹⁴

In October 2016, the UN Office for the Coordination of Humanitarian Affairs (OCHA) estimated that 1.3 million people in Libya will be in need of humanitarian assistance in 2017.²⁹⁵ Due to the complicated law and order conditions in Libya and a non-functioning police, for vulnerable groups and in particular for women it has been more difficult to seek state protection.²⁹⁶ UNSMIL and OHCHR confirmed increasing violence towards women who ran for the 2014 election and the Security Council emphasized the importance of promoting equal participation of

²⁷⁹ Ibid., p. 17.

²⁸⁰ Ibid., p. 16.

²⁸¹ Ibid.

²⁸² UN Security Council, *Report of the Secretary-General on the United Nations Support Mission in Libya (S/2016/452)*, 2016, p. 9.

²⁸³ Ibid., p. 10.

²⁸⁴ Gartenstein-Ross & Barr, *Dignity and Dawn: Libya’s Escalating Civil War*, 2015, p. 37.

²⁸⁵ UN OCHA, *Humanitarian Bulletin Libya*, 2016, p. 1.

²⁸⁶ HRC, *Investigation by OHCHR on Libya: detailed findings (A/HRC/31/CRP.3)*, 2016, p. 13.

²⁸⁷ Dryad Maritime, *Sirte and the Future of ISIS in Libya*, 2016.

²⁸⁸ OHCHR, *Report on the human rights situation in Libya*, 2015, p. 31.

²⁸⁹ HRC, *Investigation by OHCHR on Libya: detailed findings (A/HRC/31/CRP.3)*, 2016, pp. 74, 80.

²⁹⁰ ICC, *Eleventh report pursuant to paragraph 7 of UN Security Council Resolution (UNSCR) 1970*, 2016, p. 5.

²⁹¹ Ibid.

²⁹² UNSMIL, *Torture and Death Detention in Libya*, 2013, p. 14.

²⁹³ UN HRC, *Investigation by OHCHR on Libya: detailed findings (A/HRC/31/CRP.3)*, 2016, p. 80.

²⁹⁴ Ibid., p. 84.

²⁹⁵ UN OCHA, *Libya Humanitarian Bulletin*, 2016, p. 1.

²⁹⁶ UN-Women, *Libyan women launch Libya’s first minimum peace agenda*, 2015.

women and minority communities in the post-conflict situation.²⁹⁷ The UNSMIL has established regular contact with women's rights defenders to ensure their participation in the political process.²⁹⁸ In November 2015, Libyan women activists launched the first unified Libyan peace agenda.²⁹⁹ The agenda aims to guarantee 30% representation of women in the future government and parliament and to reform existing laws to better protect women from violence.³⁰⁰ The humanitarian situation is also impacted by migrants and third-country nationals.³⁰¹ According to the International Organization for Migration (IOM) in September 2016, there were around 350,000 IDPs and 277,000 migrants in Libya.³⁰² Migrants are often detained for financial and political gains of non-state forces.³⁰³

Conclusion

The LPA and the establishment of a GNA have been important milestones in the process for sustainable peace and stability in Libya.³⁰⁴ However, there are remaining challenges and tasks for the international community and the Security Council. After the failed first attempt in the post-Gaddafi era, it is clear that the participation of all tribes and groups is necessary to form a sustainable political solution.³⁰⁵

Further Research

Moving forward, delegates should consider the following questions: How can the participation of all tribes and groups be encouraged? What kind of mechanisms can be implemented to form one Libyan army and at the same time disarm all other groups? How might the Security Council improve the capacity of UNSMIL to better address these challenges? How can the institutional capacity-building be strengthened to guarantee an impartial and independent judiciary and fully investigate human rights violations?

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This document summarizes the conflict history in Libya between February 2011 and February 2015. This includes the civil war against the former regime, the transitional period and establishment of two governments leading to a new conflict outbreak and deadlock in the political process. It also briefly describes all key actors in Libya and outlines the broader implications of the conflicts such as the raise of Jihadists groups or security instability for neighboring countries. Delegates need to be aware of the circumstances leading to the current situation to address the situation. This document provides an excellent detailed overview of the historical and political development in the country.

Schauseil, F. (2014). *Conflict analysis of the Libyan civil war*. Retrieved 28 September 2016 from:

<http://www.bradburys.co.uk/wp-content/uploads/2014/12/Conflict-analysis-of-the-Libyan-civil-war.pdf>

The report summarizes the crisis and conflict development between 2011 and 2014. It presents the international and national level of the conflict and addresses actors involved such as the NATO or the role of militias and mercenaries on a domestic level. In addition, the report includes an overview of the situation prior to the demonstrations against Gaddafi, which lead into the civil war. This report provides a very good starting point for research in order to fully understand the

²⁹⁷ HRC, *Report of OHCHR on the situation of human rights in Libya and on related technical support and capacity-building needs (A/HRC/28/51)*, p. 6; UN Security Council, *Libya (S/RES/2009 (2011))*, 2011, p. 2.

²⁹⁸ HRC, *Report of the OHCHR on the situation of human rights in Libya and on related technical support and capacity-building needs (A/HRC/28/51)*, p. 6.

²⁹⁹ UN-Women, *Libyan women launch Libya's first minimum peace agenda*, 2015.

³⁰⁰ UN-Women, *Libyan women launch Libya's first minimum peace agenda*, 2015.

³⁰¹ UN OCHA, *Libya*.

³⁰² IOM, *Libya*.

³⁰³ ICC, *Eleventh report pursuant to paragraph 7 of UN Security Council Resolution (UNSCR) 1970*, 2016, p. 5.

³⁰⁴ UN HRC, *Investigation by OHCHR on Libya: detailed findings (A/HRC/31/CRP.3)*, 2016, p. 15.

