

With or Against the State? Reconciling the Protection of Civilians and Host-State Support in UN Peacekeeping

PATRYK I. LABUDA



Cover Photo: Elements of the UN Organization Stabilization Mission in the Democratic Republic of the Congo's (MONUSCO) Force Intervention Brigade and the Congolese armed forces undertake a joint operation near Kamango, in eastern Democratic Republic of the Congo, March 20, 2014. UN Photo/Sylvain Liechti.

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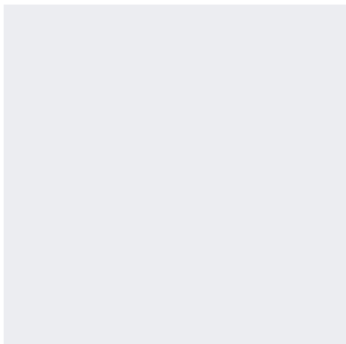
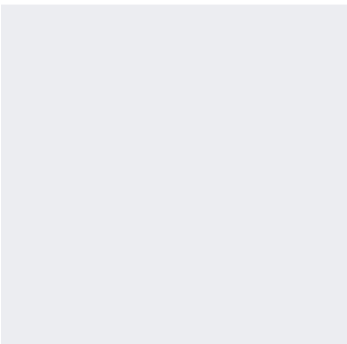
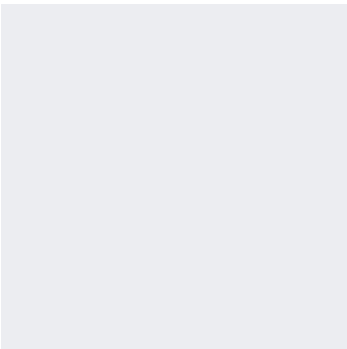
ABOUT THE AUTHOR

PATRYK I. LABUDA is a Postdoctoral Scholar at the Fletcher School of Law and Diplomacy and a Non-resident Fellow at the International Peace Institute. The author's research is supported by the Swiss National Science Foundation.

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ABBREVIATIONS

ADF	Allied Democratic Forces
CAR	Central African Republic
DDR	Disarmament, demobilization, and reintegration
DFS	UN Department of Field Support
DPKO	UN Department of Peacekeeping Operations
DRC	Democratic Republic of the Congo
DSRSG	Deputy special representative of the secretary-general
FARDC	Armed Forces of the Democratic Republic of the Congo
FDLR	Forces for the Liberation of Rwanda
HIPPO	High-Level Independent Panel on Peace Operations
HRDDP	Human Rights Due Diligence Policy
ICC	International Criminal Court
MINUSCA	UN Multidimensional Stabilization Mission in the Central African Republic
MINUSMA	UN Multidimensional Stabilization Mission in Mali
MONUC	UN Organization Mission in the Democratic Republic of the Congo
MONUSCO	UN Organization Stabilization Mission in the Democratic Republic of the Congo
OHCHR	Office of the UN High Commissioner for Human Rights
OIOS	UN Office of Internal Oversight Services
POC	Protection of civilians
SRSG	Special representative of the secretary-general
SSR	Security sector reform
UNAMA	UN Assistance Mission in Afghanistan
UNAMID	UN-African Union Mission in Darfur
UNMISS	UN Mission in South Sudan
UNOCI	UN Operation in Côte d'Ivoire

Executive Summary

Contemporary UN peace operations are expected to implement ambitious protection of civilians (POC) mandates while helping host states prevent conflict and build peace. Reconciling these people-oriented POC mandates with the state-centric logic of UN-mandated interventions ranks among the greatest challenges facing peace operations today.

The increasingly close association between peace operations and host states has profound implications for POC. On the one hand, peace operations and host states can work together to enhance POC by conducting joint patrols or carrying out joint operations. The UN can also improve POC by engaging in dialogue with government actors, building the capacity of state institutions, training state security forces, and supporting the rule of law. On the other hand, extending state authority risks exposing civilians to corruption, mismanagement, abuse, and even violence. It can also threaten perceptions of the impartiality of peacekeepers. Peace operations rely on tools such as the Human Rights Due Diligence Policy to mitigate these risks.

However, such tools may be insufficient when peace operations are working with unreliable host-state partners. When the intentions of government actors are unclear, misunderstandings and disagreements can undermine cooperation, weakening the UN's ability to deliver on POC mandates in the long run. These problems are exacerbated when host states systematically obstruct peace operations or are themselves complicit in, or responsible for, violence against civilians. Such hostile relationships often require peace operations to balance between competing priorities: using stronger measures to protect civilians—including using force against the host state—or self-censoring and compromising to avoid losing host-state consent and being forced to withdraw.

Ultimately, peacekeeping personnel in each

mission need to decide how to make the most of the UN's strengths, mitigate risks to civilians, and maintain the support of government partners for mutually desirable POC goals. The following are seven recommendations for managing POC and host-state support going forward:

- **Persuade through dialogue:** Peace operations should work to keep open channels of communication and better prepare personnel for interacting with state officials.
- **Leverage leadership:** The UN should better prepare prospective mission leaders for the complex POC challenges they will face.
- **Make capacity building people-centered and holistic:** The UN should partner with a wider group of actors to establish a protective environment while reconceptualizing mandates to restore and extend state authority around people-centered development initiatives.
- **Induce best practices:** Missions should leverage capacity building and other forms of support to promote national ownership and foster best practices for POC.
- **Coordinate pressure tactics:** Peace operations should make use of the full spectrum of bargaining tools at their disposal, including pressure tactics and compulsion.
- **Deliver coherent, mission-specific messaging on the use of force:** The UN should improve training, political guidance, and legal advice on the use of force, including against state agents.
- **Reconceptualizing engagement with states on POC as a “whole-of-mission” task:** The UN Secretariat should articulate a vision and mission-specific guidelines for partnerships with host governments on POC.

Introduction

UN peace operations are expected to implement ambitious protection of civilians (POC) mandates while helping host states prevent conflict and build peace. By supporting host states, peacekeeping missions help restore state authority and build civilians' trust in their government, thereby reducing the need for peacekeepers to intervene directly. At the same time, supporting states with weak institutions and poor governance can, in some circumstances, expose civilian populations to corruption, mismanagement, and abuse. Where state institutions, in particular security forces, are themselves responsible for violence against civilians, the UN's support for host states runs up against the limits of principled peacekeeping. In these cases, peacekeepers must be ready to confront government actors over human rights abuses, even at the risk of compromising host-state consent.

Reconciling people-oriented POC mandates and the state-centric logic of UN-mandated interventions ranks among the greatest challenges facing peace operations today. Ranging from constructive cooperation to systematic resistance, relationships with state actors vary from country to country and change over time. While cooperation with host governments facilitates implementation of POC mandates, these partnerships come with their own challenges. Peacekeepers need to balance between cautious diplomacy, preemptive action, and assertive intervention. Where state actors threaten civilians and limit the UN's ability to operate, peacekeepers walk a thin line as they implement Security Council mandates while maintaining host-state consent. Ultimately, how missions navigate POC challenges with their government counterparts is likely to define their legacy with civilian populations.

This report explores how peace operations implement POC mandates when working with, despite, or against the host state. It identifies best

practices for leveraging UN support to national authorities and proposes forward-looking strategies to enhance civilian protection despite wavering support from some host-state actors. The research is based on visits to three peacekeeping missions between June and August 2019—the mission in the Central African Republic (MINUSCA), the Democratic Republic of the Congo (MONUSCO), and South Sudan (UNMISS). These visits were complemented by desk research and interviews with UN staff in New York and Geneva.

The first section introduces the concepts of host-state consent, support to host states, and POC. The second section analyzes the opportunities, challenges, and risks that arise when peacekeepers work with host states. The third section disaggregates the core protagonists—state actors, the

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components of peacekeeping missions, and UN institutions—to explain the challenges of implementing POC mandates while maintaining host-government support. The report concludes with seven recommendations for managing POC mandates in complex peacekeeping

environments.

Conceptual Framework

Modern peace operations are expected to do more than ever before. Peacekeepers not only protect civilians from a range of threats but also support host governments in carrying out security and justice reform and other activities focused on extending state authority. This section explains the three core concepts that condition UN–host government relations: (1) host-state consent; (2) support to host states; and (3) protection of civilians.

Host-State Consent

Alongside impartiality and the limited use of force, consent is a core principle of UN-mandated peacekeeping. The Capstone Doctrine and

numerous Security Council and General Assembly resolutions all affirm the centrality of consent.¹ Whereas previously the UN was expected to obtain the consent of all parties to the conflict, the UN now seeks the formal consent of only the main parties, and sometimes only the host government.² As peacekeepers operate primarily in complex intrastate wars, non-state armed groups are rarely, if ever, consulted on the deployment or continued presence of peacekeepers.

Maintaining host-state consent has legal, political and operational consequences. Most importantly, in the UN lexicon, obtaining governmental consent differentiates peacekeeping from “peace enforcement” and military intervention.³ Although many peace operations have been deployed, in whole or in part, under Chapter VII of the UN Charter, theoretically obviating the need for host-state consent, the UN consistently seeks permission for peacekeeping.⁴ When host states withdraw consent, missions usually depart. This has happened on several occasions, beginning with the UN’s very first peacekeeping force in 1967 and, more recently, when the Chadian government withdrew consent to the deployment of the UN Mission in the Central African Republic and Chad (MINURCAT) in 2010.⁵

Host-state consent is often viewed in binary terms: either it exists or it does not. In reality, consent is a dynamic, iterative process and should be understood as a question of degree rather than as an absolute. Host states may consent to some aspects of a peace operation’s deployment or reconfiguration more readily than others. They may also withdraw consent incrementally, not by

formally asking the UN to leave but by obstructing its ability to fulfill parts of its mandate—what Ian Johnstone has called “death by a thousand cuts.”⁶ For instance, while negotiating deployments, Eritrea and Sudan opposed the participation of peacekeepers of specific nationalities.⁷ Using the threat of evicting peacekeepers, the government of the Democratic Republic of the Congo (DRC) managed to refocus the mission’s mandate on restoring state authority, ensuring the transition of the UN Organization Mission in the DRC (MONUC) to the UN Organization Stabilization Mission in the DRC (MONUSCO) in 2010.⁸ The degree of host-state consent usually fluctuates over a mission’s lifespan, despite Security Council resolutions, status of forces agreements, and other instruments intended to safeguard UN interests.⁹

Support to Host States

As peacekeeping has shifted from traditional Chapter VI cease-fire monitoring to more robust, multidimensional Chapter VII peace operations, the UN’s position vis-à-vis host states has changed. During the Cold War, peacekeepers remained at arm’s length from both state and non-state actors, preserving both their impartiality and their safety. Beginning in the 1990s, however, the UN adopted a broader approach to conflict management, where peacekeeping overlaps with prevention, peacebuilding, and development.

