Treatment of contributions to peace and security in the TOSSD framework – recommendations to the TOSSD Task Force

TOSSD Task Force Issues Paper[1] - Agenda item 2

4 – 5 June 2019

I. INTRODUCTION

1.   This paper presents the main outcomes arising from the thematic TOSSD pilot study on peace and security[2]. The study consisted of a desk review, an expert meeting held on 5 February 2019 involving international organisations, provider and partner countries, civil society and academics[3], consultations with a number of multilateral organisations active in the area of peace and security, and consultations with one provider country on its support to the security sector.[4] A questionnaire was also sent to the DAC International Network on Conflict and Fragility and to developing country members of the TOSSD Task Force. The list of experts consulted is included in Annex 2.

2.   The pilot will be finalised in the coming weeks and the full report issued by end June. This note focuses on the recommendations arising from the pilot and invites the Task Force to discuss the boundaries and safeguards of TOSSD in this area, to be subsequently integrated in the Reporting Instructions. The specificities of key areas (peacekeeping; disarmament; police, combatting transnational crimes and terrorism; engagement with partner country military; international tribunals) are also described, with related recommendations, in Annex 1.[5]

II. RECOMMENDATIONS

3.   The 2030 Agenda affirms that "there can be no sustainable development without peace and no peace without sustainable development". Through the Goal 16, which commits countries "to promote peaceful, inclusive societies for sustainable development, to provide access to justice for all and to build effective, accountable and inclusive institutions at all levels", there is an acknowledgement that political

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[1] Jointly drafted by Aussama Bejraoui (aussama.bejraoui@oecd.org) and Valérie Gaveau (valerie.gaveau@oecd.org).

[2] For the purpose of the pilot, "peace and security" refers to security system management and reform; peacebuilding, conflict prevention and resolution; peacekeeping; and other activities involving the military or the police (e.g. as delivery agents of developmental activities). It is therefore a subset of SDG 16 which also includes topics of general governance (participatory governance, legal identity etc.). Given the interlinkages between SDGs, it can also be found in other SDGs than SDG 16.

[3] See the summary of discussions at the expert workshop.

[4] See the draft terms of reference of the pilot.

[5] In addition to serving as the basis for developing recommendations on the boundaries of TOSSD, the pilot also highlighted the potential role of the private sector in achieving SDG 16, as security and development often intersect at the nexus of technology which offers business opportunities. Also, during the consultations, several organisations expressed interest for reporting their activities in TOSSD. The full report on the pilot will provide updated information on these aspects.

goals—including in relation to good governance and ending violent conflict— should find a place alongside the social, economic and environmental ones. (See Annex 4 for SDG 16 and related targets.)

4. International peace is an international public good, and the pursuit of international peace is central to the UN's mandate as spelled out in the UN Charter in 1945. This is reflected in the UN structure which includes departments dedicated to peace.[6] With its recent reform, the UN is seeking a more holistic approach to peace, security and development.

5. From the desk review, it is clear that some stakeholders see the global reach provided by the SDGs as a huge opportunity to make peace and security issues a core feature in development efforts. They would therefore favour the inclusion of some security expenditures in the measurement of resource flows in support of the 2030 Agenda. Global security challenges are critical components to any global sustainable development strategy and there should be collaboration with the military and the global security establishments around the world to achieve SDG 16. The SDG 16 is also seen as providing an opportunity to bridge the divide between security and development actors, working simultaneously toward ending poverty, while mitigating the negative consequences from conflict and insecurity.

6. Developing countries consulted so far confirm this view. For example, the Africa Leadership Forum, which initiated the Conference on Security, Stability, Development and Cooperation in Africa (CSSDCA) in 1990, recognises "the affinity between security, stability, development and cooperation", posits that "there can be no stability without security" and states that "the link between security and development as a precondition for the sustainable transformation of society is often neglected and in fact has neither been recognized nor accorded the required level of consideration and priority in Africa".

7. Although international peace is recognised as an international public good, and the peace and development nexus is universally acknowledged (development could not be possible without peace and security, and vice versa), some of the stakeholders, in particular civil society actors are very much opposed to including peace and security in the development agenda for the reasons summarised below[7]:

- There is a risk of **misuse** of funds and militarisation of development assistance.
- The inclusion of security expenditures in the measurement of resource flows in support of the 2030 Agenda will **divert** funds to this area at the expense of development funds. It could lead to reduced funding for programmes oriented at poverty reduction.
- A further risk lies in the **blurring of lines between security, development and humanitarian response**, with objectives and mandates of the different policy areas becoming confused and contradictory, leading to wasteful, ineffective and even dangerous aid programmes. The delivery of humanitarian aid, for example, is guided by humanitarian principles and standards, which safeguard the humanitarian imperative, protecting humanitarian space in conflicts, and setting civil–military boundaries.
- It is important to ask how the peace and security agenda is defined and whose interests are prioritised and served in order to understand how the support provided could (or could not) help in establishing peaceful and prosperous societies.

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[6] The Departments of Political Affairs and Peacekeeping Operations, recently reformed into the Department of Political and Peacebuilding Affairs and Department of Peace Operations, the Peacebuilding Commission and the Peacebuilding Fund.

[7] See CSO submission.