³⁰⁵ UN Security Council, *Report of the Secretary-General on the United Nations Support Mission in Libya (S/2016/452)*, 2016, p. 1.

current conflict, to identify all conflict drivers, and to be able to develop feasible solutions for Libya.

United Nations Children's Fund. (2016). *Libya – Humanitarian Situation Report*. Retrieved 28 September 2016 from: http://www.unicef.org/appeals/files/UNICEF_Libya_Humanitarian_Situation_Report_Jan_2016.pdf

The factsheet summarizes the work of UNICEF in Libya. The paper provides an overview of the severe humanitarian situation in the country highlighting that 2.44 million people are in urgent need of assistance. It further addresses the issues of education, health, child protection and access to water and sanitation. The factsheet allows delegates to understand the immediate needs in Libya highlighting the fact that secure areas need to be implemented. Delegates can use the document for responses of the humanitarian situation in the country as the factsheet provides an excellent overview of the humanitarian needs of the country.

United Nations, Human Rights Council. (2016). *Investigation by the Office of the United Nations High Commissioner for Human Rights on Libya: detailed findings (A/HRC/31/CRP.3)* [Annual report]. Retrieved 28 September 2016 from: http://www.ohchr.org/Documents/Countries/LY/A_HRC_31_CRP_3.pdf

The report contains the outcomes of the investigation by OHCHR on Libya. The report includes a summary of the international legal framework consisting of international human rights law, international humanitarian law and international criminal law and summary of the main factions of the civil war. In section five, the report mentions different patterns of violations and abuses and concludes that various state and non-state actors have been violating human rights. The report also includes recommendations of the High Commissioner for all conflict parties. The report is of interest for all delegates who want to get a detailed overview of the human rights violations in Libya and address one of the most serious threats in the country.

United Nations Mine Action Service. (2016). *Libya* [Website]. Retrieved 28 September 2016 from: <http://www.mineaction.org/programmes/libya>

This website describes the activities of UNMAS, which is the Arms and Ammunition Advisory Section of UNSMIL. They address Humanitarian Mine Action through risk reduction, explosive ordnance disposal and technical advice for institutional development. In addition, it oversees and coordinates efforts to secure arms stockpiles. The flow of arms is one of the most challenging tasks to maintain peace in the country. The website provides an overview of already taken actions and could be used as starting point to think about further ideas and measures to address this threat for a stabilized country.

United Nations, Security Council. (2016). *Report of the Secretary-General on the United Nations Support Mission in Libya (S/2016/452)*. Retrieved 28 September 2016 from: <http://undocs.org/S/2016/452>

The 2016 report is a summary of the Secretary-General on UNSMIL. It summarizes the developments after the LPA provides details on the security situation for all parts of the country. The report lists of activities of UNSMIL such as electoral support or activities regarding human rights. The report also provides an overview of the international assistance and concludes with recommendations for further measures to maintain peace and security in the country. Delegates should use the report to get an overview of the recent developments and the current situation. The can also use the recommendations as starting point for own ideas to address these concerns.

United Nations, Security Council Report. (n.d.). *UN Documents for Libya* [Website]. Retrieved 28 September 2016 from: <http://www.securitycouncilreport.org/un-documents/libya/>

This website is a key starting point for research regarding the actions taken by the international community in Libya. It contains a list of United Nations documents for Libya including Security Council resolutions, Human Rights Council documents, or reports of the Secretary-General. It is the perfect starting point for research on any UN activities or previous steps taken by the Security Council. If delegates want to address the conflict, they can use to website to find out what has already be done to solve the conflict.

United Nations Support Mission in Libya. (n.d.). *UN in Libya* [Website]. Retrieved 26 October 2016 from: <https://unsmil.unmissions.org/Default.aspx?tabid=5110&language=en-US>

This website lists all entities of the UN system that are currently operating in Libya. This includes 15 UN Specialized Agencies, Programmes and Funds. For each of these 15 actors, the website provides a brief overview of their areas of support and activities on the ground. This includes activities such as the cooperation of UNDP and UNSMIL regarding the support of the parliament, as well as the activities of the Office of the UN High Commissioner for Refugees (UNHCR) and IOM to improve the situation for migrants and internally displaced persons. Delegates should find an excellent overview of all actors and their resources which can be used to address challenges and to find solutions.

United Nations Support Mission in Libya. (n.d.). *United Nations Support Mission in Libya* [Website]. Retrieved 28 September 2016 from: <https://unsmil.unmissions.org/>

This is the general website of UNSMIL. The website provides an overview of the mission, its mandate, and background. The website is an excellent starting point to get a substantive overview of the work and the structure of UNSMIL as well as to get access to the yearly reports of the Secretary-General on UNSMIL. UNSMIL addresses all challenges for the country as the mission is involved in the negotiations between the conflict parties, supports the state-building, or addresses the illegal arms trafficking. The website provides the overview of previous activities which should be used as basis for new solutions.

United Nations Support Mission in Libya. (2015). *Libyan Political Agreement*. Retrieved 28 September 2016 from: <https://unsmil.unmissions.org/LinkClick.aspx?fileticket=miXuJYkQAQg%3D&tabid=3559&mid=6187&language=fr>

This document is the LPA signed on 17 December 2015. The agreement includes all arrangements regarding the Government of National Accord, the House of Representatives, the High Council of State, confidence building measures, security arrangements, and the constitutional process. All further negotiations are based on the outcomes of this document. The document is of high importance for delegates to understand the current status of the unity government of Libya, identify possible gaps and risks for the stability and consider further actions to strengthen the outcomes and ensure their implementation.