Reflecting this shift, a new generation of peace operations deployed to complex security environments where state authority was greatly diminished. In 1999, the UN established transi-

1 Department of Peacekeeping Operations (DPKO) and Department of Field Support (DFS), “United Nations Peacekeeping Operations: Principles and Guidelines,” 2008 [Capstone Doctrine], pp. 31-35. Since 2013, the preambles of some peacekeeping resolutions have referenced the three principles. UN General Assembly, *Report of the Special Committee on Peacekeeping Operations*, UN Doc. A/72/19, 2018, para. 25.

2 The practice of seeking consent from all parties appears to be tied to the first phase of peacekeeping, when the UN primarily intervened in interstate wars.

3 See: Capstone Doctrine, p. 43.

4 See: UN General Assembly and Security Council, *Report of the Panel on United Nations Peace Operations*, UN Doc. A/55/305-S/2000/809, August 20, 2000, para. 53. Of the more than twenty peacekeeping and special political missions deployed as of May 2020, only seven have Chapter VII authority: MINUSCA, MINUSMA, MONUSCO, UNAMID, UNMISS, the UN Interim Security Force for Abyei (which has Chapter VII authority only for specific tasks, including POC), and the UN Mission in Kosovo (which formally still has Chapter VII status but no longer performs state-building functions). In practice, Chapter VII enforcement action, in the complete absence of consent, is reserved for coalitions of willing states, not UN peace operations.

5 The UN’s first operation, the UN Emergency Force, deployed only on the Egyptian side of the Egyptian-Israeli border after Israel denied consent. In 1967, Egypt withdrew consent, forcing the mission to leave. See: UN General Assembly, *Report of the Secretary General on the Withdrawal of the United Nations Emergency Force*, UN Doc. A/6730, June 26, 1967; and UN Security Council, *Letter Dated 21 May 2010 from the Permanent Representative of Chad to the United Nations Addressed to the President of the Security Council*, UN Doc. S/2010/250, May 21, 2010.

6 Ian Johnstone, “Managing Consent in Contemporary Peacekeeping Operations,” *International Peacekeeping* 18, no. 2 (2011).

7 In Sudan’s case, this resulted in a joint UN–African Union mission instead of a UN-only deployment. See: Christine Gray, *International Law and the Use of Force* (Oxford: Oxford University Press, 2018), p. 319.

8 Alexandra Novosseloff, Adriana Erthal Abdenur, Thomas Mandrup, and Aaron Pangburn, “Assessing the Effectiveness of the United Nations Missions in the DRC/MONUC-MONUSCO,” *Effectiveness of Peace Operations Network*, 2019, p. 22.

9 Sofia Sebastián and Aditi Gorur, “U.N. Peacekeeping and Host-State Consent,” *Stimson Center*, March 2018, pp. 16–17.

tional administrations with wide-ranging executive powers in Kosovo and Timor-Leste.¹⁰ In Kosovo, the UN effectively displaced the state, on a temporary basis. In 2000, the UN Mission in Sierra Leone (UNAMSIL) became the first operation to receive an “extension of state authority” mandate, and in 2004, the first mission with “stabilization” in its title was deployed to Haiti.¹¹ In these countries, peacekeepers were not just “keeping the peace”—they were restoring state sovereignty, leading to far more complex interactions with host states.

Adopted in 2008, the Capstone Doctrine recognizes that “peacekeeping operations may support the restoration and extension of State authority by creating an enabling security environment, providing political leadership or coordinating the efforts of other international actors.”¹² Many current peacekeeping missions are mandated to restore state authority, extending the territorial writ of the host government and providing capacity building.¹³ Capacity building can range from general awareness raising on human rights and gender to extensive cooperation on governmental policy, including in strategic areas such as security sector reform (SSR), disarmament, demobilization, and reintegration (DDR), and the fight against impunity. The composition of peace operations reflects these wider goals: traditional military contingents are now supplemented by large numbers of police and civilian personnel with different types of expertise. In multidimensional integrated missions, UN personnel provide direct

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support to state institutions while coordinating with development actors on governmental priorities.

Emblematic of the UN’s shift toward supporting host states, three operations—the UN Organization Stabilization Mission in the DRC (MONUSCO), the UN Multidimensional Stabilization Mission in Mali (MINUSMA), and the UN Multidimensional Stabilization Mission in the Central African Republic (MINUSCA)—have received stabilization mandates in the last decade.¹⁴ While there is considerable disagreement about the meaning of stabilization as a concept—some associate it with increased authority to use military force in support of host governments, while others view it primarily

as civilian-led developmental support for the extension of state authority—it is clear that these mandates have bound peace operations more closely to host states.¹⁵ MONUSCO works with the Congolese government, international partners, and UN agencies to

“establish functional, professional, and accountable state institutions, including security and judicial institutions.”¹⁶ MINUSMA is encouraged to “implement a comprehensive politically-led strategy to protect civilians, reduce intercommunal violence, and re-establish State presence, State authority and basic social services in Central Mali.”¹⁷ Even the UN–African Union Mission in Darfur (UNAMID), which has always had tense relations with its Sudanese hosts, is now expected to build the capacity of government institutions in anticipation of its withdrawal.¹⁸ Recent mission

10 On transitional administrations, see: Alex J. Bellamy and Paul D. Williams, *Understanding Peacekeeping* (Cambridge, UK: Polity Press, 2010), pp. 255–278.

11 UN Security Council Resolution 1313 (August 4, 2000), UN Doc. S/RES/1313, para. 3(c); UN Security Council Resolution 1542 (June 1, 2004), UN Doc. S/RES/1542. See also: Jake Sherman, “Peacekeeping and Support for State Sovereignty,” in *Annual Review of Global Peace Operations*, Center for International Cooperation (Boulder, CO: Lynne Rienner, 2012).

12 Capstone Doctrine, pp. 27–28.

13 On the restoration and extension of state authority, see: Youssef Mahmoud and Delphine Mechoulam, “Peace Operations and Prevention for Sustaining Peace: The Restoration and Extension of State Authority,” International Peace Institute, March 2017.

14 MONUSCO in 2010, MINUSMA in 2013, and MINUSCA in 2014. A fourth mission, the UN Mission in South Sudan (UNMISS), also had broad state-building powers when it was authorized in 2011, but its mandate changed considerably in 2014.

15 After reviewing different understandings of stabilization, Aditi Gorur “proposes a new definition of stabilization in the context of UN peacekeeping: supporting the transfer of territorial control from spoilers to legitimate authorities.” See Gorur, “Defining the Boundaries of UN Stabilization Missions,” Stimson Center, December 2016.

16 UN Security Council Resolution 2502 (December 19, 2019), UN Doc. S/RES/2502, para. 29(ii).

17 UN Security Council Resolution 2480 (June 28, 2019), UN Doc. S/RES/2480, para. 15. See also paras. 16 and 28(b).

18 UNAMID’s drawdown plans can be found in UN Security Council Resolution 2363 (June 29, 2017), UN Doc. S/RES/2363, paras. 39–40; and Resolution 2429 (July 13, 2018), UN Doc. S/RES/2429, paras. 14, 53–55. For details, see: Daniel Forti, “Navigating Crisis and Opportunity: The Peacekeeping Transition in Darfur,” International Peace Institute, December 2019.

closures in Liberia, Côte d'Ivoire, and Haiti, as well as ongoing planning for further mission drawdowns, have further generated interest in the UN's support to host states.¹⁹

This expansion of UN partnerships with host governments also manifests itself in the UN's use-of-force authorizations for stabilization operations. Peacekeepers are increasingly expected to openly support government forces against armed groups. MONUSCO's Force Intervention Brigade and other units are encouraged to conduct joint operations with national security forces to neutralize spoilers.²⁰ MINUSMA is tasked with providing logistical and operational support to both the Malian armed forces and the G5 Sahel Joint Force (though the mission avoids publicizing its support).²¹ MINUSCA's mandate goes even further in that its single overriding strategic objective is "to support... the sustainable reduction of the presence of, and threat posed by, armed groups through a... proactive and robust posture."²²

The shift toward stabilization is not uniform, and there are even examples of support being scaled back. Most notably, UNMISS's mandate was adjusted after civil war broke out in South Sudan.²³ However, the increasingly close association between peace operations and host states is widely acknowledged in UN peacekeeping policies.²⁴ According to the UN's POC policy, "The most effective and sustainable way of protecting civilians

is to ensure stability, peace and security through inclusive political processes and sustainable solutions to conflict, and to support host states to fulfil their responsibility to protect civilians on their territory."²⁵ Such close connections between peace operations and host states inevitably raise questions about peacekeepers' (lack of) impartiality and the implications for other mandated objectives, including POC.

Protection of Civilians

Over the last twenty years, POC has emerged as a core objective of UN peacekeeping. Since 1999, the UN has deployed peacekeepers with an explicit mandate to protect civilians to over a dozen countries, including the Central African Republic (CAR), the DRC, Lebanon, Liberia, Mali, Sierra Leone, South Sudan, and Sudan.²⁶ Although the language of Security Council resolutions has varied, the UN's powers to prevent violence against civilians have expanded, with some operations authorized to use "all necessary" means, including lethal force.²⁷

POC is often associated with the physical protection of civilians, which can be done unilaterally by UN military or police contingents or together with state security forces.²⁸ However, POC encompasses not only physical protection but also dialogue and engagement and the establishment of a protective environment for civilians.²⁹ This includes tasks as

19 See: Daniel Forti and Lesley Connolly, "The Mission Is Gone, but the UN Is Staying: Liberia's Peacekeeping Transition," International Peace Institute, December 2018; Namie Di Razza, "Mission in Transition: Planning for the End of UN Peacekeeping in Haiti," International Peace Institute, December 2018; and Alexandra Novosseloff, "Lessons Learned from the UN's Transition in Côte d'Ivoire," International Peace Institute, December 2018.

20 UN Security Council Resolution 2502 (December 19, 2019), UN Doc. S/RES/2502, paras. 29(i)(a) and (e). Prior to MONUSCO's 2019 mandate renewal, the Force Intervention Brigade enjoyed a special status within the mission. See: UN Security Council Resolution 2463 (March 29, 2019), UN Doc. S/RES/2463, para. 29 (i)(d); and Security Council Report, "Democratic Republic of the Congo: UN Mission Mandate Renewal," December 19, 2019.

21 See: UN Security Council Resolution 2100 (April 25, 2013), UN Doc. S/RES/2100, para. 16; and Resolution 2480 (June 28, 2019), UN Doc. S/RES/2480, para. 28. On MINUSMA's support to the G5 Sahel, see: Resolution 2391 (December 8, 2017), UN Doc. S/RES/2391. On MINUSMA's support to the Malian armed forces, which the mission has downplayed, see: Diakonia, "Qualification juridique de la situation au Mali et droit international applicable," October 2019, pp. 14–15.