8.   The negotiations that led to the inclusion of SDG 16 in the 2030 Agenda were long and difficult, and resulted in the adoption of open-ended language that allows the goal to be flexible and non-prescriptive (see Annex 5). This suggests the TOSSD Task Force should adopt mindful language about accounting support for SDG 16 in TOSSD (but not attempt to renegotiate the meaning of SDG 16, as this would be beyond its mandate). The Secretariat has strived to follow this cautious approach, and to strike a balance between the need for transparency on all resource flows that are necessary for the achievement of the SDGs[8] and the risk to include activities that carry a high risk of undermining the SDGs. It formulated the recommendations to the Task Force by linking them to international agreements as much as possible, and by relying in priority on the view of developing countries and UN advice on which types of support can be considered as contributing to sustainable development. In particular, the UN has confirmed that its entire regular budget for 2020 is aligned with SDGs and that all related programmes and sub-programmes contribute to sustainable development and can be included in TOSSD.[9] Several safeguards are included to address the concerns raised. The consultations revealed that operational actors do implement these safeguards on the ground and some have shared examples that will be included in the final report.

Box 1. Recommendations on the treatment of peace and security in TOSSD, general principles

   a) **Indivisibility of the SDGs**
   The approach followed should be cautious, and the inclusion of support should be ruled out whenever there is a credible risk of negative impacts, taking account of the examples and recommendations provided in the CSO submission.

   Contribution to achieving one SDG target (e.g. 16.a) is not a sufficient TOSSD eligibility criterion in the field of peace and security. There should also be assurance that activities have no adverse impacts on other targets such as 16.1, 16.3, 16.4, 16.5, 16.7 or 16.10 (on reducing violence, improving access to justice, participatory decision-making, anti-corruption, arms proliferation and fundamental freedoms).

   Addressing all the aspects of the SDG 16 is therefore crucial. As emphasised during the 2019 Stockholm Forum on Peace and Development, "national security sectors that are both effective and accountable in a framework of democratic control, the rule of law and respect for human rights are core elements of achieving the good governance ambitions of SDG 16".

   b) **Focus on development outcomes**
   Only resources that have a demonstrably positive sustainable development impact should be included in TOSSD. One of the main lessons learnt from the consultations is that there is a growing body of evidence showing what is most likely to work in terms of reducing violence or addressing conflict. Providers should base their interventions on evidence-based strategies and careful evaluation of the context. Relying on politically expedient approaches might worsen violence, undermine the legitimacy of governments and therefore undermine sustainable development.

   c) **Exclude lethal equipment and support for/participation in kinetic activities**
   Although it was recognised that countries need to have the capacities to respond to domestic security issues, given the high risk of misuse, lethal equipment or training for kinetic operations is not eligible to TOSSD. While the combat capacities are considered as necessary, they are not part and parcel of the SDG framework.

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[8] The inclusion of a number of peace and security expenditures in TOSSD will help fill the existing gap on statistics in this field, one aspect that experts met from the World Bank have particularly supported.

[9] See the UN regular budget, including a narrative on the alignment with the SDGs: A/76/4.

d) Make transparency an eligibility requirement

Transparency can play the role of a first powerful filter (Ministries of Defence may be reluctant and cautious to increase their transparency reporting, due to the sensitivity of some of the activities undertaken and broader institutional cultures). In particular, sufficiently detailed descriptions that will allow scrutinising the data are essential. It should also be possible to disaggregate TOSSD datasets to ensure transparency regarding which specific SDG targets assistance contributes towards.

e) Concrete mechanisms to protect human rights and anti-corruption measures must be established.

f) Respect Oslo guidelines/humanitarian principles of humanity, impartiality, neutrality and independence.

g) Ensure local ownership

Promote ownership of development by communities and ensure the alignment of interventions under national or local development plans or programmes that respond to the specific needs of these communities. Development efforts can only be sustainable if they are owned by the recipient country.

h) No crowding out of developmental budgets

The support to the security sector should not divert funds away from poverty eradication and human development to security-related activities. In particular, development budgets should not be used to finance "hard" security issues.

i) Clear separate identification of peace and security-related expenditures

Many activities in the peace and security field will fall in Pillar II given their global nature (e.g. disarmament treaties). It is also recommended to include in Pillar II the activities conducted in developing countries when they are considered to achieve peace as a regional/international public good (e.g. peacekeeping operations) rather than to directly contribute to the development of the country concerned. This should alleviate the concerns of those who believe that the strictly developmental agenda (Pillar I) should remain separate from addressing peace and security issues (Pillar II).

j) Review mechanism

Finally, at least in the early stages of collecting data on TOSSD, it might be wise to consider that the TOSSD governance body reviews the cases brought to its attention by reporters or other stakeholders. In the view of the CSOs, a reliable and credible monitoring system should be put in place to determine whether the safeguards are being implemented. Such a mechanism could help challenge the practice of allocating resources for military and security objectives without due regard to their long-term development impacts or regardless of actual development needs.

k) Additional safeguards are proposed for specific areas, focusing on feasibility/verifiability (see Annex 1).

Issues for discussion

- **Does the Task Force agree with the cautious approach proposed?**
- **Can the Task Force endorse the recommendations and the safeguards as presented in Box 1? Which principles are the most pertinent from a reporting perspective?**
- **Can the Task Force endorse the recommendations in Boxes 2-6 (Annex 1)?**

Annex 1. Treatment of peace and security expenditures – specific areas

Peacekeeping

9.   At the expert workshop, several participants highlighted that peacekeeping laid the ground for sustainable development and was therefore relevant for inclusion in TOSSD as a development enabler addressing the global challenge of instability and war.

10.   The United Nations was established to "save succeeding generations from the scourge of war" and one of its main purposes is to maintain international peace and security. The UN Charter gives the UN Security Council (UNSC) primary responsibility for the maintenance of international peace and security and UN peace operations are deployed on the basis of mandates from the UNSC. Peacekeeping is often presented as one of the most effective tools available to the UN in the promotion and maintenance of international peace and security and the Peace Building Support Office (PBSO) provided strong evidence during the pilot that UN mandated Peacekeeping Operations consistently support SDG 16 at large, but also 16.1 specifically.[10]. The entire UN regular budget for 2020 is aligned with the SDGs and could thus be counted as TOSSD (see paragraph 8), including the sections in relation to the maintenance of international peace and security:

- Political affairs (section 3 of the budget, see Annex 3), including the special political missions conducted by the UN.