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III. The UN-AU Partnership on Peace Operations

*It has long been recognized that the United Nations is not equipped to handle every crisis in the world on its own. It is acknowledged that a partnership between the United Nations and regional and other intergovernmental organizations should be developed if peace and security are to be maintained.*³⁰⁶

Introduction

Since the end of the Cold War, the United Nations (UN) has increased its efforts to maintain peace and security through peacekeeping missions in complex scenarios, such as police missions, human rights monitoring missions, and multidimensional operations.³⁰⁷ Currently, the UN deploys over 100,000 personnel (military and civilian) with a budget of 7.87 billion USD.³⁰⁸ Since 1948, 69 peacekeeping operations (PKOs) have been deployed by the UN Security Council, 56 of them since the end of the Cold War.³⁰⁹ In order to be able to manage the growing need for peace operations, the UN has developed more structured cooperation with regional and subregional organizations.³¹⁰ There are currently 16 missions worldwide, nine of which are located in Africa.³¹¹ As 87% of all peacekeepers are stationed on the African continent, the UN's partnership with the African Union (AU) has become essential.³¹² This guide will firstly explain the basic international and regional framework of PKOs, including the developments of the last decades.³¹³ It will further elaborate on the role of the international system, focusing on the African Peace and Security Architecture (APSA), and will conclude with a discussion of opportunities for cooperation, challenges, and a case study.³¹⁴

International and Regional Framework

Peacekeeping missions are not mentioned in the *Charter of the United Nations* (1945) however, they have become an important instrument of the UN.³¹⁵ Chapters VI, VII and VIII of the Charter provide the legal basis for peacekeeping.³¹⁶ The mandates for PKOs do not usually refer to a specific chapter of the Charter, as the legitimization for it lies somewhere between Chapters VI and VII.³¹⁷ Chapter VI, Article 38 allows the Security Council to make a recommendation for the peaceful settlement of a conflict to the involved parties if they consent to it.³¹⁸ This Article allows the Security Council to recommend the deployment of a PKO.³¹⁹ In recent years, the Security Council has used Chapter VII as a basis for operations that were deployed into post-conflict areas where peace was unstable, such as the UN Operation in Burundi from 2004 to 2006, where the Security Council determined the situation to be a threat for international peace and security and thus chose to act under its Chapter VII provisions.³²⁰ The reason for this is that Chapter VII provides an action-oriented approach to conflict settlement, including military measures.³²¹ In 2000, the *Report of the Panel on UN Peace Operations* (Brahimi Report) was published, assessing the developments in PKOs over the past decade.³²² It called for substantial peacekeeping reform

³⁰⁶ UN General Assembly and UN Security Council, *A regional-global security partnership: Challenges and opportunities: Report by the Secretary-General (A/61/204-S/2006/590)*, 2006.

³⁰⁷ UN DPKO, *Post Cold-War surge*, 2016.

³⁰⁸ UN DPKO, *Peacekeeping Fact Sheet*, 2016.

³⁰⁹ UN DPKO, *History of Peacekeeping*, 2016.

³¹⁰ UN DPKO, *Cooperation between the United Nations and Regional Organizations/ Arrangements in a Peacekeeping Environment – Suggested Principles and Mechanisms*, 1999, p.5.

³¹¹ UN DPKO, *Current Peacekeeping Operations*, 2016.

³¹² UN Security Council, *Partnering for Peace: moving towards partnership peacekeeping: Report of the Secretary-General (S/2015/229)*, 2015, p. 1.

³¹³ UN DPKO, *Post Cold-War surge*, 2016.

³¹⁴ African Union, Peace and Security Council, *The African Peace and Security Architecture (APSA)*, 2012.

³¹⁵ UN DPKO, Department of Field Support, *United Nations Peacekeeping Operations: Principles and Guidelines*, 2008, p. 13.

³¹⁶ UN DPKO, *Mandates and the legal basis for peacekeeping*, 2016.

³¹⁷ UN DPKO and DFS, *United Nations Peacekeeping Operations: Principles and Guidelines*, 2008, p. 14.

³¹⁸ *Charter of the United Nations*, 1945, Chapter VI.

³¹⁹ UN DPKO and DFS, *United Nations Peacekeeping Operations: Principles and Guidelines*, 2008, p. 14

³²⁰ *Ibid.*

³²¹ *Ibid.*, p. 15.

³²² United Nations Conferences Meetings and Events, *“Brahimi Report” Report of the Panel on United Nations Peace Operations*.

and stressed the importance of sustainable resourcing of missions.³²³ The report highlights that a significant challenge for PKOs are untrained troops.³²⁴ Furthermore, the most recent report from the *High-Level Panel on Peace Operations* (2015) called for four necessary changes in peacekeeping: stronger commitment to political solutions, the utilization of all types of peace operations to respond more accurately to different crises, a shift of focus for both the secretariat and the field staff on the people they protect, and a stronger global-regional partnership for the UN.³²⁵ This, moreover, is in line with the targets of Sustainable Development Goals 16 and 17, promoting peaceful societies and global partnerships.³²⁶

Along with the AU, the European Union (EU) and the North Atlantic Treaty Organization (NATO) have been close partners of the UN in conducting PKOs.³²⁷ The partnership with the EU is the most institutionalized, as the two organizations have created several cooperative mechanisms, such as high-level meetings between the UN Secretary-General and the High Representative of the EU for Foreign Affairs and Security Policy, and joint Security Council briefings.³²⁸ The framework for the cooperation between the UN and the AU has its roots in Chapter VIII of the UN Charter, which provides the legal basis for partnerships with regional organizations, stating that dispute settlement should, if possible, be performed by regional arrangements.³²⁹ In cases when it is necessary, the UN can mandate a regional organization to conduct a peace operation under its command.³³⁰