22 UN Security Council Resolution 2499 (November 15, 2019), UN Doc. S/RES/2499, para. 29.

23 UN Security Council Resolution 2155 (May 27, 2014), UN Doc. S/RES/2155.

24 See: DPKO and DFS, "Police Capacity Building and Development," April 2015; and DPKO and DFS, "Guidelines on the Role of United Nations Police in Protection of Civilians," August 2017. See also: DPKO and DFS, "Policy on Justice Support in United Nations Peace Operations," August 2016; and Office of the UN High Commissioner for Human Rights (OHCHR), DPKO, DFS, and Department of Political Affairs, "Policy on Human Rights in UN Peacekeeping Operations and Political Missions," 2011.

25 UN Department of Peace Operations, "The Protection of Civilians in United Nations Peacekeeping," November 2019 [2019 POC policy].

26 For a full list of POC mandates since 1999, see: Haidi Willmot and Ralph Mamiya, "Mandated to Protect: Security Council Practice on the Protection of Civilians," in *The Oxford Handbook of the Use of Force in International Law*, Marc Weller, ed. (Oxford: Oxford University Press, 2015). Among the few UN peace operations deployed since 1999 without POC mandates are the short-lived UN Supervision Mission in Syria, the UN Support Mission in Libya, and the UN Mission to Support the Hodeidah Agreement.

27 The language and scope of "all necessary" powers may vary from mission to mission and over time. Due to Sudanese opposition, UNAMID's mandate retains more limited language, allowing "necessary action" only for certain tasks. UN Security Council Resolution 2495 (October 31, 2019), UN Doc. S/RES/2495, para. 15.

28 See, for example: UN Security Council Resolution 2502 (December 19, 2019), UN Doc. S/RES/2502, para. 29(i)(e).

29 The UN's internal POC policy distinguishes between three "tiers" of POC action and four "phases" of POC response. Tier I (protection through dialogue and engagement) and tier III (establishing a protective environment) are clearly distinguishable from tier II (provision of physical protection). See: DPKO and DFS, "The Protection of Civilians in United Nations Peacekeeping," April 2015 [2015 POC policy]; and 2019 POC policy.

varied as monitoring abuses, engaging communities, supporting criminal investigations, devising human rights and governance policies, supporting community violence reduction programs, raising awareness of sexual violence, and demobilizing child soldiers. Ultimately, in line with the UN's "whole-of-mission" approach to POC, most activities in multidimensional peacekeeping missions have protection implications.

Critically, peacekeeping mandates and the UN's POC policy—adopted in 2015 and revised in 2019—increasingly urge peacekeepers to implement tasks in support of host governments. Security Council resolutions confirm that protection mandates are "without prejudice to the primary responsibility" of national authorities "to protect all populations" in their territory.³⁰ Likewise, the UN's POC policy underscores that "the host state always has the primary responsibility to protect civilians on its territory" and that "the mission's POC mandate does not replace, affect or limit this responsibility in any way."³¹ Accordingly, the UN mainstreams POC mandates by providing support to the host state, and the mandates of many missions, including MINUSCA, MINUSMA, and MONUSCO, have come to treat POC and host-state support as complementary objectives.³²

However, these overlapping mandates create challenges, especially where state actors are themselves a threat to civilians. Most UN missions operate in countries where governments fall short in protecting civilians, even if the causes of these shortcomings vary. CAR's government controls just a fraction of its territory, limiting its ability to provide services and protection outside the capital. In eastern DRC, local and regional interests fuel proxy conflicts, and government forces are responsible for a large fraction of the human rights

violations.³³ In Darfur and South Sudan, state security forces are responsible for large-scale abuses against civilian populations they accuse of disloyalty.

Acknowledging the tension between POC and host-state support, the UN's protection doctrine emphasizes that, while missions will "as far as possible, support the host state's protection efforts," the UN "may act independently to protect civilians when the host state is deemed unable or unwilling to do so or where government forces themselves pose a threat to civilians."³⁴ Yet determining when the host state is "unwilling" or "unable," and when peacekeepers should intervene unilaterally against government actors, despite being bound by host-state consent, is a challenge. Two issues deserve particular attention.

First, in supporting state actors who violate human rights and prey on civilian populations, the UN may unwittingly exacerbate the very POC problems it is meant to resolve. To minimize this risk, peace operations increasingly implement risk-mitigating measures such as training and vetting of national actors. In particular, UN support to government security forces is conditioned on the observance of the Human Rights Due Diligence Policy (HRDDP), which aims to promote best practices, mitigate risk, and reduce the UN's exposure to the consequences of government violations.³⁵

Second, where government security forces are responsible for violence against civilians, peacekeepers must weigh the option of using force against the host state. Although peacekeepers resorting to force is always contentious for complex historical and legal reasons, using force against government troops is especially problematic.³⁶

30 Without prejudice: UN Security Council Resolution 2480 (June 28, 2019), UN Doc. S/RES/2480, para. 28(c); UN Security Council Resolution 2499 (November 15, 2019), UN Doc. S/RES/2499, para. 32(a)(i). Primary responsibility: Resolution 2459 (March 15, 2019), UN Doc. S/RES/2459, preamble; and Resolution 2502 (December 19, 2019), UN Doc. S/RES/2502, preamble.

31 2019 POC policy, para. 29; 2015 POC policy, para. 19.

32 MONUSCO's mandate includes two strategic objectives—POC and the restoration of state authority—with mutually reinforcing tasks under both rubrics. MINUSCA and MINUSMA share a range of protection and state-building objectives. UN Security Council Resolution 2480 (June 28, 2019), UN Doc. S/RES/2480, para. 20; and Resolution 2499 (November 15, 2019), UN Doc. S/RES/2480, paras. 32(a) and 33.

33 See: UN Security Council, *Transitioning from Stabilization to Peace: An Independent Strategic Review of the United Nations Organization Stabilization Mission in the DRC*, UN Doc. S/2019/842, October 25, 2019 [MONUSCO strategic review], para. 26.

34 2019 POC policy, para. 29.

35 UN General Assembly and Security Council, *Human Rights Due Diligence Policy on United Nations Support to Non-United Nations Security Forces*, UN Doc. A/67/775-S/2013/110, March 5, 2013 [HRDDP]. See also: 2019 POC policy, para. 52.

36 Conor Foley, *UN Peacekeeping Operations and the Protection of Civilians: Saving Succeeding Generations* (Cambridge, UK: Cambridge University Press, 2017), pp. 59–151.

Today's POC mandates, coupled with authorizations to use all necessary means "in defense of the mandate," mean that protecting civilians is a valid reason for targeting both armed groups and state security forces.³⁷ After recurrent controversies over the lackluster performance of peacekeepers, the UN's POC policy now makes clear that peacekeepers "are mandated to protect civilians regardless of the source of the threat, including where that threat is from elements of host state security forces."³⁸ Peace operations are encouraged to implement a range of preventive measures, for instance encouraging states to devise national POC strategies or local protection plans, urging judicial actors to hold perpetrators accountable, and applying pressure on government leaders. However, in allowing peacekeepers to use force against government troops, the UN accepts that a host state's refusal to address threats to civilians, even after high-level mediation, may ultimately lead to a mission's withdrawal.³⁹ In such extreme cases, reconciling POC with host-state support is a challenge not just for peace operations and host authorities but also for the wider UN system and its member states.

While building the capacity of governments can enhance the security and well-being of civilians, it also risks exposing them to corruption, mismanagement, abuse, and even violence.

POC and Host-State Support: Opportunities, Challenges, and Risks

The increasingly close association between peace operations and host states has profound implications for POC. In building the capacity of governments, missions can enhance the security and well-

being of civilians, thereby reducing the need for peacekeepers to intervene directly. At the same time, extending state authority entails risks for civilians who may be exposed to corruption, mismanagement, abuse, and even violence. Support must be provided in a way that mitigates these risks, and peacekeepers must be prepared to intervene when state actors use violence against civilians. This section identifies opportunities, challenges, and risks related to POC that peace operations encounter when mandated to support host governments.

Cooperating Toward Mutually Desirable Protection Goals

Peace operations and host states can work together to enhance POC by conducting joint patrols, coordinating activities, and—in some cases—carrying out joint operations against armed groups. The UN also works toward wider protection aims by engaging in dialogue with government actors, building the capacity of state institutions, training state security forces, and supporting the rule of law.

Joint Efforts to Physically Protect Civilians

Some peacekeeping mandates encourage cooperation with host-state authorities on security matters under the POC rubric, for instance through joint operational planning and joint patrols.⁴⁰ Implementation of these mandates varies among missions, ranging from regular joint patrols in some parts of the DRC to no patrols in South Sudan.⁴¹ Joint patrols can benefit civilians in several

³⁷ Scott Sheeran, "The Use of Force in United Nations Peacekeeping Operations," in *Oxford Handbook on the Use of Force in International Law*, Marc Weller, ed. (Oxford: Oxford University Press, 2015).

³⁸ 2019 POC policy, para. 61. For details, see below section on "Confronting Systematic Resistance."

³⁹ Ibid., para. 62. Though closely related to the responsibility to protect, POC is considered a less intrusive concept. On the relationship between the two, see: Scott Sheeran and Catherine Kent, "Protection of Civilians, Responsibility to Protect, and Humanitarian Intervention: Conceptual and Normative Interactions," in *Protection of Civilians*, Haidi Willmot, Ralph Mamiya, Scott Sheeran, and Marc Weller eds. (Oxford: Oxford University Press, 2016). See also: 2019 POC policy, p. 21.

⁴⁰ On MINUSCA, see: UN Security Council Resolution 2499 (November 15, 2019), UN Doc. S/RES/2499, para. 32(a)(ii). On MINUSMA, see: Resolution 2480 (June 28, 2019), UN Doc. S/RES/2480, para. 28(c)(ii). On MONUSCO, see: Resolution 2463 (March 29, 2019), UN Doc. S/RES/2463, para. 29 (i)(b) and (d).

⁴¹ Some MONUSCO units have conducted joint patrols with their FARDC and national police counterparts for years, but many others do not. Joint patrols with MINUSCA are steadily increasing, as the armed forces and internal security forces redeploy outside Bangui. UNMISS used to conduct joint patrols with South Sudanese forces, but this stopped after 2013. Interviews with UN, MONUSCO, MINUSCA, and UNMISS officials, April, June–August 2019, New York, CAR, the DRC, and South Sudan.

ways. First, by coordinating patrols with national counterparts, peacekeepers better understand the operational terrain and the challenges facing civilians. In particular, state forces are better placed to understand local languages and facilitate dialogue with civilians. Second, UN officials argue that national security forces sometimes behave better when operating alongside UN forces.⁴² Third, joint patrols provide a form of on-the-job training to the national troops and police who will be responsible for protecting civilians after peacekeepers leave. In that sense, beyond their immediate short-term benefits to civilians (who simply feel safer), joint patrols can contribute to longer-term POC goals by strengthening the capacity of state security forces.