- Disarmament (section 4 of the budget, see next section in this Annex).

- Peacekeeping operations (section 5 of the budget). The programme comprises the Department of Peace Operations which provides support to all UN peacekeeping operations and certain special political missions. The programme also comprises, for historical reasons, two peacekeeping missions: the United Nations Truce Supervision Organization (UNTSO) and the United Nations Military Observer Group in India and Pakistan (UNMOGIP). All programmes in this section of the UN regular budget are identified as targeting SDG 16. The other UN peacekeeping operations have separate budgets[11]. The UN Secretariat has been invited to advise whether, in their view, they should be included in TOSSD as well. However, as centralised support services to all operations included in the UN regular budget under section 5 are considered linked to SDG targets, it would seem logical to also consider the operations themselves as linked to SDG targets.

11.   In addition to the support to peace processes, a large part of peacekeeping operations' mandates relate to the protection of civilians, the promotion and protection of human rights, support for national and international justice and the support for humanitarian assistance (e.g. MINUSMA's mandate include

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[10] "UN peacekeeping operations have consistently shown a significant reduction in battle-related death and thus contribute to 16.1. The joint UN-World Bank study on Pathways for Peace highlight the specific contribution to violence reduction by peacekeepers, and other studies have shown that deployment of peacekeeper reduce the risk that conflict spread across borders by 70 per cent. Another study highlights that PKOs with strong mandates, major armed conflict would have been reduced by up to two thirds relative to a scenario without PKOs."

[11] The approved budget for UN Peacekeeping operations for the fiscal year 1 July 2018 - 30 June 2019 is $6.7 billion (see A/c.5/72/25). In addition to UNTSO and UNMOGIP, operations include MINUJUSTH, Haiti; MINURSO, Western Sahara; MINUSCA, Central African Republic; MINUSMA, Mali; MONUSCO, D.R. of the Congo; UNAMID, Darfur; UNDOF, Golan; UNFICYP, Cyprus; UNIFIL, Lebanon; UNISFA, Abyei; UNMIK, Kosovo; UNMISS, South Sudan.

the contribution to the creation of a secure environment for the safe, civilian-led delivery of humanitarian assistance, in accordance with humanitarian principles, and the voluntary return of internally displaced persons and refugees in close coordination with humanitarian actors). Some missions dedicate up to 90 percent of their operational capacity to escorting convoys and self-protection and many direct protection to some at-risk populations, including IDPs.

12. During the pilot in Burkina Faso, an interview confirmed that peacekeeping should legitimately be covered in TOSSD as peace is a pre-requisite for development and related costs contribute to a global public good. Moreover, the use of force is part of the UN mandate, and sometimes a condition for returning to peace. The peacekeeping operations should be seen as bringing benefits to the whole region, given that vulnerability factors easily cross borders and addressing these has regional externalities.

13. CSOs recognise that some peace operations may have a positive impact on peace and development, but they have raised serious concerns on including such expenditures in TOSSD given their role in combatting and their support to state actors implicated in grave human rights abuses. They claim that the use of force by such operations should be excluded from TOSSD, as well as the logistical, training, infrastructure and intelligence assistance they provide, as in many contexts this assistance contributes to war efforts that often escalate conflict rather than contributing to the search for a political resolution of conflict and addressing human security and development needs.

14. Taking into account the views expressed during the pilot, the recommendation to the Task Force is to include UN peacekeeping expenditures in TOSSD and agree on safeguards as presented below.

Box 2. Recommendations on the treatment of peacekeeping operations

- **Include in TOSSD UN peacekeeping operations and other peacekeeping operations mandated by a UNSC resolution.** These operations follow three basic principles[12]:

  o **Consent of the parties:** United Nations peacekeeping operations are deployed with the consent of the main parties to the conflict. This requires a commitment by the parties to a political process and their acceptance of a peacekeeping operation mandated to support that process.

  o **Impartiality:** United Nations peacekeeping operations must implement their mandate without favour or prejudice to any party. Impartiality is crucial to maintaining the consent and co-operation of the main parties. Impartiality may be seen as playing a fundamental function in drawing the limits to the use of force and its purpose. Impartiality does not prohibit peacekeepers from using military force, but links and limits the use of force to a political process and the search for a political solution. The logic differs for counterterrorism which requires the identification of an enemy.

  o **Non-use of force except in self-defence and defence of the mandate:** In certain situations at risk, the Security Council has given United Nations peacekeeping operations "robust" mandates authorizing them to "use all necessary means" to deter forceful

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[12] See the United Nations Peacekeeping operations Principles and Guidelines at https://peacekeeping.un.org/sites/default/files/capstone_eng_0.pdf.

attempts to disrupt the political process, protect civilians under imminent threat of physical attack, and/or assist the national authorities in maintaining law and order. Robust peacekeeping involves the use of force at the tactical level with the authorisation of the Security Council and consent of the host nation and/or the main parties to the conflict. A United Nations peacekeeping operation should only use force as a measure of **last resort**, when other methods of persuasion have been exhausted, and an operation must always exercise restraint when doing so. The ultimate aim of the use of force is to influence and deter spoilers working against the peace process or seeking to harm civilians; and not to seek their military defeat.