Role of the International System

Since the foundation of the UN Liaison Office to the Organization of African Unity in 1990 with the purpose of extending the UN's support, the two organizations have formalized their partnership in various fields.³³¹ The cooperation between the UN and the AU is based on a Ten-Year Capacity-Building Program (TYCBP), signed in 2006 between the UN Secretary-General and the Chairperson of the AU Commission.³³² The program focuses on capacity-building for the AU in the fields of “institution-building, human resources development and financial management, peace and security, human rights; political legal and electoral matters; social, economic, cultural, and human development; as well as food security and environmental protection.”³³³ The program was created to improve the capabilities of the AU and its Regional Economic Communities (RECs), as well as their collaboration with the UN.³³⁴ The latest review of the TYCBP noted that significant achievements have been made, but recommended a stronger integration of local partners.³³⁵ The TYCBP will end in 2016, and is set to be succeeded by the Partnership on Africa's Integration and Development Agenda (PAIDA), which is a collaboration between the UN, the AU, RECs and the African Development Bank.³³⁶ PAIDA will have seven principles: ownership and leadership by the AU, respect for Africa's policy space, faithfulness to commitments made, consultation and coordination, accountability, strategic partnership, and proactive engagement.³³⁷ It will address a wide range of topics including climate change, education, and health.³³⁸

³²³ Ibid.

³²⁴ Ibid.

³²⁵ UN General Assembly, *The future of United Nations peace operations: implementation of the recommendations of the High-level Independent Panel on Peace Operations: Report of the Secretary-General (A/70/357 – S/2015/682)*, 2015, p. 10.

³²⁶ UN Sustainable Development Knowledge Platform, *Sustainable Development Goals*, 2016.

³²⁷ Artinano, *Peace Operations Partnerships: The UN Security Council and (Sub-) Regional Organizations*, 2012, p. 1.

³²⁸ Security Council Report, *EU-UN Cooperation*, 2016.

³²⁹ *Charter of the United Nations*, 1945, Chapter VIII.

³³⁰ Ibid.

³³¹ African Union Commission, *United Nations Liaison and Representational Offices*.

³³² UN General Assembly, *Enhancing AU-UN Cooperation: Framework for the ten-year Capacity Building Programme for the African Union (A/61/630)*, 2006

³³³ Ibid.

³³⁴ Office of the Special Adviser on Africa, *The Ten-Year Capacity Building Programme (TYCBP) for the African Union*.

³³⁵ UN ECA, *United Nations Ten-Year Capacity Building Programme (TYCBP) for the African Union*, 2014.

³³⁶ Office of the Special Adviser on Africa, *The Ten-Year Capacity Building Programme (TYCBP) for the African Union*.

³³⁷ Office of the Special Adviser on Africa, *Partnership on Africa's Integration and Development Agenda*.

³³⁸ Ibid.

On the operational level, the UN and the AU have cooperated on five peace operations: Burundi, Central African Republic, Mali, Somalia and Darfur (Sudan).³³⁹ They cooperate through a bridging model, where the AU establishes a PKO, which later transitions into a UN mission.³⁴⁰ These have overall been successful, although some challenges remain: not all troops fulfill UN training requirements, and the AU still faces financial restrictions.³⁴¹ In 2015, the AU published a *Common African Position on the UN review of Peace Operations*, declaring the need for further institutionalization of the partnership to generate more joint policies and practices.³⁴² It also stressed that the UN and the AU should increase the joint evaluation of their cooperation, and improve their efforts in the field of mediation.³⁴³

The Secretary-General also cooperates closely with the Security Council and provides regular reports on the status of the missions.³⁴⁴ The role of the General Assembly includes approving and securing the financing of PKOs, as well as observing them through its Fourth Committee and the Special Committee on Peacekeeping Operations.³⁴⁵ The Department of Peacekeeping Operations (DPKO) is the main executive agency within the UN system for the conducting of peace operations.³⁴⁶ The Department of Field Support (DFS) provides the PKOs with administrative, operational and logistical support, providing staff and resources.³⁴⁷

African Peace and Security Architecture

The APSA is a network of organizations, structures, and mechanisms that have the aim of securing peace and security on the African continent.³⁴⁸ The APSA was created by the *Protocol Relating to the Establishment of the Peace and Security Council of the African Union* in 2002, and institutionalized the AU's maintenance of peace and security.³⁴⁹ The central organ for coordinating measures is the Peace and Security Council (PSC), which was modeled after the UN Security Council.³⁵⁰ The main goals of the PSC are to advocate peace, security and stability in order to avoid disputes, to rebuild and strengthen post-conflict societies, and to create a common defense policy for the AU.³⁵¹ To achieve these goals, the PSC is authorized to deploy PKOs, to advise the Assembly of the AU to impose sanctions on, or intervene in a Member State, in accordance with the principles of the *Constitutive Act of the African Union*.³⁵² The PSC consists of 15 members, ten of which are elected for a two-year period, and five for a three-year period in order to ensure continuity.³⁵³ These members are elected by the Assembly and can be reelected.³⁵⁴ The election of a member guarantees both equal representation of the various regions and recognition for those countries' commitment to the goals of the AU.³⁵⁵

The PSC Protocol also established a net of support structures for the PSC, including the:

- Commission
- Panel of the Wise (PotW)
- Continental Early Warning System (CEWS)
- African Stand-by Force (ASF)

³³⁹ UN Security Council, *Partnering for Peace: moving towards partnership peacekeeping: Report of the Secretary-General (S/2015/229)*, 2015, p. 7.

³⁴⁰ Ibid.

³⁴¹ Ibid., p. 13

³⁴² African Union, Peace and Security Council, *The Common African Position on the UN review of Peace Operations*, 2015.

³⁴³ Ibid.

³⁴⁴ UN DPI, *What we do: Maintain International Peace and Security*.

³⁴⁵ Ibid.

³⁴⁶ UN DPKO, *Department of Peacekeeping Operations*, 2016.

³⁴⁷ UN DPKO, *Department of Field Support*, 2016.

³⁴⁸ African Union, Peace and Security Council, *The African Peace and Security Architecture (APSA)*, 2012.

³⁴⁹ Ibid.

³⁵⁰ African Union, *Protocol Relating to the Establishment of the Peace and Security Council of the African Union*, 2002.