Cooperation goes beyond joint patrolling when, for instance, peacekeepers and state security forces coordinate unilateral operations to avoid overlap between their activities. In several countries, peacekeeping missions support local security, peace, or protection committees, enabling civil society and local communities to work with state actors and security forces to devise common responses to threats to civilians. For instance, MONUSCO has “push[ed] territorial authorities to hold weekly security meetings and to broaden participation to civil society actors,” creating “space for the population to influence the security agenda pursued by State security actors.”⁴³

Joint operations enable UN and state forces to increase their overall capacity while leveraging their respective strengths against a common adversary. Peacekeepers bring greater capabilities, including technologies such as drones, whereas national troops have a more sophisticated understanding of local alliances and adversaries’ tactics.⁴⁴ When successful, joint operations neutralize hostile actors who threaten civilians while extending the state’s monopoly on the legitimate use of violence. A MONUSCO official explained that joint operations are desirable

because they increase the UN’s chances of eliminating spoilers, allow the mission to enhance the national armed forces’ compliance with international standards, and facilitate the mission’s human rights monitoring.⁴⁵

Dialogue with Host Governments on POC

In addition to joint efforts to physically protect civilians, peace operations engage host governments in dialogue on POC. This includes advocating for specific state actors to improve their conduct. For example, MINUSMA and MONUSCO have encouraged state authorities, in particular the national police, to better protect civilians in the run-up to national elections.⁴⁶ Peace operations also support host governments in developing and implementing POC measures, including national policies to eliminate sexual violence and the recruitment of child soldiers (see Box 1). The UN Assistance Mission in Afghanistan (UNAMA) has helped the government adopt a National Policy on Civilian Casualty Protection and revise its targeting practices for aerial attacks.⁴⁷ Through regular reporting on civilian casualties, UNAMA has also worked with Afghan security forces to understand the effects of their operations and to promote compliance with international humanitarian law.⁴⁸

Restoration of State Authority through Capacity Building

With expansive mandates to restore and extend state authority, peace operations increasingly work to build the capacity of government institutions in areas as diverse as security sector reform, gender, demining, and natural resource extraction. Interviews with peacekeeping personnel underscored the centrality of capacity-building mandates to long-term protection strategies. Missions can leverage capacity building (e.g., equipment, training, technical knowledge, or

42 Interviews with MONUSCO and MINUSCA officials, August 2019.

43 2019 MONUSCO strategic review, para. 138. Interview with MINUSCA official, June 2019.

44 International Crisis Group, “A New Approach for the UN to Stabilise the DR Congo,” December 2019, p. 7.

45 Interview with MONUSCO official, July 2019.

46 Interviews with MINUSCA and MONUSCO officials, June–July 2019. On MINUSMA, see: Charles T. Hunt, “Protection through Policing: The Protective Role of UN Police in Peace Operations,” International Peace Institute, February 2020, p. 7. See also below section on “Compromising POC for Politics.”

47 See: UNAMA and OHCHR, “Afghanistan Annual Report on Protection of Civilians in Armed Conflict: 2018,” February 2019, pp. 50–53.

48 UNAMA’s civilian casualty reports are available at <https://unama.unmissions.org/protection-of-civilians-reports>.

Box 1. Tackling child recruitment and sexual violence

Until relatively recently, child recruitment and sexual violence were sometimes considered a natural incidence of war.⁴⁹ In coordination with other UN entities, peace operations have pushed back against this notion, bringing about notable changes in the behavior of some host governments.

As with many other protection issues, the UN operation in the DRC has done pioneering work on sexual violence and child recruitment.⁵⁰ In the 2000s, due to a string of well-publicized incidents of rape and sexual violence, the DRC gained infamy as the “rape capital” of the world.⁵¹ In response, MONUC (the predecessor of MONUSCO) and the Ministry of Gender worked on a Comprehensive Strategy on Combating Sexual Violence, adopted in 2008.⁵² In May 2009, during a Security Council field visit to Kinshasa, diplomats reportedly raised the persistence of sexual violence directly with then President Joseph Kabila and transmitted a list of priority cases for action. Kabila later appointed his own special representative for sexual violence and child recruitment.⁵³ Since then, MONUSCO, working together with the UN and Congolese special representatives for sexual violence in conflict, has raised awareness of, and promoted accountability for, sexual violence, particularly within the security forces. In 2015, the DRC’s armed forces (FARDC) signed an action plan pledging army commanders to take action against soldiers under their command suspected of sexual violence.⁵⁴ In 2019, after years of lobbying, the national police signed an analogous action plan.⁵⁵

While the FARDC have not yet been removed from the UN special representative’s annual list of conflict parties suspected of systematic sexual violence, observers have noted a shift in behavior. A senior MONUSCO official explained that Congolese troops no longer systematically rape civilians and that, for the first time in years, armed groups are suspected of committing more rapes than state agents.⁵⁶ A number of MONUSCO officials emphasized that these shifts reflect a real “change in mindset,” with army commanders responding to external pressure by seeking to set a positive example for their subordinates.⁵⁷

MONUSCO has also effectively engaged the government on child protection. In 2013, the DRC’s Ministry of Defense set up a joint working group on children and armed conflict, which spearheaded efforts to “screen out” children from the FARDC’s ranks. This effort ultimately led to the FARDC’s delisting by the UN special representative for children in armed conflict in 2018.⁵⁸ Despite the greater sensitivity of working with armed groups, MONUSCO’s child protection unit used this momentum to expand its activities to demobilizing child soldiers from armed groups.⁵⁹ MONUSCO officials explained that the mission’s success in building trust with state authorities convinced the government that demobilizing all children—including those recruited by armed groups—was in the country’s interests.⁶⁰

49 On rape as an endemic feature of war, see: Lucy Fiske and Rita Schackel, “Ending Rape in War: How Far Have We Come?” in *Cosmopolitan Civil Societies Journal* 6, no. 3 (2014). On child soldiers, see: Mark Drumbl, *Reimagining Child Soldiers in International Law and Policy* (Oxford: Oxford University Press, 2012), pp. 27–28.

50 MONUC’s work reflected the UN’s focus on women, peace, and security, prompted by Security Council Resolution 1325 and the establishment of the Office of the Special Representative for Sexual Violence in Conflict, whose team of experts supports peacekeeping missions and national authorities in several countries.

51 Malokele Nanivazo, “Sexual Violence in the Democratic Republic of Congo,” United Nations University, May 2012.

52 For details, see: <https://monusco.unmissions.org/en/sexual-violence-unit>.

53 MONUSCO and OHCHR, “Progress and Obstacles in the Fight against Impunity for Sexual Violence in the Democratic Republic of Congo,” April 2014, para. 41; Interview with senior MONUSCO officials, July 2019.

54 Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict, “DRC: Military Pledge Marks Milestone on Road to Ending Conflict-Related Sexual Violence,” March 31, 2015.

55 Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict, “United Nations Officials Welcome the Signing of an Action Plan to Fight Sexual Violence by the Congolese National Police,” November 11, 2019.

56 Interview with senior MONUSCO official, July 2019.

57 Interviews with MONUSCO officials, July and August 2019.

58 UN General Assembly and Security Council, *Children and Armed Conflict—Report of the Secretary-General*, UN Doc. A/72/865–S/2018/465, May 16, 2018. While the FARDC are certified as no longer recruiting children into their ranks, they remain listed for sexual violence against children.

59 Interviews with MONUSCO officials, August 2019. MINUSCA and UNMISS child protection units have also sought to engage both state and non-state actors on child recruitment and sexual violence against children.

60 Interview with MONUSCO officials, August 2019.

Analogous efforts are underway in other peacekeeping missions. MINUSCA has assisted the Central African government in establishing a Mixed Unit for Rapid Intervention and Suppression of Sexual Violence against Women and Children. In South Sudan, UNMISS and other international partners worked with the country's armed forces on an action plan to combat sexual violence, signed in March 2019. It is too early to assess the plan's efficacy, but UNMISS officials view it as a positive sign from military commanders who had for years downplayed or denied the occurrence of rape in their country.⁶¹

hands-on expertise) to promote POC. By the same token, when missions lack capacity-building capabilities, they have less scope to influence their government counterparts. A senior South Sudanese official explained that UNMISS's leverage in South Sudan ended the moment it lost its capacity-building mandate.⁶²

Training can support POC by instructing state agents in the international standards and best practices they are expected to emulate in their daily work.⁶³ The scope and frequency of training varies considerably among missions, ranging from extended and in-depth training curricula implemented by government-run institutions to informal, impromptu private briefings by individual UN staffers for high-ranking national counterparts.⁶⁴ To maximize the impact of training, peace operations coordinate and pool resources with other UN, international, and domestic actors through knowledge-sharing programs. Ultimately, the sustainability of training depends on the host state taking ownership and undertaking its own long-term training.

Where there is political will on the part of host governments, peace operations support long-term strategic initiatives, for instance the drafting of

Missions can leverage capacity building to promote POC. By the same token, when missions lack capacity-building capabilities, they have less scope to influence their government counterparts.

legislation on human rights (in MINUSCA, MINUSMA, and MONUSCO), the institutional reform of police (in MINUSCA, MINUSMA, MONUSCO, and UNAMID) and the military (in MINUSCA), or the redeployment of host-state authorities to areas abandoned due to conflict (in MINUSCA, MINUSMA, and MONUSCO).⁶⁵ For instance, UN police in MONUSCO have a long history of spearheading reforms of the national police through the Police Reform Steering Committee (*Comité de suivi de la réforme de la police*) and programs such as the Operational Strategy for the Fight against Insecurity (*Stratégie opérationnelle de lutte contre l'insécurité*), which allows citizens to request police intervention through an emergency hotline.⁶⁶ In some countries, peacekeepers are collocated with their national counterparts, providing immediate hands-on advice. For instance, police in MINUSCA work with the Central African security forces to ensure respect for international standards.⁶⁷

A core area of support is justice reform (see Box 2). Many missions have specialist rule-of-law units to promote accountability for serious crimes, strengthen corrections services, and advocate for the rehabilitation of victims.⁶⁸ Support to national justice institutions can promote POC in several

61 Interview with UNMISS official, August 2019.

62 Interview with senior South Sudanese official, August 2019.

63 Core areas of training include human rights, women's and gender rights, international humanitarian law, sexual violence, child recruitment, criminal investigations, transitional justice, corrections standards, crowd control, use of nonlethal force, and various hands-on military and police operational methods.