- **For other peacekeeping operations, provide justification in TOSSD reporting that the mandate is focused on the protection of civilians, not on defeating an enemy.** Operations should support a peace process, and not have an explicitly belligerent role and approach. They should comply with the three basic principles of UN operations listed above.

- **Expenditures related to peacekeeping operations should be recorded in Pillar II**, to reflect that the operations, even if located in specific countries, seek to address a threat to "international" peace and security, and hence a global challenge. Treating these expenditures as a contribution to international public goods, rather than as a cross border resource flow in support of the sustainable development of specific countries should also alleviate some of the concerns regarding the risk of blurring the lines between the security and development agendas.

Disarmament

15.   Although arms control is the only disarmament-related aspect mentioned in the SDGs, the area of disarmament, broadly seen, was the least controversial one in terms of inclusion in TOSSD. Consultations revealed a relatively broad agreement among development and security experts that disarmament activities do support SDG 16, with full consensus regarding Disarmament, Demobilisation and Rehabilitation (DDR) activities. Exchanges with experts from SIPRI, which already tracks today activities to prevent the flow of illicit small arms and light weapons (SALW), emphasised that TOSSD could be particularly relevant if it would track South-South funding for activities that promote disarmament and greater arms control[13].

16.   A few experts did not agree on the inclusion of regional and global activities related to the non-proliferation of nuclear weapons or arms treaties under SDGs. However, this was a minority opinion. Most stakeholder advocate for considering these activities under the SDGs, including a number of recipient countries[14] and CSOs[15]. This is also supported by the new disarmament agenda launched by the UN Secretary General in 2018, "Securing Our Common Future"[16]. The new agenda includes three priorities, one of which – "disarmament to save the humanity" - relates to the reduction and elimination of biological, chemical and nuclear weapons. Moreover, the UN regular budget (see Annex 3) which is regarded as entirely aligned with the SDGs does include a section on disarmament (section 4, sub-programmes are tagged to various SDGs, including SDG 16) with the objective of "supporting multilateral efforts aimed at achieving the ultimate goal of general and complete disarmament under strict and effective international control"; "Weapons of mass destruction, in particular nuclear weapons, continue to be of primary concern, owing to their destructive power and the threat that they pose to humanity. [17]

17.   Regarding the support to disarmament capacities of the military, please see section on Engagement with partner countries' military.

Box 3. Recommendations on disarmament activities
• Disarmament activities are generally eligible to TOSSD, including activities conducted in the context of Disarmament, Demobilisation and Rehabilitation (DDR), Small Arms and Light Weapons (SALW) control, removal of land mines and explosive remnants of war and reduction and elimination of biological, chemical and nuclear weapons.

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[13] See SIPRI arms transfer database http://www.att-assistance.org/?page_id=10

[14] During the Open Working Group discussions Egypt stated: *"The suggested targets reflect, in our view, a selective approach, especially that it ignored major concerns of security and stability, in our region where we belong, particularly foreign occupation, terrorism, the arms race and the proliferation of nuclear weapons."* and Nigeria declared *"... the overarching and global issues of disarmament, particularly nuclear weapons and other weapons of mass-destruction should be addressed.".* https://www.saferworld.org.uk/resources/publications/831-from-the-sustainable-development-goals-to-the-post-2015-development-agenda-building-a-consensus-for-peace

[15] http://www.oecd.org/dac/financing-sustainable-development/development-finance standards/CSO%20submission%20on%20TOSSD%20security%20assistance%20March%202019.pdf

[16] https://s3.amazonaws.com/unoda-web/wp-content/uploads/2018/06/sg-disarmament-agenda-pubs-page.pdf

[17] The Section supports the implementation of various treaties and conventions, including the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, the Convention on Cluster Munitions, etc.

Police, combatting transnational crimes and terrorism

18.   SDG 16 targets call to *"significantly reduce all forms of violence and related death rates everywhere"*, to combat *"all forms of organised crime"*, or *"to prevent violence and combat terrorism and crime"*. In order to achieve these targets, effective law enforcement is essential.

19.   There is a broad consensus for including in TOSSD support to law enforcement agencies to increase their capacity to investigate and prosecute crime. However, divergent views were expressed as to whether broader support (e.g. technological equipment or criminal justice) should be envisaged considering the risk of misuse by recipient governments.

20.   Two specific areas that are mentioned in SDG 16 are particularly controversial: organised crime and terrorism. In the [submission from civil society organisations working on peace and sustainable development](), CSOs note that: *"given the prevalence of repressive approaches to counter-terrorism and counter narcotics, support to governments and other security actors for 'combating' (or 'countering') terrorism and other violent or organised crime through military security, intelligence and criminal justice mechanisms should not be considered as part of TOSSD"*.

21.   Given that the SDG development process is ultimately an intergovernmental one, one should look at whether guidance could be provided by other international agreements that national states have agreed upon.

Organised crime

22.   The main international instrument for combating organised crime is the United Nations Convention against Transnational Organised Crime and the three supplementary Protocols on Trafficking in Persons, Smuggling of Migrants and Trafficking of Firearms[18]. The Convention establishes a clear link between organised crime and sustainable development. More specifically, Article 30 recognises *"the negative effects of organized crime on society in general, in particular on sustainable development"* and invites state parties *"to enhance financial and material assistance to support the efforts of developing countries to fight transnational organized crime effectively and to help them implement this Convention successfully"*.