³⁵¹ Ibid., p. 5.

³⁵² Ibid., p. 6.

³⁵³ Ibid., p. 7.

³⁵⁴ African Union, *Protocol Relating to the Establishment of the Peace and Security Council of the African Union*, 2002, p. 7.

³⁵⁵ Ibid., p. 7.

- Special Fund.³⁵⁶

The Commission's functions are not specified in the PSC Protocol, even though the tasks of its chairperson are addressed in Article 10, which gives the Chairperson of the Commission the right to propose topics concerning potential conflicts to the PSC or the PotW.³⁵⁷ One of the most important tasks the Commission carries is to build and station peace operations.³⁵⁸ The PotW is composed of five highly renowned African personalities, who have contributed to peace and security and who advise the Commission and the PSC, by reporting to the PSC and through it to the Assembly.³⁵⁹ It is also authorized to conduct activities based on its own decisions or upon request by the PSC.³⁶⁰ The CEWS is a living database, which collects and analyzes information on conflict management and resolution gathered in the field by regional partners.³⁶¹ It consists of a monitoring and an observation center, which cooperate closely with the UN and the RECs.³⁶² The ASF is a unique structure as it is the implementation force of the PSC; it can be used to conduct peace operations, such as observing and monitoring missions.³⁶³ The ASF is composed of Member State troop contingents, assembled according to African Union Peace Support Standard Operating Procedures.³⁶⁴ The Special Fund, also known as the Peace Fund, is the financial pillar of the PSC support structures.³⁶⁵ It consists of funds from the AU's budget and contributions from Member States, civil society and other contributors.³⁶⁶ Although it was planned for in the PSC Protocol, it was not created until July 2016.³⁶⁷

UN-AU Cooperation Mechanisms

The PSC and the Security Council meet annually for joint consultative meetings in order to improve information-sharing and enhance the effectiveness of PKOs.³⁶⁸ These meetings still evidence various challenges, such as the differences in decision-making processes within the two organizations and the incoherent cooperation with regional mechanisms such as the RECs.³⁶⁹ The AU created a Permanent Observer Mission to the UN in 2014 to address these challenges and foster dialogue and actions.³⁷⁰ Additionally, the UN Secretariat and the AU Commission have increased their cooperation by creating a UN-AU Joint Task Force on Peace and Security in 2008, which allows the organizations to plan joint long-term strategies and programs.³⁷¹ In 2010, the UN also established the UN Office to the AU (UNOAU), to plan further cooperation for maintaining peace in Africa.³⁷²

Opportunities for UN-AU Collaboration on Peace Operations

There is still a great need to develop common practices and policies in the collaboration between the UN and the AU.³⁷³ Existing mechanisms, such as the ASF, need to be additionally strengthened.³⁷⁴

African Stand-by Force

The ASF reached its full capacity at the end of 2015.³⁷⁵ It consists of five different regional troop contingents, organized by the RECs.³⁷⁶ The ASF currently consists of about 25,000 troops divided in brigades by the Economic

³⁵⁶ African Union, Peace and Security Council, *The African Peace and Security Architecture (APSA)*, 2012.

³⁵⁷ African Union, *Protocol Relating to the Establishment of the Peace and Security Council of the African Union*, 2002, p. 14.

³⁵⁸ *Ibid.*, p. 15.

³⁵⁹ *Ibid.*, p. 16.

³⁶⁰ *Ibid.*, p. 16.

³⁶¹ *Ibid.*, p. 17.

³⁶² *Ibid.*

³⁶³ *Ibid.*, p. 19.

³⁶⁴ *Ibid.*, p. 18.

³⁶⁵ *Ibid.*, p. 27.

³⁶⁶ *Ibid.*

³⁶⁷ African Union, Peace and Security Council, *The African Union adopts the AU Peace Fund*, 2016.

³⁶⁸ UN Security Council, *Partnering for Peace: moving towards partnership peacekeeping: Report of the Secretary-General (S/2015/229)*, 2015, p. 3.

³⁶⁹ *Ibid.*

³⁷⁰ *Ibid.*, p. 4.

³⁷¹ *Ibid.*

³⁷² *Ibid.*

³⁷³ *Ibid.*

³⁷⁴ Rees, *What next for the African Standby Force?*, 2015.

³⁷⁵ *Ibid.*

³⁷⁶ Olouch *Deadline for African Standby Force now 2015*, The East African, 2013.

Community of West African States, the Economic Community of Central African States, the Southern African Development Community, the East African Standby Force and the North African Regional Capability.³⁷⁷ These regional structures allow the AU to mandate them within their own jurisdiction before generating a larger mission.³⁷⁸ However, there are still disputes between the AU and the RECs on collective missions, as some prefer these to be conducted under UN leadership.³⁷⁹ The task of the ASF will be in the field of peacekeeping operations, it was conceived as a force deployable in cases of genocide and war crimes, as well as to prevent wars in cases where the UN cannot respond quickly.³⁸⁰ Even though it lacks experience the ASF could become a very important resource for UN-AU peacekeeping operations, as the UN has no rapid deployable military staff.³⁸¹

Capacity-Building and Training

The AU troops in joint PKOs have often lacked adequate training and equipment.³⁸² In his 2015 assessment report of the recommendations by the High-level Independent Panel on Peace Operations, the UN Secretary-General urged the Security Council to provide additional support to African troop-contributing countries (TCCs) in their efforts to train and equip their troops, so that they could meet UN standards and thus make transitioning missions easier.³⁸³ Another of the challenges addressed in the report is the lack of rapid mission mobility and the resulting operational ineffectiveness.³⁸⁴ In order to improve this, the Secretary-General recommends regular check-ups with TCCs through the DPKO, to recognize deficiencies at an early stage.³⁸⁵ He further recommends the establishment of training partnerships at bilateral and regional levels to increase coherence among peacekeepers with UN standards and practices.³⁸⁶ In addition, the establishment of a train-the-trainer center is proposed to increase the amount of specialists available for training regional troops.³⁸⁷