64 Interviews with MONUSCO officials, August 2019.

65 In some countries, for instance in eastern CAR and northern Mali, missions support the extension of state authority to areas where the state has never been present.

66 See: MONUSCO, "La police MONUSCO évalue les stratégies sécuritaires avec la PNC et les chefs de quartiers à Kalemie," August 9, 2019.

67 Interview with senior MINUSCA official, June 2019.

68 2019 POC policy, para. 76. Rule-of-law units operate in both multidimensional peacekeeping missions and political missions, for instance in Libya, and there have even been specialized justice missions, such as the UN Mission for Justice Support in Haiti. See also: Richard Zajac Sannerholm, Frida Möller, Kristinia Simion, and Hanna Hallonsten, "UN Peace Operations and Rule of Law Assistance in Africa 1989–2010: Data, Patterns and Questions for the Future," Folke Bernadotte Academy, 2012.

ways. First, prosecution of perpetrators can remove problematic actors without the need to resort to kinetic military operations (which always risk harming civilians).⁶⁹ Second, in resorting to judicial processes to handle societal grievances, governments aim to inculcate respect for the rule of law in their people. For example, some surveys suggest that domestic prosecutions in CAR and the DRC have enhanced civilians' perceptions of national justice systems.⁷⁰ Third, criminal justice can deter abuses by government and non-state actors alike and discourage citizens from taking justice into their own hands (or from taking up arms to settle grievances).⁷¹ Although it is difficult to quantify the "deterrent effect" of trials, one senior UN official noted that trials in the DRC have sent a clear message that abuses will not be tolerated.⁷²

Justice reform can also provide an entry point for engagement, even where relations with host governments are tense. While UNMISS no longer has a mandate to work with South Sudanese security forces on DDR or SSR, the mission has used its POC mandate to engage judicial authorities on protection goals since the signing of the 2018 peace agreement.⁷³ UNAMID's state liaison functions, implemented as part of the mission's exit strategy, have focused largely on rule-of-law reform.⁷⁴

Restoring state capacity requires providing state agents not just expertise but also resources such as cars or office materials to implement their newly acquired skills. While not a primary supplier of material goods, peace operations can coordinate

financial and technical support with UN agencies, international financial institutions, and donors. For instance, MONUSCO supports the International Security and Stabilisation Support Strategy, which aims, inter alia, to build institutional capacity, enhance service delivery and access to justice, demobilize armed groups, and mediate conflicts in eastern DRC.⁷⁵ Through small-scale, low-cost quick-impact projects, peacekeepers respond to civilian needs, including by refurbishing schools, courthouses, prisons, and police stations.⁷⁶ Though these projects do not address protection concerns on their own, UN staff recognize their value in building trust with local actors and civilians.⁷⁷

The case of MINUSCA illustrates these synergies between the restoration and extension of state authority and POC. Since its deployment in 2014, MINUSCA has developed a robust partnership with Central African authorities and external actors, allowing it to build state capacity and extend state authority in ways that benefit civilians. Mission leaders engage in high-level dialogue with government officials on protection concerns, sharing and receiving information on threats to civilians in regular weekly meetings.⁷⁸ MINUSCA and others support the redeployment of the army and security forces.⁷⁹ In 2016 and 2017, in response to citizen complaints about abuses committed by armed groups, the mission organized visits for government officials to parts of the country where the state did not have a permanent presence, allowing citizens to interact directly with their representatives from the capital.⁸⁰

69 On the risks of collateral harm to civilians, see: Center for Civilians in Conflict, "From Mandate to Mission: Mitigating Civilian Harm in UN Peacekeeping Operations in the DRC," January 2017.

70 See: J  r van der Lijn, Tim Glawion, and Nikki de Zwaan, "Towards Legitimate Stability in CAR and the DRC: External Assumptions and Local Perspectives," Stockholm International Peace Research Institute, September 2019.

71 The presumed deterrent effect of criminal justice is hotly debated in scholarship. On deterrence in international criminal law, see: Hyeran Jo and Beth Simmons, "Can the International Criminal Court Deter Atrocity?" *International Organization* 40, no. 3 (2016).

72 Interview with MONUSCO official, July 2019.

73 Initially focused on law and order inside POC sites, UNMISS's rule-of-law unit has begun offering support to South Sudanese judges and prosecutors. Interview with UNMISS official, August 2019. See also: Adam Day, Charles T. Hunt, He Yin, and Liezelle Kumalo, "Assessing the Effectiveness of the United Nations Mission in South Sudan/UNMISS," Norwegian Institute of International Affairs, 2019.

74 See: Forti, "Navigating Crisis and Opportunity," pp. 12–13. State liaison functions require UNAMID and UN agencies to cooperate with Sudanese authorities to develop infrastructure, provide training on human rights, and enhance service delivery for internally displaced people.

75 Interviews with MONUSCO officials, August 2019. On the International Security and Stabilisation Support Strategy and MONUSCO's role therein, see: Hugo de Vries, "Going around in Circles: The Challenges of Peacekeeping and Stabilization in the Democratic Republic of the Congo," Clingendael, August 2015.

76 MINUSMA is expressly mandated to implement quick-impact projects. See: UN Security Council Resolution 2480 (June 28, 2019), UN Doc. S/RES/2480, para. 29(a). Information and data on quick-impact projects is available at <https://peacekeeping.un.org/en/quick-impact-projects-communities>.

77 Interviews with MONUSCO officials, August 2019.

78 Interviews with UN and MINUSCA officials, New York and CAR, March and June 2019.

79 Hunt, "Protection through Policing."

80 Interviews with current and former MINUSCA officials, Geneva, New York, and CAR, March, June, and July 2019.

Box 2. Strengthening the rule of law

MONUC was one of the first missions to recognize that impunity can facilitate a vicious cycle of violence against civilians. In 2010, MONUC's successor, MONUSCO, established prosecution support cells to support the Congolese military's investigation and prosecution of serious crimes.⁸¹ Over the years, the mission and a consortium of NGOs and donors have assisted in deploying mobile courts across eastern DRC. Trials have produced hundreds of convictions for sexual violence, including dozens of cases of war crimes and crimes against humanity.⁸² In the 2017 Kavumu case, several perpetrators, including a Congolese parliamentarian, were convicted of systematically kidnapping and raping children.⁸³ The mission continues to provide support, for instance in the ongoing trial of a prominent warlord in eastern DRC.⁸⁴ In these and other trials, MONUSCO provided crucial technical and logistical support to Congolese magistrates, leading to convictions of militiamen, police officers, and soldiers in the national armed forces.⁸⁵

MINUSCA offers a qualitatively different example of synergies between rule-of-law support and POC. When it was established in 2014, the mission received broad powers to arrest, detain, and fight impunity—what one UN official described as a “quasi-executive mandate.”⁸⁶ In line with its “urgent and temporary measures” powers, MINUSCA has offered technical, logistical, and financial support to the Special Criminal Court, a hybrid tribunal mandated to prosecute serious crimes with the help of international judges and prosecutors working alongside Central African magistrates and police.⁸⁷ The court has yet to launch its first trial, due to security concerns and a complex investigative environment, but UN peacekeepers have arrested hundreds of suspects and handed them over to national authorities for prosecution.⁸⁸ Many of these suspects have been tried in ordinary courts, which have reopened in Bangui, Bouar, and Bambari with the support of MINUSCA's justice and corrections section and other UN and bilateral donors.⁸⁹

Mitigating the Risks of Cooperating with Predatory States

While cooperation with host governments creates opportunities for improving POC, it also comes with risks. Where state institutions are weak and lack resources, civilians, especially vulnerable populations and disadvantaged minorities, often face corruption and abuse. This section surveys various challenges and risks that arise when peace operations support host governments with poor

governance and human rights records. It then examines how peace operations attempt to mitigate such risks, in particular by applying the Human Rights Due Diligence Policy (HRDDP) to partnerships with state security forces.

The Risk of Empowering Predatory States

In mandating peace operations to build host-state capacity, the Security Council glosses over the fact that state actors are often themselves the source of insecurity and poor governance. Supporting state

81 UN Security Council Resolution 1925 (May 28, 2010), UN Doc. S/RES/1925, para. 12(d). MONUSCO has also deployed joint investigation teams, comprising both UN staff and state authorities, to investigate allegations.

82 The exact number of domestic cases is not known. According to the most recent estimate of trials involving serious crimes, the DRC had initiated at least fifty-one investigations. See: Sofia Candeias, Luc Côté, Elsa Papageorgiou, and Myriam Raymond-Jetté, “The Accountability Landscape in the Eastern DRC; Analysis of the National Legislative and Judicial Response to International Crimes (2009–2014),” International Center for Transitional Justice, July 2015, p. 17.

83 MONUSCO, “MONUSCO Applauds the Decision Rendered by the South Kivu Military Court in the Kavumu Trial against Frederic Batumike, a Provincial Member of Parliament from South-Kivu Province, and 11 People Involved in the Kidnapping and Rape of 38 Children,” February 16, 2017.

84 “Trials and Errors: A Warlord's Trial Aims to End Impunity in Congo,” *The Economist*, December 18, 2019.

85 On MONUSCO's support to military trials, see: Patryk I. Labuda, “Complementarity and Cooperation in the Congo,” in *The Nuremberg Principles in Non-Western Societies: A Reflection on Their Universality, Legitimacy and Application*, Ronald Slye, ed. (Nuremberg: International Nuremberg Principles Academy, 2016).

86 Interview with UN official, New York, November 2018.

87 Patryk I. Labuda, “The Special Criminal Court in the Central African Republic: Failure or Vindication of Complementarity?” *Journal of International Criminal Justice* 15, no. 1 (2017).

88 Just under 1,000 suspects have been arrested by MINUSCA since 2014. MINUSCA, “La MINUSCA va continuer à appuyer le secteur de la justice en République centrafricaine,” November 13, 2019.

89 Interview with MINUSCA officials, June 2019.

institutions in such environments creates a double dilemma for peacekeepers: not only is the UN no longer considered an impartial broker for peace, but civilians sometimes perceive peacekeepers to be complicit in their plight.