23.   The Convention identifies specific areas in which training and technical assistance should be provided to law enforcement personnel and for which States parties are requested to assist one another. These include:

–   Methods used in the prevention, detection and control of the offences covered by this Convention;

–   Routes and techniques used by persons suspected of involvement in offences covered by this Convention, including in transit States, and appropriate countermeasures;

–   Monitoring of the movement of contraband;

–   Detection and monitoring of the movements of proceeds of crime, property, equipment or other instrumentalities and methods used for the transfer, concealment or disguise of such proceeds,

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[18] The UN Convention on Transnational Crime was adopted by General Assembly 15 November 2000. The [United Nations Office on Drugs and Crime (UNODC)]() is the guardian of the United Nations Convention against Transnational Organized Crime (Organized Crime Convention).

property, equipment or other instrumentalities, as well as methods used in combating money-laundering and other financial crimes;

– Collection of evidence;

– Control techniques in free trade zones and free ports;

– Modern law enforcement equipment and techniques, including electronic surveillance, controlled deliveries and undercover operations;

– Methods used in combating transnational organized crime committed through the use of computers, telecommunications networks or other forms of modern technology; and

– Methods used in the protection of victims and witnesses.

Preventing and combating Terrorism

24.   Clearly, the inclusion of combatting terrorism in SDG 16 stems from the recognition by the international community that terrorism undermines sustainable development. However, strong disagreements exist in terms of what are the strategies that should be followed to address terrorism. Concerns have been raised that target 16.a could lead to coercive approaches to counter-terrorism and security in general[19], which are perceived as ineffective and carrying high risks of violation of human rights and therefore of undermining sustainable development.[20]

25.   However, through the United Nations Global Counter Terrorism Strategy (GCTS), all UN member states have agreed on a common strategic and operational framework to fight terrorism. The GCTS was adopted in 2006 and is reviewed every two years[21]. The GSCT is composed of four pillars: i) address the conditions conducive to the spread of terrorism; ii) prevent and combat terrorism[22]; iii) take measures to build state capacity to fight terrorism and to strengthen the role of the United Nations in combating terrorism; and iv) ensure the respect of human rights and the rule of law while countering terrorism.

26.   The GSCT makes it clear that member states should develop comprehensive strategies to address terrorism focusing on the four pillars, including human rights. In particular, the signatories commit that any measure taken to combat terrorism must comply with their obligations under international law, "including the Charter of the United Nations and relevant international conventions and protocols, in particular human rights law, refugee law and international humanitarian law."

27.   Discussions with representatives of the United Nations Office of Counter-Terrorism (UNOCT)[23], which is in charge of ensuring "the balanced implementation of the four pillars of the GCTS and the UN

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[19]   https://www.saferworld.org.uk/resources/publications/831-from-the-sustainable-development-goals-to-the-post-2015-development-agenda-building-a-consensus-for-peace

[20]http://www.oecd.org/dac/financing-sustainable-development/development-finance-standards/CSO%20submission%20on%20TOSSD%20security%20assistance%20March%202019.pdf

[21] The General Assembly reviews the Global Counter-Terrorism Strategy every two years in order to re-evaluate the counter-terrorism landscape and align it with member states' priorities

[22] In the context of the GCTS, combating terrorism is centred on law enforcement and not include kinetic activities.

[23] The Office of Counter-Terrorism was established by the UNGA resolution 71/291 on 15 June 2017 in an effort to enhance coordination and coherence across UN counter-terrorism activities and strengthen UN counter-terrorism capabilities. UNOCT has

Counter-Terrorism Centre (UNCCT), which is tasked to deliver counter-terrorism capacity building with states, highlighted that the GCTS and the work of carried out by the UNCCT[24] fall clearly within SDG 16. These aspects are also covered in the UN regular budget which confirms alignment with the SDGs.[25] Moreover, the 2017 report presented by the President of the General Assembly on the SDG implementation[26] included a reference to the GCTS as an activity in support of SDG 16.

28.   The GCTS identifies specific measures to build States' capacity to prevent and combat terrorism, including**:**

– Facilitate implementation of the international conventions and protocols related to the prevention and suppressions of terrorism and relevant United Nations resolutions.
– Combat money laundering and financing of terrorism.
– Reform and modernization of border management systems, facilities and institutions at the national, regional and international level.
– Assistance provided in transport security.
– Assistance in developing an effective and rule of law-based criminal justice system.[27]

Box 4. Recommendations on the treatment of law enforcement activities, including the fight against organised crime and terrorism

- Support to law enforcement agencies is eligible provided that it follows the main guiding principles as highlighted in Box 1.

- The support to law enforcement agencies to combat organised crime should be guided by the United Nations Convention against Transnational Organised Crime and the three supplementary Protocols on Trafficking in Persons, Smuggling of Migrants and Trafficking of Firearms.

- The support to law enforcement agencies to prevent and combat terrorism should be guided by the United Nations Global Counter-Terrorism Strategy.

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five main functions: (a) provide leadership on the General Assembly counter-terrorism mandates entrusted to the Secretary-General from across the United Nations system; (b) enhance coordination and coherence across the 38 Global Counter-Terrorism Coordination Compact (former CTITF) Task Force entities to ensure the balanced implementation of the four pillars of the UN Global Counter-Terrorism Strategy; (c) strengthen the delivery of United Nations counter-terrorism capacity-building assistance to Member States; (d) improve visibility, advocacy and resource mobilization for United Nations counter-terrorism efforts; and (e) ensure that due priority is given to counterterrorism across the United Nations system and that the important work on preventing violent extremism is firmly rooted in the Strategy.

[24] Examples of activities include aviation security, border security management, countering the financing of terrorism, cyberterrorism.

[25] In particular, the UNOCT objective is presented in the UN budget as "aligned with Sustainable Development Goal 16, which is to promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels. Progress towards the attainment of the objective will help to strengthen relevant national institutions, including through international cooperation, for building capacity at all levels, to prevent violence and combat terrorism."