Policy Development

AU-UN joint policy development is conducted through various structures, such as the annual joint consultative meetings, a joint task force, and desk-to-desk exchanges.³⁸⁸ During the tenth-annual joint consultative meeting in May 2016, the Security Council and the PSC assessed their relationship.³⁸⁹ An agreement was reached to convene on an informal basis more regularly in order to discuss topics like corruption, the situation in the Western Sahara and illicit arms flows.³⁹⁰ In recent years, the DPKO and the AU Commission have been successful in developing Security Sector Reform (SSR), an initiative developed to improve the security organs (police and military) of states, in order for them to be able to sustain peace and security on their own.³⁹¹ In 2009, together with other actors of the UN system, the EU and the African Security Sector Network founded the first continental policy framework on SSR, supported by the establishment of an implementation project, which is now applied by AU Member States and RECs.³⁹² It was funded with \$2.4 million and includes operational directions through training and the production of guiding publications.³⁹³

³⁷⁷ Institute for Security Studies, *Understanding the African Standby Force, rapid Deployment and Amani Africa II*, 2015, p. 2.

³⁷⁸ *Ibid.*, p. 3.

³⁷⁹ *Ibid.*

³⁸⁰ Rees, *What next for the African Standby Force?*, 2015.

³⁸¹ *Ibid.*

³⁸² UN Security Council, *Partnering for Peace: moving towards partnership peacekeeping: Report of the Secretary-General (S/2015/229)*, 2015, p. 10.

³⁸³ UN General Assembly, *The future of United Nations peace operations: implementation of the recommendations of the High-level Independent Panel on Peace Operations: Report of the Secretary-General (A/70/357 – S/2015/682)*, 2015, p. 20.

³⁸⁴ *Ibid.*

³⁸⁵ *Ibid.*, p. 21.

³⁸⁶ *Ibid.*

³⁸⁷ *Ibid.*

³⁸⁸ UN DPA, *United Nations- African Union cooperation*, 2014.

³⁸⁹ African Union, Peace and Security, *African Union Peace and Security Council co-chair's briefing on the informal meeting between the AUPSC and the United Nations Security Council to the media/press*, 2016.

³⁹⁰ *Ibid.*

³⁹¹ UN Security Council, *Partnering for Peace: moving towards partnership peacekeeping: Report of the Secretary-General (S/2015/229)*, 2015, p. 15.

³⁹² *Ibid.*

³⁹³ *Ibid.*

Challenges Associated with Working with the AU

The UN's cooperation with the AU is marked by many challenges, the most significant being the financing of joint PKOs.³⁹⁴ Several models for financial support have been developed over the years, but they often fail to meet the requirements of PKOs, especially in the process of transition.³⁹⁵ Transitioning PKOs from AU to UN leadership also proved to create obstacles for the efficiency and the sustainability of missions.³⁹⁶

Financing

Financing has been a critical challenge for UN-AU joint peacekeeping, as Regional Organizations that undertake their own peace operations are required to provide their own funds.³⁹⁷ Especially in the case of the AU, the amount of monetary resources has been unpredictable due to irregular inflow of funds.³⁹⁸ Commitments to AU missions in the past were unfulfilled, thus leading to complications during the “re-hatting” of PKOs from AU to UN missions.³⁹⁹ Although the AU's Peace Fund is an essential part of the APSA, it has proven to be inefficient, as Member States did not meet their funding goals, causing a need for additional funds from UN and other external sources.⁴⁰⁰ An important source of funding is the EU African Peace Facility, which was established in 2014 through the 2014-2016 Action Programme for the African Peace Facility, providing 750 million Euros to support PKOs by the AU and RECs.⁴⁰¹ These contributions have been very useful in increasing the predictability of the AU's budget.⁴⁰² Bilateral contributions from AU Member States, as well as from the United States of America and the People's Republic of China have also contributed to the financial stabilization of AU PKOs.⁴⁰³ Both states are planning to establish mechanisms similar to the EU African Peace Facility to further support the AU.⁴⁰⁴ Another monetary mechanism created to finance the activities of UN organizations are UN trust funds.⁴⁰⁵ The most successful models for financing PKOs have been combinations of UN trust funds, bilateral contributions, and other contributions, although they are more difficult to obtain, as they involve additional parties.⁴⁰⁶

Leadership Command and Transitioning of Missions

One of the main difficulties with the transitioning of missions is the lack of resources and the possible deterioration of the situation.⁴⁰⁷ If the troops of the first mission are withdrawn before the next mission can be deployed, the crisis area is left unsupported.⁴⁰⁸ There remains a need for standardized practices for sustaining missions in transition.⁴⁰⁹ One option is the deployment of a third party, as the EU did in operation ARTEMIS in 2003, by supporting UN troops in the Democratic Republic of Congo.⁴¹⁰ In order for transitioning troops to be more effective, the Secretary-General has proposed a regular evaluation of the progress of missions being organized.⁴¹¹

³⁹⁴ Ibid., p. 12.

³⁹⁵ Ibid., p. 13.

³⁹⁶ Ibid.

³⁹⁷ Ibid., p. 12.

³⁹⁸ Ibid.

³⁹⁹ Ibid.

⁴⁰⁰ Ibid., p. 13.

⁴⁰¹ European Commission, *African Peace Facility*, 2016.

⁴⁰² UN Security Council, *Partnering for Peace: moving towards partnership peacekeeping: Report of the Secretary-General (S/2015/229)*, 2015, p. 13.

⁴⁰³ Ibid.

⁴⁰⁴ Ibid.

⁴⁰⁵ United Nations Trust Fund for Human Security, *Trust Fund Achievements Around the World*.