Two interconnected problems are particularly widespread: corruption and human rights violations. Since the salaries of most host states' civil servants and security forces are rarely paid on time (or at all) and do not cover even basic needs, these personnel often turn to the broader population for additional resources. In CAR, where MINUSCA is helping redeploy security forces, UN officials note that the return of these forces to areas outside the capital is correlated with an increase in roadblocks, where illegal fees are levied on civilians.⁹⁰ In the DRC, military and police are known to "live off the land" in areas where they conduct operations.⁹¹ Similar patterns can be observed in Mali, where state institutions are accused of corruption, extortion, and abuse of civilians.⁹²

Joint operations with government forces are expected to protect civilians from non-state actors, but they may also expose civilians to harm, for instance if government troops' targeting procedures do not meet international standards.⁹³ UN-supported operations are sometimes executed poorly, resulting in abuses by undisciplined national units. When the UN withdraws after "successful" joint operations, it is difficult to monitor the behavior of state security forces, which may increase the risk of abuse in areas regained with the help of peacekeepers.⁹⁴

UN support for host states in fluid political and

security environments faces one overarching question when it comes to governance: what type of state is the UN promoting? This question is rarely posed in the everyday hustle and bustle of peacekeeping, but it entails choices about the type of society to be built.⁹⁵ In CAR, where one of the root causes of conflict is the exclusion of segments of the civilian population (particularly Muslims), MINUSCA's support to the central government appears to elide core questions of citizenship and language.⁹⁶ In South Sudan, where the peace process is only beginning to take hold, UNMISS faces intractable dilemmas over whether to support the return of displaced people to ethnically homogeneous states engineered by the government's redrawing of national boundaries, which would effectively consolidate the outcome of the civil war's ethnic cleansing.⁹⁷ Identity politics and ethnicity also fuel conflict in Darfur, eastern DRC, and Mali.⁹⁸

Answering these and other governance questions places POC in tension with the wider political agenda of host states. Peace operations are often reluctant to challenge governments they depend on to implement mandated tasks. In theory, protecting vulnerable civilian populations should never yield to other mission priorities, but the reality is sometimes different. As will be discussed later, in many missions, two priorities—organizing elections and implementing peace agreements—often clash with other mandated tasks.

Threats to Perceptions of Peacekeepers' Impartiality

While peacekeepers are expected to support host states, they are also required to remain impartial.⁹⁹

⁹⁰ Interview with MINUSCA officials, June 2019.

⁹¹ Jaïr van der Lijn, Hans Hoebeke, Tim Glawion, and Nikki de Zwaan, "Securing Legitimate Stability in the DRC: External Assumptions and Local Perspectives," Stockholm International Peace Research Institute, September 2019, p. 7.

⁹² Interview with MINUSMA official, Geneva, July 2019.

⁹³ However, the use of force by peacekeepers raises analogous challenges. See: Civilians in Conflict, "From Mandate to Mission."

⁹⁴ Interviews with MONUSCO and MINUSCA officials, June–August 2019. MINUSCA's support to nascent units of the Central African armed forces has had to address two risks: the armed forces succumbing to armed groups, which could increase abuses against civilians in areas controlled by these groups; and undisciplined units of the armed forces committing abuses against civilians in areas where they have been redeployed. See also: Charles T. Hunt, "All Necessary Means to What Ends? The Unintended Consequences of the 'Robust Turn' in UN Peace Operations," *International Peacekeeping* 24, no. 1 (2017).

⁹⁵ For more on these dilemmas, see: Paul Jackson, "Security Sector Reform and State Building," *Third World Quarterly* 32, no. 10 (2011). On peacekeeping specifically, see: Emily Paddon Rhoads, *Taking Sides in Peacekeeping: Impartiality and the Future of the United Nations* (Oxford: Oxford University Press, 2016).

⁹⁶ Interviews with MINUSCA officials, June 2019.

⁹⁷ Interviews with UNMISS officials, UN agencies, and NGOs, August 2019.

⁹⁸ On the DRC, see: Van der Lijn, Hoebeke, Glawion, and de Zwaan, "Securing Legitimate Stability in the DRC."

⁹⁹ Since the 2000 Brahimi Report, impartiality means acting impartially in the execution of the mandate rather than neutrality vis-à-vis all parties. See also: UN General Assembly and Security Council, *Report of the High-Level Independent Panel on Peace Operations on Uniting Our Strengths for Peace: Politics, Partnership and People*, UN Doc. A/70/95–S/2015/446, June 17, 2015 [HIPPO report], paras. 121–126.

This is easier said than done. Preserving impartiality vis-à-vis civilians, government actors, and armed groups is extremely difficult in volatile conflict environments where state authority is itself contested and relations between civilians and state actors are conditioned by identity politics. A major challenge is the perception that governments support some populations over others, which, in turn, influences these populations' perceptions of peacekeepers.

Although interviews reveal that peacekeeping personnel usually consider themselves to be impartial actors, each mission grapples with distinct problems. In CAR, MINUSCA struggles to shake off the perception that it favors anti-balaka militias with close ties to the government.¹⁰⁰ In South Sudan, where UNMISS lacks a state-building mandate, the roles are reversed: the government of Salva Kiir accuses peacekeepers of shielding opposition rebels, especially in POC sites, and providing them with better services than other civilians. A senior South Sudanese official noted that government supporters viewed UNMISS as protecting not civilians but the opposition, and opposition leader Riek Machar in particular.¹⁰¹

Overcoming such perceptions of bias is especially challenging in conflicts involving two main rival groups, but peacekeepers face analogous problems in more diffuse, multi-party conflicts. There are as many as seventy armed groups operating in the DRC, yet this does not stop MONUSCO from being accused of taking sides in local conflicts. In Ituri, for instance, the Lendu ethnic group accuses the UN of supporting the Hema. In some parts of North Kivu, peacekeepers have conducted

operations against groups supported by specific communities.¹⁰²

Perceptions of bias undermine peacekeepers' work. Armed groups are reluctant to cooperate with missions they see as biased against them, reducing the likelihood of peaceful solutions to conflict. Moreover, civilians can find themselves trapped in a fluid political and security space. In CAR, one MINUSCA official conceded that, in restoring governmental capacity, the mission is essentially trying to sever links between ex-Séléka armed groups and the communities they purport to represent. This exposes Muslim civilians to retaliation for cooperating with the mission and state authorities.¹⁰³ MINUSCA also finds itself supporting the redeployment of primarily non-Muslim security forces to areas inhabited primarily by Muslim populations, which may reinforce existing tensions.¹⁰⁴ These tensions between Muslims and non-Muslims have even spilled over into MINUSCA's own operations, with some Muslim contingents accused of favoring Muslim civilians over others.¹⁰⁵

Challenges related to impartiality manifest themselves differently in civil wars, where the government and opposition groups try to perform government functions on behalf of civilians and to seek legitimation from international partners. Though there is no evidence that peacekeepers support either party in South Sudan, the very fact that UNMISS's mandate bars the mission from supporting the host government is interpreted as a form of support to the opposition. Countering this narrative by affirmatively denying ties to opposition leaders and seeking to restore trust with government powerbrokers creates its own

Preserving impartiality vis-à-vis civilians, government actors, and armed groups is extremely difficult in volatile conflict environments where state authority is itself contested.

100 Interviews with MINUSCA and UN agencies, June 2019. See also: International Crisis Group, "Making the Central African Republic's Latest Peace Agreement Stick," June 18, 2019, p. 15.

101 Interview with senior South Sudanese official, August 2019.

102 Interviews with MONUSCO officials, August 2019.

103 Interviews with MINUSCA officials and independent analyst, June–July 2019.

104 Interview with senior MINUSCA official, June 2019.

105 The Ammoussou report notes that "no evidence was found that any of the Mission's contingents in the southeast had acted in a partial manner towards certain armed groups or communities." In addressing this allegation, the report acknowledges this perception exists. Executive Office of the UN Secretary-General, "Note to Correspondents on the Findings of the Central African Republic Special Investigation," January 24, 2018. Muslim contingents have also been attacked in CAR.

challenges for the mission's perceived impartiality.¹⁰⁶ The same problem in reverse has arisen in the context of the current peace process, where UNMISS's support for shutting down POC sites is criticized by the opposition (and many humanitarian actors) as overly lenient to the government's position.¹⁰⁷

Risk-Mitigation Measures

The UN uses a number of methods and tools, incidentally or expressly, to mitigate the challenges of working with governments. As noted above, capacity building both enhances POC and mitigates risk by ensuring that state agents have the knowledge to perform tasks in compliance with international norms. However, when states allow more invasive forms of support, missions can shape the practices of governments more profoundly, for instance by working with state actors on recruitment procedures and redeployment plans. MINUSCA, together with other partners, is supporting the host government's recruitment of Central African army and security forces, with the SSR unit primarily performing administrative vetting while the human rights unit checks recruits' human rights records. MINUSCA's civil affairs and justice units provide training and help coordinate the redeployment of public administration and judicial officials around CAR.¹⁰⁸ The Malian and Central African security forces also receive holistic training from the EU before redeploying, and MINUSCA has occasionally provided supplemental training to Central African military units accused of misbehavior.¹⁰⁹

Government buy-in for intrusive forms of risk mitigation, especially in the security sector, is often

lacking, however. UNAMID provided little support to Sudanese institutions until the state liaison functions became part of the mission's exit strategy, and the mission is only now gradually beginning to formally interact with the Sudanese armed forces in the aftermath of the 2019 revolution.¹¹⁰ In the DRC, attempts to set up a vetting mechanism did not receive government support.¹¹¹ MONUSCO has occasionally supported the redeployment of Congolese security forces as part of its stabilization activities, but it has been largely excluded from government-led SSR for the armed forces (it has had more success engaging the police).¹¹² While it remains to be seen if Félix Tshisekedi, elected president in 2019, will change this policy, his predecessor's reluctance to coordinate with MONUSCO on SSR put the mission in a difficult position: it was mandated to conduct joint operations with the Congolese armed forces but had limited means to ensure that its ostensible partner evolved into an accountable military.¹¹³

Over the last ten years, the Human Rights Due Diligence Policy (HRDDP) has emerged as a key risk-mitigation tool for all UN entities, including peace operations, with profound implications for how UN personnel interact with host states (see Box 3).

A few trends in the implementation of the HRDDP are worth highlighting. First, the policy's effects are limited where missions seldom cooperate with host states. For instance, UNAMID and UNMISS rarely need to apply the HRDDP and use it primarily when responding to requests for material and logistical support. Given that UNMISS's mandate prevents the mission from carrying out joint operations with the South Sudanese armed forces

¹⁰⁶ One UNMISS official noted that after the South Sudanese government criticized humanitarian agencies of providing more aid to the armed opposition, data had to be provided to show that this was not the case. There are other inherent paradoxes, however; for instance, UNMISS officials acknowledge that quick-impact projects are implemented only in government-held territory, which underscores that impartiality is a relative concept. Interview with UN agency worker, August 2019.

¹⁰⁷ Protection challenges in South Sudan's POC sites are well-covered in the policy and academic literature. See: International Organization for Migration, "If We Leave, We Are Killed: Lessons Learned from South Sudan Protection of Civilians Sites 2013–2016," May 2016; and UN Security Council, *Future Planning for the Protection of Civilians Sites—Report of the Secretary General*, UN Doc. S/2019/741, September 12, 2019.