[26] The Sustainable Development Goals: A Universal Push to Transform Our World, An end of term Report from the President of the 71st session of the General Assembly, Annex I. https://www.un.org/pga/71/wp-content/uploads/sites/40/2015/08/report-on-SDG-implementation-efforts-during-the-71st-session-of-the-General-Assembly.pdf

[27] The reference international organisations promoting and working in this area in the United Nations Office on Drugs and Crime (UNODC).

Engagement with partner countries' military

29.   Military support may be considered a legitimate form of foreign assistance like economic or development aid. It can help recipient countries to modernise or better equip their armed forces under the stated objective of fostering peace and stability in the country and/or region. But at the same time, providers of military aid aim to achieve their own foreign policy objectives and advance certain security and political interests.

30.   During the pilot, there were strong voices against including in TOSSD any financing or support to partner countries' military or strengthening the fighting capacity of their armed forces, through training or provision of military combating/lethal equipment. The reasons is that there is no conclusive evidence that domestic military expenditure supports sustainable development and transfer of munition and military hardware contributes to violence reduction (SDG 16.1). In addition, PBSO indicated that evidence suggests that direct military intervention by third parties in a conflict prolong conflict and increases hardship suffered by the civilian population; it should thus be excluded. Military alliances (bilateral and multilateral, e.g. NATO) may promote peace, for participating countries, but can engender arms races, and pit peace and security as a zero-sum game for non-members of military alliances; they can also be used for interventions in third countries with dubious outcomes and should also be excluded from TOSSD.

31.   By contrast, building the capacity of partner countries' armed forces to make them credible, accountable, ethically-balanced and managed under democratic control contributes to sustainable development, so inclusion of such activities in TOSSD should be allowed. Training the military in delivering any activity that has a development impact could also be considered. SIPRI experts have not formed a unified position on the topic but have reflected on the treatment of demining and determined that, even if demining training is for humanitarian purpose and regarded as beneficial for the civilian populations and thus could be considered under TOSSD with its relation to SDG 16.1 (by removing explosive hazards and providing education on safe behaviour), there is a potential use of trained personnel for a military purpose. Still, they point to three projects in the area of demining deemed non-ODA eligible in the Casebook that could be seen as TOSSD-eligible.[28]

32.   As for CSOs, because of the risks they pose of exacerbating conflict and undermining progress in addressing conflict drivers, they are of the view that military interventions and defence support programmes should not be included in TOSSD under any circumstances, except in some specific instances.

Box 5. Recommendations on the treatment of engagement with partner countries' military

- Include capacity building of partner countries' armed forces to make them credible, accountable and managed under democratic control in an ethically-balanced and self-sustainable way.

- Include training of partner countries' military in delivering any activity that has a development impact, for the benefit of civilians.

- Exclude any other form of financing for partner countries' military (strengthening the fighting capacity of partner countries' armed forces, through training or provision of military combating/lethal equipment; military interventions – other than peacekeeping operations – and military alliances, activities that may result in civilian casualties, etc.).

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[28] Training on Humanitarian Demining (Case 9), Training for Military Experts to Counter Improvised Explosive Devices (Case 16) and Education on Removal of Explosives Ordnance (Case 12).

International tribunals[29]

33.   The international tribunals[30] and the **International Criminal Court** (ICC) are mandated to prosecute individuals for crimes which have been defined as international, or rather supranational, such as genocide or crimes against humanity. The ICC is governed by an international treaty called the Rome Statute; it participates in a global fight to end impunity, and through international criminal justice, the Court aims to hold those responsible accountable for their crimes and to help prevent these crimes from happening again. Justice is a key prerequisite for lasting peace and international justice can contribute to long-term peace, stability and equitable development in post-conflict societies. These elements are foundational for building a future free of violence.

34.   Since these tribunals prosecute crimes seen as universally harmful to humanity, and since the motive for their establishment is to promote universal human rights, they directly contribute to the Agenda 2030 and should be counted under TOSSD. As for peacekeeping operations, the tribunals and other related organs such as the IIIM (International, Impartial and Independent Mechanism to assist in the investigation and prosecution of persons responsible for the most serious crimes under International Law committed in the Syrian Arab Republic since March 2011) are however not considered to have immediate developmental impact in the countries where they are located, but benefit to a global public good and related expenditures should therefore be included in Pillar II.

Box 6. Recommendations on the treatment of international tribunals

- Include the ICC, international tribunals and related organs such as the IIIM.

- Expenditures should be reported in Pillar II, even those directed to a tribunal/organ prosecuting crimes perpetrated in specific countries.

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[29] This section does not cover the International Court of Justice (ICJ) which has less of a direct link with peace and security. The ICJ is the main court of the UN; it has two main functions: 1) settling legal disputes between member States submitted to it by them and 2) giving advisory opinions on legal matters referred to it by agencies of the United Nations. Unlike the ICC, the ICJ has no jurisdiction to try individuals accused of war crimes or crimes against humanity. The ICJ is the judicial organ of the UN that deals with public international law (the laws of states). Cases are adjudicated based on state responsibility. It functions in accordance with its Statute, which is an integral part of the Charter of the United Nations. Its budget is part of the regular budget of the UN (see section 7 in Annex 3) which can entirely be linked to SDGs and SDG targets (see paragraph 8) and included in full in TOSSD.

[30] The International Criminal Tribunal for the former Yugoslavia, the International Criminal Tribunal for Rwanda, Special Court for Sierra Leone, Extraordinary Chambers in the Courts of Cambodia, Special Tribunal for Lebanon.