⁴⁰⁶ UN Security Council, *Partnering for Peace: moving towards partnership peacekeeping: Report of the Secretary-General (S/2015/229)*, 2015, p. 14.

⁴⁰⁷ UN General Assembly & UN Security Council, *Report of the High-level Independent Panel on Peace Operations on uniting our strengths for peace: politics, partnership and people (A/70/95 –S/2015/446)*, 2015, p. 65.

⁴⁰⁸ Ibid.

⁴⁰⁹ Ibid.

⁴¹⁰ European External Action Service, *ARTEMIS/DRC*, 2015.

⁴¹¹ UN General Assembly, *The future of United Nations peace operations: implementation of the recommendations of the High-level Independent Panel on Peace Operations: Report of the Secretary-General (A/70/357 – S/2015/682)*, 2015, p. 16.

Case Study: The AU-UN Hybrid Operation in Darfur (UNAMID)

The background for this mission is a civil war that began in Sudan in 2003 between the government, its army, and various non-state actors, due to ethnic and economic tensions.⁴¹² The conflict spurred great atrocities against civilians, such as rape of women and girls and mass murders.⁴¹³ As the situation deteriorated, it caused many thousands of casualties and almost two million displaced persons.⁴¹⁴ In 2006, a peace agreement, the Doha Declaration, was signed with the involvement of the AU.⁴¹⁵ In 2007, the Security Council adopted resolution 1769 on “Sudan,” mandating UNAMID to replace the African Union Mission in Sudan (AMIS), which had been deployed in March 2004.⁴¹⁶ The original mandate included the support of the peace process through the protection of civilians, humanitarian assistance, observance of ceasefire agreements, economic development, promoting the rule of law, and monitoring Sudan’s borders.⁴¹⁷ The operation included the military staff already deployed by the AU through AMIS and additional peacekeepers, totaling 19,555 troops.⁴¹⁸ The resolution further appointed a joint AU-UN Special Representative for Darfur as head of the mission.⁴¹⁹ In a first step, the Security Council strengthened AMIS, so that the transition period would take place without complications, and UNAMID could be operational by December 2007.⁴²⁰ Since its deployment, UNAMID has faced several challenges, including breaches of ceasefires, attacks from several conflict parties, difficulties in fulfilling its humanitarian tasks, poorly trained troops, and a lack of funds, which have caused the mandate to be prolonged continuously until 2017.⁴²¹ A recent report highlighted that the funding had been increased, but that there are still outstanding debts to the UN.⁴²² Representatives from UNAMID and the Sudanese government have met to attempt to resolve these issues, but only with limited success.⁴²³

Conclusion

The AU has become a very important partner of the UN in its conduct of peace operations.⁴²⁴ This is due to the increasing need of resources and partners to cope with the developing need for peacekeeping operations in the African continent.⁴²⁵ Both the UN and the AU have created a comprehensive legal framework for their cooperation, and have established a network of institutions that cooperate and develop joint standards and policies.⁴²⁶ However, there are still many trials ahead for this partnership.⁴²⁷ A general lack of resources and finances provide the greatest challenges to this cooperation, as well as joint practices for cooperation in the field. The UN and the AU will need to find ways to secure the material and human resources in order to cooperate more efficiently.

Further Research

Regarding the evolution of peacekeeping and the cooperation between the UN and the AU, the following questions need to be considered: how can the UN help the AU to enhance its capabilities at both the political and operational levels? What possibilities exist to further institutionalize this partnership? What ways are there to increase the financing of PKOs and how can missions be financially sustained? How can the potential of the ASF be supported by the UN and its partners? What are ways to develop joint practices for the cooperation in the field such as handing over missions between the organizations?

⁴¹² UN DPKO, *UNAMID Background*, 2016.

⁴¹³ *Ibid.*

⁴¹⁴ *Ibid.*

⁴¹⁵ *Ibid.*

⁴¹⁶ *Ibid.*

⁴¹⁷ UN Security Council, *Sudan (S/RES/1769)*, 2007.

⁴¹⁸ *Ibid.*, p. 3.

⁴¹⁹ *Ibid.*, p. 3.

⁴²⁰ UN Security Council, *Statement by the President of the Security Council (S/PRST/2007/15)*, 2007.

⁴²¹ UN Security Council, *Reports of the Secretary-General on the Sudan and South Sudan (S/RES/2296)*, 2016.

⁴²² UN Security Council, *Report of the Secretary-General on the AU-UN Hybrid Operation in Darfur (S/2016/268)*, 2016, p. 17.

⁴²³ *Ibid.*, p. 10.

⁴²⁴ UN General Assembly & UN Security Council, *A regional-global security partnership: Challenges and opportunities: Report by the Secretary-General (A/61/204-S/2006/590)*, 2006.

⁴²⁵ *Ibid.*

⁴²⁶ Security Council Report, *UN-AU cooperation on Peace and Security*, 2016.

⁴²⁷ UN Security Council, *Partnering for Peace: moving towards partnership peacekeeping: Report of the Secretary-General (S/2015/229)*, 2015, p. 12.

Annotated Bibliography

African Union. (2002). *Protocol Relating to the Establishment of the Peace and Security Council of the African Union*. Retrieved 2 September 2016 from: http://www.au.int/en/sites/default/files/treaties/7781-file-protocol_peace_and_security.pdf

This document is the legal basis for the African Peace and Security Architecture. It defines the mandates, tasks and goals for the AU PSC and all related institutions. Firstly, it highlights the PSC, its functions, structure and principles. It then goes on to detail the components of the APSA, their tasks and powers. Reading this will help delegates gain a better understanding of the AU's work in peace and security, and how these institutions are linked to each other.