¹⁰⁸ Interviews with MINUSCA officials, June 2019.

¹⁰⁹ Interviews with EU and MINUSCA officials, CAR, June 2019. On EU capacity building, see: Ana E. Juncos, "Civilian CSDP Missions: 'The Good, the Bad and the Ugly,'" in *Research Handbook on the EU's Common Foreign and Security Policy*, Steven Blockmans and Panos Koutrakos, eds. (Cheltenham: Edward Elgar Publishing, 2018).

¹¹⁰ Email exchanges with UNAMID officials, April 2020; Forti, "Navigating Crisis and Opportunity."

¹¹¹ Human Rights Watch, "Establishing a Vetting Mechanism for the Security Forces of the Democratic Republic of Congo," April 7, 2014.

¹¹² These efforts have instead advanced through bilateral partnerships with the EU, Belgium, France, and the US. Interviews with MONUSCO officials and NGO staff, August 2019. For details, see: Search for Common Ground, "Security Sector Reform in DRC: 10 Years of Analysis and Recommendations for Ways Forward," June 2018.

¹¹³ Interviews with MONUSCO officials, July–August 2019. On MINUSMA, see: Hunt, "Protection through Policing," p. 18.

Box 3. The UN's Human Rights Due Diligence Policy

Approved as a mandatory UN-wide policy in 2011, the HRDDP ensures that the UN follows its own normative standards by making support to non-UN security forces consistent with the UN Charter and obligations under international human rights, humanitarian, and refugee law. The HRDDP applies to most types of support from both UN peace operations and UN agencies to non-UN national militaries, police, gendarmeries, and specialist security branches or units. Support covers training, mentoring, advisory support, and financial assistance. The HRDDP has two primary aims: (1) mitigating the possibility of the UN cooperating with human rights violators; and (2) engaging the UN in dialogue with state actors to encourage conformity with its values and with international law, including POC norms.

The HRDDP is premised on peace operations reaching out to national counterparts as early as possible to identify potential problems and devise strategies to overcome obstacles to cooperation.¹¹⁴ If a risk exists, they can only provide support subject to mitigatory measures. Such measures include building the capacity of entities receiving support, engaging in joint planning to reduce the risk of unexpected behavior, putting in place corrective procedures in the event of abuses, reporting on how support is being used, and conditioning support on the exclusion of specific high-risk individuals or units. Peacekeepers must monitor whether non-UN forces are committing violations and, if so, bring this to the attention of the authorities receiving support on the understanding that support will be suspended or withdrawn if violations continue.¹¹⁵

or police (not to mention the opposition), the HRDDP applies only to tasks such as the approval of quick-impact projects or the transportation of officials to peace negotiations.¹¹⁶ In Darfur, the relevance of the HRDDP is growing as UNAMID prepares to draw down, but the mission has faced difficulties ensuring compliance. For instance, the transfer of “team sites” to Sudanese authorities was approved on the basis of “risk assessments and letters of undertaking from relevant local officials to the effect that there were no grounds to believe that the recipients might commit human rights violations.” However, this did not prevent the notorious Rapid Support Forces, a paramilitary group, from acquiring control of UN land and property.¹¹⁷ UNAMID suspended these transfers in May 2019 amid controversy over the group's role

in abuses in Darfur (compounded by a massacre in Khartoum in June 2019), but the mission still struggles to ensure that former team sites are used for civilian purposes.¹¹⁸

Second, even when missions cooperate extensively with state institutions, the HRDDP is applied unevenly and with mixed results. MINUSCA, whose support to Central African security forces has increased over the years, has used the HRDDP to limit interactions with the government's notorious Central Office for the Suppression of Banditry, including its former head.¹¹⁹ However, planning for joint operations has reportedly failed to comply with HRDDP procedures, and civilian staff are sometimes excluded from the military component's decision making.¹²⁰ Two high-profile

114 HRDDP, paras. 18–19. Missions must assess the risk of entities they are supporting committing grave violations.

115 For a more detailed overview of the HRDDP, see: United Nations, “Human Rights Due Diligence Policy on United Nations Support to Non-United Nations Security Force: Guidance Note and Text of the Policy,” 2015.

116 Interviews with UNMISS officials, August 2019.

117 UN Security Council, *African Union–United Nations Hybrid Operation in Darfur—Report of the Secretary General*, UN Doc. S/2019/44, January 14, 2019, para. 53.

118 On the Khartoum massacre and the Rapid Support Forces' role therein, see: Human Rights Watch, “They Were Shouting ‘Kill Them’: Sudan's Violent Crackdown on Protesters in Khartoum,” November 17, 2019. Email exchange with UNAMID personnel, April 2020. On team sites, see: Forti, “Navigating Crisis and Opportunity,” pp. 20–21. On continuing problems with team sites, see: UN Security Council, *Special Report of the Chairperson of the African Union Commission and the Secretary-General of the United Nations on the African Union–United Nations Hybrid Operation in Darfur and a Follow-on Presence*, UN Doc. S/2020/202, March 12, 2020, paras. 36–40. The Rapid Support Forces are to be integrated into the Sudanese army.

119 Interview with current and former MINUSCA officials, June–July 2019. The Central Office for the Suppression of Banditry is a specialist police unit. The mission scored a temporary victory when the government removed the head of this office at MINUSCA's urging, only to later learn that the same person had become chief of police. MINUSCA has put in place risk-mitigation measures to limit contacts with the new chief of police, but his de facto promotion remains a bone of contention. See: Human Rights Watch, “Central African Republic: Police Unit Killed 18 in Cold Blood,” June 27, 2016.

120 Interview with UN official, July 2019.

operations in Bangui involved Central African security forces that had not undergone proper vetting, with one UN official noting that these forces may have contributed to civilian casualties.¹²¹ UN officials explained that the mission struggles to apply the HRDDP rigorously, primarily due to internal dysfunction, rivalries within the mission, and a lack of clarity on the policy's aims.¹²²

MONUSCO offers a complex case study—spanning more than a decade—of the opportunities and challenges of cooperating with a national army toward ostensibly shared POC objectives (see Box 4). The mission has been at the epicenter of contentious debates over whether and how to provide logistical support to state-building projects and operational support to specific units or individuals of the armed forces and police. Some UN officials believe that the mission has positively influenced the behavior of the armed forces and police and increased the civilian population's trust in both MONUSCO and its Congolese counterparts. Others argue that the HRDDP imposes unnecessary burdens, pointing to the lower number of joint operations in the last five years (even if cooperation was largely reduced due to political tension with the government of former President Joseph Kabila).¹²³

Overall, the implementation of the HRDDP across UN peace operations reveals a mixed picture, with positive engagement with government counterparts tempered by missed opportunities and internal dysfunction. There are still serious misunderstandings about the HRDDP. In particular, interviews with UN officials reveal starkly different interpretations of who is responsible for conducting risk assessments and negotiating mitigatory measures. Whereas many UN police

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and military personnel argue that the HRDDP constrains their ability to work constructively with national counterparts, civilian staff often insist that it empowers peacekeepers to engage with host-state actors. Moreover, whereas police and military components view the policy as a responsibility of the “human rights people,” civilian staff reiterate that it is a UN-wide policy that all personnel must implement.¹²⁴ More worryingly, mid-level and even senior mission staff are sometimes unaware of the policy and how it can be used as a framework for dialogue to influence government counterparts rather than as a punitive mechanism.¹²⁵ Ten years after it was first tested in the DRC, the HRDDP is still too rarely used to leverage UN support and increase state actors' compliance with POC principles.

Navigating Ambiguity and Domestic Politics

Supporting host states can sometimes be difficult due to fluid or ambiguous operational environments where the intentions of government actors are unclear and mistrust undermines cooperation. Over the long run, misunderstandings and disagreements weaken the UN's ability to deliver on its POC mandate, reducing the overall effectiveness of peacekeeping. This section analyzes the problem of unreliable host-state partners, how fluctuating domestic priorities constrain cooperation, and what compromises missions make when POC concerns clash with competing priorities.

Operational Ambiguity when Working with Unreliable Partners

Despite consenting to the presence of peacekeepers, some host-state actors do not consider specific POC goals to be in their short- or

121 Interviews with current and former MINUSCA officials and independent analyst, June–July 2019.

122 Interviews with current and former MINUSCA officials, UN agency representatives, independent analyst, and NGO representatives, June–July 2019.

123 Interviews with current and former MONUSCO and UN officials, July–August 2019, January 2020. Novosseloff, Abdenur, Mandrup, and Pangburn, “Assessing the Effectiveness of the United Nations Missions in the DRC/MONUC-MONUSCO.”

124 Interviews with UN officials, June–August 2019, January 2020.

125 Interviews with UN officials, CAR, DRC, and South Sudan, June–August 2019. On many occasions, UN staff expressed mistaken opinions about the HRDDP's aims and procedures. In one case, a senior UN official did not know what the term referred to.

Box 4. MONUSCO and the Human Rights Due Diligence Policy

The origins of HRDDP lie in MONUC's conditionality policy for joint operations with the Congolese armed forces (FARDC) in the late 2000s.¹²⁶ After serious criticisms of the UN's role in facilitating abuses by Congolese troops during operations Amani Leo, Umoja Wetu, and Kimia II, the mission moved to implement stricter conditions for support.¹²⁷ After outright denials of UN support to high-risk individuals and units increased tensions with the mission's Congolese counterparts, reforms were implemented in 2015 to allow for flexible engagement and to better mitigate risk.¹²⁸

Despite these reforms, opinions on the HRDDP's effectiveness in the DRC remain divided. The mission has succeeded in raising awareness of human rights and promoting best practices while arguably reducing the incidence of violations (though it is difficult to quantify violations that did not occur and whether the HRDDP was the catalyst for the reductions).¹²⁹ The mission has also advocated (sometimes successfully) for the Congolese security services to sideline high-risk individuals, reducing the likelihood of violations against civilians. There is evidence that Congolese authorities have taken ownership of some risk-mitigation measures advocated by MONUSCO, for example when follow-up committees (*comités de suivi*) monitor allegations of violations committed by state security forces.¹³⁰

At the same time, UN officials point to various problems with the implementation of the HRDDP in the DRC.¹³¹ One criticism is that the mission is not transparent enough with the FARDC about the concrete human rights concerns that prevent peacekeepers from providing support. This can create frustration and undermine trust between MONUSCO's military component and its FARDC counterparts.¹³² Military personnel emphasize that the HRDDP undercuts their ability to engage with FARDC commanders, who may perceive the policy's requirements as a sign of disrespect. Others worry that, in conditioning or declining support, MONUSCO effectively penalizes FARDC commanders for violations that were committed, in some cases, decades ago, which collapses the distinction between backward-looking punitive sanctions and forward-looking administrative inducements to perform better.¹³³ Another concern is that some high-risk individuals remain at the top of the Congolese military hierarchy, creating knock-on obstacles for joint MONUSCO-FARDC cooperation at lower levels.¹³⁴

126 On the origins of conditionality and the HRDDP, see: Jérémie Labbé and Arthur Boutellis, "Peace Operations by Proxy: Implications for Humanitarian Action of UN Peacekeeping Partnerships with Non-UN Security Forces," *International Review of the Red Cross* 95 (2013).