Annex 2. List of consultations carried out in the context of the TOSSD pilot on peace and security, as of end-May 2019

Expert workshop held on 5 February

Participants: **TOSSD Co-Chair** Laurent Sarazin, **International Dialogue on Peacebuilding and Statebuilding** (one representative from INCAF, G7+ and CSPPS), **international organisations** (Geneva Centre for the Democratic Control of Armed Forces – DCAF, Interpol, North Atlantic Treaty Organisation – NATO, Organisation for Economic Co-operation and Development – OECD, UN Department of Operational Support – DOS, Liaison Office for UN Peace and Security, UN Office on Drugs and Crime – UNODC), **research institutes** (Institute for Security Studies – ISS, Stockholm International Peace Research Institute – SIPRI), **Civil Society Organisations** (European Peacebuilding Liaison Office – EPLO, Global Initiative Against Transnational Organized Crime, OXFAM, Saferworld), **provider countries** (Australia, France, EU).

Written contributions received from workshop's participants:
CSO submission
France
SIPRI

Questionnaire sent to INCAF, responses received from: Czech Republic, Greece, Portugal, United Kingdom, UN Peacebuilding Office

Bilateral consultations with:
- **Multilateral organisations:** International Atomic Energy Agency (IAEA), International Criminal Police Organization (Interpol), Organisation for Security and Co-operation in Europe (OSCE), UN Secretariat (Office of the Controller), UN Department of Operational Support (DOS), UN Office for Disarmament Affairs (UNODA), UN Office on Drugs and Crime (UNODC), UN Office of Counter-Terrorism (UNOCT), World Bank
- **Partner countries:** Burkina Faso (interview with former Prime of Finance, interview with a current representative of the Ministry of Foreign Affairs); Nigeria (written Questionnaire); inputs shared by Interpol; G7+ represented at the workshop

Provider country, France, consultations conducted so far with: Ministry of Europe and Foreign Affairs (Direction Générale de la Mondialisation, Direction de la coopération de sécurité et de défense), Ministry of Economy and Finance, French Development Agency,

Academics, research institutes and CSOs: Global Initiative Against Transnational Organized Crime; Hertie School of Governance; International Centre for the Study of the Profession of Arms; International Peace Institute; Pathfinders for Peaceful, Just and Inclusive Societies (SDG 16+)

Annex 3. UN regular budget – summary

Source: A/74/6 (Introduction) – Proposed programme budget for 2020, Foreword and introduction (Annex II, Schedule 2)

	2018 expenditure	2019 appropriation	2020 estimate (after recosting)
Part I.			
Overall policymaking, direction and coordination	**368 674.9**	**399 776.8**	**406 404.5**
1. Overall policymaking, direction and coordination	61 573.1	75 995.8	78 640.2
2. General Assembly and Economic and Social Council affairs and conference management	307 101.7	323 781.0	327 764.3
Part II.			
Political affairs	**724 382.6**	**784 136.7**	**775 855.5**
3. Political affairs	658 573.5	715 666.3	705 660.0
4. Disarmament	12 379.4	12 959.3	13 692.8
5. Peacekeeping operations	49 577.0	51 596.8	52 348.0
6. Peaceful uses of outer space	3 852.8	3 914.3	4 154.7
Part III.			
International justice and law	**61 677.8**	**62 039.7**	**87 195.8**
7. International Court of Justice	25 342.1	24 681.7	27 040.1
8. Legal affairs	36 335.7	37 358.0	60 155.7
Part IV.			
International cooperation for development	**243 399.6**	**243 637.7**	**253 407.8**
9. Economic and social affairs	80 292.0	82 013.0	84 181.0
10. Least developed countries, landlocked developing countries and small island developing States	5 526.8	5 508.1	5 756.7
11. United Nations support for the New Partnership for Africa's Development	7 765.4	8 286.4	8 663.4
12. Trade and development	68 669.2	68 273.4	70 543.3
13. International Trade Centre	18 679.8	19 110.9	19 397.6
14. Environment	20 486.9	20 482.3	21 417.7
15. Human settlements	11 544.3	11 162.6	11 794.8
16. International drug control, crime and terrorism prevention and criminal justice	21 473.8	20 435.7	22 428.6
17. UN-Women	8 961.3	8 365.3	9 224.7
Part V.			
Regional cooperation for development	**278 120.3**	**297 877.5**	**309 672.6**
18. Economic and social development in Africa	70 263.6	84 176.7	87 704.8
19. Economic and social development in Asia and the Pacific	52 117.5	53 274.4	53 395.8
20. Economic development in Europe	34 180.6	31 973.3	33 150.6
21. Economic and social development in Latin America and the Caribbean	57 450.5	58 449.5	59 933.9
22. Economic and social development in Western Asia	35 533.3	37 115.8	38 321.0
23. Regular programme of technical cooperation	28 574.8	32 887.8	37 166.5
Part VI.			
Human rights and humanitarian affairs	**203 453.2**	**200 331.1**	**189 167.6**
24. Human rights	114 353.0	111 633.7	98 714.3
25. International protection, durable solutions and assistance to refugees	42 954.4	43 275.1	42 833.2
26. Palestine refugees	28 457.6	27 525.4	29 201.8
27. Humanitarian assistance	17 688.3	17 896.9	18 418.3