African Union. (2008). *Memorandum of Understanding on cooperation in the Area of Peace and Security between the African Union, the Regional Economic Communities and the Coordinating Mechanisms of the Regional Standby Brigades of Eastern Africa and Northern Africa*. Retrieved 6 September 2016 from:

<http://www.peaceau.org/uploads/mou-au-rec-eng.pdf>

This is the founding document for the cooperation of the AU with its Regional Economic Communities. It outlines the basis of their cooperation and their plans for future development. In the first section, the document addresses the main goals of the creation of the Standby Brigades, providing an explanation of the execution of peace and security programs in Africa. The next section stresses the four principles for their implementation as stated in the PSC Protocol. The main section defines the areas of involvement envisioned for these Standby Brigades. Finally, the Memorandum of Understanding highlights the importance of further cooperation between the involved parties.

African Union, Peace and Security Council. (2015). *The Common African Position on the UN review of Peace Operations*. Retrieved 6 September 2016 from: <http://www.peaceau.org/uploads/psc.502.peace.operations.29-04-2015-1-.pdf>

This is a great additional source to the report by the High-level Independent Panel on Peace Operations (HIPPO) and the Secretary-General's report on its implementation. It provides the AU view on the HIPPO report and its recommendations. It calls for more cooperation between the two organizations, more institution-building, and more commitment from Member States. In many points, this report agrees with the recommendations of the UN Secretary-General, such as on the need for enhanced institutionalization, but it also portrays differing views.

Langille, P. (2014). *Improving United Nations Capacity for Rapid Deployment*. Retrieved 6 September 2016 from: https://www.ipinst.org/wp-content/uploads/publications/ipi_e_pub_improving_un_rapid_deployment.pdf

This is a study on possible solutions for Rapid Deployment mechanisms. It argues that the UN has failed to reform in the past twenty years and that it has not lived up to its own possibilities. It presents attempts made by the Security Council to create Rapid Response teams from existing Standby Arrangement Systems, which failed and only limited the Security Council's performance. It further addresses issues such as the inoperability of the African Union Standby Force. Delegates can use this source to understand the limitations of the UN in terms of rapid deployment, and thus the importance of its cooperation with the AU.

Security Council Report. (2016). *UN-AU cooperation on Peace and Security* [Website]. Retrieved 19 July 2016 from: http://www.securitycouncilreport.org/monthly-forecast/2016-05/un-au_cooperation_on_peace_and_security_1.php

This website provides an overview of the development of the partnership between the AU and the UN, and lists the main documents associated with this cooperation. It also addresses the Security Council debate on the topic during its session in May 2016, as well as the following PSC meeting. While current and past aspects are listed, the website mainly takes a look at upcoming events and debates in the near future. It is highly advisable to review this website as the conference approaches, as it provides information on current debates at the UN. It further contains updates on specific conflicts and provides links to the documents associated with them.

United Nations, General Assembly, Sixty-fourth session. (2010). *Budget for the United Nations Office to the African Union: Report of the Secretary-General (A/64/762)*. Retrieved 21 July 2016 from: <http://www.undocs.org/A/64/762>

This source provides an overview of the monetary means the UN Office to the AU can dispose of. The report strengthens the case that funding is one of the greatest issues for the partnership, given the limited funds allocated to this office. The document gives the reader an overview of the specific assignments for the budget over a two-year period. It contains detailed listings of expenses and needed financial provisions, and defines clearly what the funds will be distributed for.

United Nations, General Assembly, Seventieth session & United Nations, Security Council. (2015). *The future of United Nations peace operations: implementation of the recommendations of the High-level Independent Panel on Peace Operations: Report of the Secretary-General (A/70/357-S/2015/682)*. Retrieved 18 July 2016 from: <http://www.undocs.org/S/2015/682>

This is a report by the UN Secretary-General on peacekeeping, which outlines the core challenges for peacekeeping in the upcoming years. It includes a detailed section on the UN's partnership with the AU in terms of peacekeeping. It defines the AU as one of the UN's main partners for peace and security in Africa, and calls for the enhancement of the partnership. The report recommends the further engagement in capacity-building with the AU, and favors an increase in the institutionalization of the partnership.

United Nations, General Assembly, Seventieth session & United Nations, Security Council. (2015). *Report of the High-level Independent Panel on Peace Operations on uniting our strengths for peace: politics, partnership and people (A/70/95-S/2015/446)*. Retrieved 6 September 2016 from: <http://www.undocs.org/A/70/95>

This is a crucial report for understanding the recent developments in the partnership between the UN and the AU. It assesses both progress achieved and the challenges ahead for peacekeeping. While it is a general report on the status of peacekeeping, it does make a strong point for the enhancement of cooperation with regional organizations in section A3. The report further discusses proactive measures, the protection of civilians, the challenges of using force, and ideas on how to sustain peace.

United Nations Office to the African Union. (2016). *United Nations Office to the African Union [Website]*. Retrieved 19 July 2016 from: <http://unoau.unmissions.org/>

This is the official website of the UN Office to the AU. It contains information on recent developments and details about the work of the UN at the AU. This is also a source that should be checked regularly as the conference approaches, as it will keep delegates informed on recent events. It contains information such as the cooperation in specific fields such as Small Arms and Light Weapons, Child Protection, or Counter Terrorism activities. It also offers documents and publications that highlight the office's work.

United Nations, Security Council. (2015). *Partnering for Peace: moving towards partnership peacekeeping: Report of the Secretary-General (S/2015/229)*. Retrieved 18 July 2016 from: <http://www.undocs.org/S/2015/229>

This is the most recent report by the Secretary-General on the partnership between the United Nations and regional organizations in order to strengthen peacekeeping missions. It provides an overview over the current tasks and challenges concerning peacekeeping operations. Although it does have a strong focus on the partnership with the AU, stating for example that procedural differences between the organizations have been a limitation to the implementation of obligations. It also addresses the involvement of other partners in the region. This is very helpful to understand the cooperation between different regional organizations and the UN.

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