	2018 expenditure	2019 appropriation	2020 estimate (after recosting)
Part VII.			
Global communications	**91 400.6**	**91 893.1**	**94 774.4**
28. Global communications	91 400.6	91 893.1	94 774.4
Part VIII.			
Common support services	**103 084.4**	**304 603.9**	**304 105.3**
29. Management and support services			
A. Department of Management Strategy, Policy and Compliance	–	55 153.6	57 054.5
B. Department of Operational Support	–	97 162.8	88 614.7
C. Office of Information and Communications Technology	–	47 834.4	49 887.4
E. Administration, Geneva	69 230.9	69 300.0	71 481.2
F. Administration, Vienna	18 565.7	18 757.9	19 367.2
G. Administration, Nairobi	15 287.7	16 395.2	17 700.3
Part IX.			
Internal oversight	**21 428.6**	**20 569.1**	**21 662.8**
30. Internal oversight	21 428.6	20 569.1	21 662.8
Part X.			
Jointly financed administrative activities and special expenses	**83 975.3**	**72 247.4**	**82 539.6**
31. Jointly financed administrative activities	6 194.0	6 300.7	6 328.4
32. Special expenses	77 781.3	65 946.7	76 211.2
Part XI.			
Capital expenditures	**36 239.4**	**73 004.6**	**16 591.7**
33. Construction, alteration, improvement and major maintenance	36 239.4	73 004.6	16 591.7
Part XII.			
Safety and security	**125 352.1**	**121 062.6**	**120 788.1**
34. Safety and security	125 352.1	121 062.6	120 788.1
Part XIII.			
Development Account	**14 199.4**	**14 199.4**	**14 199.4**
35. Development Account	14 199.4	14 199.4	14 199.4
Part XIV.			
Staff assessment	**258 900.1**	**262 099.0**	**263 543.8**
36. Staff assessment	258 900.1	262 099.0	263 543.8
Total, regular budget	**2 614 288.3**	**2 947 478.6**	**2 939 908.9**

Annex 4. SDG 16 and related targets

Goal 16. Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels

16.1 Significantly reduce all forms of violence and related death rates everywhere.

16.2 End abuse, exploitation, trafficking and all forms of violence against and torture of children.

16.3 Promote the rule of law at the national and international levels and ensure equal access to justice for all.

16.4 By 2030, significantly reduce illicit financial and arms flows, strengthen the recovery and return of stolen assets and combat all forms of organized crime.

16.5 Substantially reduce corruption and bribery in all their forms.

16.6 Develop effective, accountable and transparent institutions at all levels.

16.7 Ensure responsive, inclusive, participatory and representative decision-making at all levels.

16.8 Broaden and strengthen the participation of developing countries in the institutions of global governance.

16.9 By 2030, provide legal identity for all, including birth registration.

16.10 Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements.

16.a Strengthen relevant national institutions, including through international cooperation, for building capacity at all levels, in particular in developing countries, to prevent violence and combat terrorism and crime.

16.b Promote and enforce non-discriminatory laws and policies for sustainable development.

Annex 5. Political context around the adoption of SDG 16

The adoption of SDG 16 related to peace, governance and justice was the result of long, divisive and hard negotiations. While developed countries were in favour of including these aspects in the new development agenda, many developing countries strongly opposed it, in particular through the Group of 77[31]. The main concerns were related to the potential effect of including these dimensions within the SDGs[32]. They can be summarised as follows:

- The inclusion of a goal on peace, governance and justice (human rights) could lead to interference in domestic affairs and violation of sovereignty[33].

- Including issues related to peace and security could lead to *"securitisation"* of the development agenda[3435]. This is one of the main concerns that still emerges today from discussions with developmental actors who express serious concerns that development budget would be used to finance "hard" security expenditures at the detriment of longer term and more sustainable peacebuilding activities.

- Some actors expressed a restrictive approach of development focused on fighting poverty. Others expressed the view that development leads to peace not vice versa. During our consultations we have also observed that many actors still see the SDGs as traditional development.

It was finally under the impetus of African countries that SDG 16 was adopted[36]. They adopted a common position –representing the views of 54 African member States - on the SDGs that notably supported the creation of a goal on peace and security[37]. Africa appears to be the continent most promoting the topic of peace and security at the international level. Agenda 2063, the "continent's strategic framework that aims to deliver on its goal for inclusive and sustainable development" includes "A peaceful and secure Africa" as one of its seven aspirations.

The result of these negotiations was the adoption of a goal that many consider vague, in particular in terms of actions to be taken. However by using open-ended language it gives states the flexibility to implement measures that are in line with their policy preferences.

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[31] SDG 16 on Governance and its measurement: Africa in the Lead

[32] https://www.saferworld.org.uk/resources/publications/831-from-the-sustainable-development-goals-to-the-post-2015-development-agenda-building-a-consensus-for-peace

[33] From the Sustainable Development Goals to the Post-2015 Development Agenda: Building a Consensus for Peace https://www.saferworld.org.uk/resources/publications/831-from-the-sustainable-development-goals-to-the-post-2015-development-agenda-building-a-consensus-for-peace

[34] India expressed concerns that the inclusion of issues related to peace and governance "*would translate into new conditionalities for the flow of international aid and the diversion of funds away from poverty eradication and human development to security-related activities*". From the Sustainable Development Goals to the Post-2015 Development Agenda: Building a Consensus for Peace https://www.saferworld.org.uk/resources/publications/831-from-the-sustainable-development-goals-to-the-post-2015-development-agenda-building-a-consensus-for-peace

[35] Brazil and Nicaragua Brazil and Nicaragua have voiced concerns that *"inserting security issues in the discussion…runs the risk of jeopardizing a process that can be extremely beneficial to development."* https://sustainabledevelopment.un.org/content/documents/6520brazil.pdf

[36] SDG 16 on Governance and its measurement: Africa in the Lead https://ideas.repec.org/p/dia/wpaper/dt201802.html

[37] Common Africa Position (CAP) on the post 2015 Development Agenda. AddisAbaba: African Union, March 2014 https://au.int/sites/default/files/documents/32848-doc-common_african_position.pdf