127 On these operations, see: Foley, *UN Peacekeeping Operations and the Protection of Civilians*; and Jeffrey Gettleman, "The UN Told Not to Join Congo Army in Operation," *New York Times*, December 9, 2009.

128 As discussed in the next section, cooperation with the FARDC deteriorated after President Kabila appointed two "red-listed" generals to a planned joint operation, effectively thwarting it. The policy was revised and the method for assigning risk shifted from green (no risk), yellow (medium risk), and red (high risk) to a system of annexes (A, B, and C) with differently tabulated criteria for quantifying risk.

129 Interviews with UN officials, January 2020.

130 There are separate committees for the FARDC and national police comprising police or military representatives, military justice officials, civil society representatives, MONUSCO military personnel, UN police officers, and UN human rights officials. These committees inquire into human rights violations allegedly attributable to the FARDC and national police and may suggest disciplinary action or criminal investigations. MONUSCO serves as the secretariat and follows up on recommended actions.

131 The following paragraph is based on interviews with MONUSCO officials, July–August 2019.

132 Other MONUSCO officials insist that the mission is required by the HRDDP to inform Congolese counterparts of the allegations against them in writing, and hence there can be no doubt that the DRC is aware of MONUSCO's concerns.

133 MONUSCO officials noted that if the goal is to positively influence behavior, the HRDDP should not be a substitute for criminal punishment without due process. Other MONUSCO officials countered that some violations amount to imprescriptible international crimes, which must be taken into account in the HRDDP evaluation process, and that violations committed long ago are weighed against improved behavior in the interim.

134 Interview with MONUSCO official, July 2019.

long-term strategic or tactical interests. This can make support from governments irregular or unpredictable. Peacekeepers may be able to work with some state actors but not others, and to engage these actors on certain threats to civilians while others remain out of bounds. There is rarely a simple explanation for such challenges.

In the DRC, for example, the UN has sometimes seen its efforts to act on POC priorities undermined by a complex web of domestic and regional interests. In 2013, after successfully eliminating the M23 rebel group in collaboration with the national armed forces (FARDC), MONUSCO sought to build on this momentum to confront other armed groups, as mandated by the Security Council. The mission hoped to neutralize the Democratic Forces for the Liberation of Rwanda (FDLR) in particular, but its coordination with the FARDC ran into problems.¹³⁵ In January 2015, on the eve of planned joint operations against the FDLR, President Kabila appointed two generals previously “red-listed” under the conditionality policy over human rights concerns, causing the entire operation to collapse.¹³⁶

Many suspect that Kabila’s choice of generals was not a coincidence but a strategic gamble reflecting his political and military objectives (many believe he anticipated that MONUSCO would refuse to cooperate due to the generals’ human rights record).¹³⁷ In this case, the DRC’s security concerns appear to have diverged from the international community’s priorities. The FDLR was arguably a lesser threat to the government than other armed

groups, and the DRC’s leadership may have viewed it as a buffer against the influence of neighboring Rwanda. The FARDC may also have been seeking to redirect MONUSCO’s attention to the north, where another armed group, the Allied Democratic Forces (ADF), was generating instability.¹³⁸ Five years on, elements of the FDLR still operate and—despite promises of greater cooperation from President Tshisekedi, who came to power in 2019—there are still no joint plans to address its presence.¹³⁹

The priorities of the UN and the Congolese government have also diverged in other parts of the country. Major crises in Kongo Central and Kasai provinces have largely been handled unilaterally by the FARDC and national police. As explained by one MONUSCO official, the government considered the Bundu Dia Kongo and Kamuina Nsapu rebellions “too important” to let its hands be tied by a large UN presence, and it is unclear how much MONUSCO wanted to

Despite consenting to the presence of peacekeepers, some host-state actors do not consider specific POC goals to be in their short- or long-term strategic or tactical interests.

be actively involved in defusing these conflicts (MONUSCO did redeploy personnel to Kasai in late 2016, but low numbers of peacekeepers meant that the UN could not prevent most crimes, many reportedly committed by the armed forces).¹⁴⁰ In North Kivu, where hundreds of civilians have been killed by the ADF, MONUSCO has struggled to conduct joint operations against the group due to the government’s reluctance to coordinate (attempts to revive cooperation in late 2019 and 2020 are ongoing).¹⁴¹ Observers have long suspected that a tangled web of national and local interests has hindered joint planning and

135 The FDLR is an extremist paramilitary group in eastern DRC whose leadership is implicated in the 1994 Rwandan genocide. See: Small Arms Survey, “Down, but Not Out: The FDLR in the Democratic Republic of the Congo,” January 2016.

136 Interviews with MONUSCO and UN officials, July–August 2019. See: Christoph Vogel, “After UN-Kinshasa Fallout, Operations against FDLR Begin in Eastern DRC,” *African Arguments*, March 2, 2015.

137 Interviews with MONUSCO and UN officials, July–August 2019. See also: Emily Paddon Rhoads, “‘Taking Sides’: The Challenges of Impartiality in UN Peacekeeping Operations,” *Global Peace Operations Review*, August 23, 2016.

138 On the ADF, see: Congo Research Group, “Inside the ADF Rebellion: A Glimpse into the Life and Operations of a Secretive Jihadi Armed Group,” November 2018.

139 In September 2019, the FDLR’s military leader, Sylvestre Mudacumura, was killed in an FARDC operation. See: Human Rights Watch, “Warlord Sought by ICC Killed: Sylvestre Mudacumura’s Forces’ Victims Entitled to Justice, Redress,” September 20, 2019.

140 Interviews with MONUSCO officials, August 2019. On the “slow and deferential reaction” by the UN in Kasai, see: Congo Research Group, “Setting Fire to Your Own House: Crisis in Kasai, the Manipulation of Customary Power and the Instrumentalization of Disorder,” July 2018, pp. 28–29.

141 Kivu Security Tracker, “Can MONUSCO Really Withdraw from the DRC?” December 11, 2019.

operations against the ADF.¹⁴²

In theory, Security Council mandates allow peacekeepers to carry out all POC tasks unilaterally, including patrols and robust military operations. In that sense, coordination with host states on POC is desirable and encouraged, but not necessary. However, the reality is often more complex, and UN actions contradicting government preferences can run into insurmountable obstacles. MONUSCO's efforts to carry out unilateral operations against the ADF have reportedly been undermined by resistance from the FARDC.¹⁴³ A MINUSCA-led operation in the PK5 district of Bangui targeting a notorious rebel leader failed after government actors allegedly tipped off the suspect.¹⁴⁴ Two years later, despite attempts to maintain secrecy, Operation Sukula in PK5 also failed, at least in part because state actors allegedly leaked sensitive operational information.¹⁴⁵

Over the long run, operational ambiguity and mistrust can result in missed opportunities to protect civilians. In Mali, a lack of coordination mechanisms has reportedly led to the duplication of tasks, with MINUSMA and the national armed forces sending troops to the same hot spots while other areas remain without any military presence.¹⁴⁶ MONUSCO is sometimes reluctant to share information with state security actors for fear it will be misused.¹⁴⁷ In CAR, where relations with the government are generally cooperative, national actors occasionally bypass the mission on strategically or politically sensitive matters. For instance, to appease their political base, Central African

authorities have sent military units to confront ex-Séléka armed groups in contravention of redeployment plans previously agreed with MINUSCA.¹⁴⁸ On at least one occasion in 2018, state security forces refused to coordinate operations with MINUSCA in response to armed violence, allegedly resulting in civilian casualties in Bangui.¹⁴⁹

Gray Areas of Capacity Building

A recurrent challenge for peace operations is how much they can leverage support to accomplish wider POC goals. As explained above, rule-of-law support is critical to the long-term goal of establishing a protective environment for civilians, but it is an open question to what degree the UN can overcome entrenched systemic obstacles to justice in states with weak and unaccountable institutions. Ultimately, the success of capacity building depends less on Security Council mandates than on political will and local ownership of top-down initiatives.

Rule-of-law support is critical to establishing a protective environment for civilians, but it is an open question to what degree the UN can overcome entrenched systemic obstacles to justice in states with weak and unaccountable institutions.

One risk is that government actors will instrumentalize justice support to eliminate political and military rivals. In the DRC, it is often unclear why domestic prosecutors are unable to advance cases against some suspects. In the past, military trials often targeted non-state actors rather than state agents.¹⁵⁰ Although this trend appears to have reversed in recent years, it is still easier to prosecute rebels reintegrated into the Congolese army than government loyalists.¹⁵¹ For instance, though a mobile court convicted Lieutenant Colonel Mutuare Daniel Kibibi for rape as a crime against

142 Rachel Sweet, "Militarizing the Peace: UN Intervention Against Congo's 'Terrorist' Rebels," *Lawfare*, June 2, 2019; Daniel Levine Spound, "Backlash in Beni: Understanding Anger against the UN Peacekeeping Mission in the DRC," *Civilians in Conflict*, December 18, 2019; Kristof Titeca and Daniel Fahey, "The Many Faces of a Rebel Group: The Allied Democratic Forces in the Democratic Republic of Congo," *International Affairs* 92, no. 5 (2016).

143 Interviews with MONUSCO officials, July–August 2019.

144 Interview with MINUSCA official, June 2019.

145 Interviews with MINUSCA officials and independent analyst, June–July 2019.

146 Phone interview with MINUSMA official, April 2019.

147 Interviews with MONUSCO officials, July–August 2019.

148 Interviews with MINUSCA officials, June 2019.

149 Interview with MINUSCA official, June 2019; "Death Toll from Central African Church Attack Reaches 26," Reuters, May 3, 2018.

150 Avocats Sans Frontières, "Étude de jurisprudence: L'application du Statut de Rome de la cour pénale internationale par les juridictions de la République démocratique du Congo," March 2009.

151 Email exchange with MONUSCO official, January 2020. According to MONUSCO figures, mission-supported convictions broke down as follows between 2017 and 2019: 375 FARDC, 227 national police, and 199 non-state actors (on file with author).

humanity, marking one of the first times the DRC held a military officer accountable, Kibibi had been reintegrated into the armed forces from a Rwandan-backed rebel group.¹⁵² His trial is presented as path-breaking, but it and other domestic trials target low-hanging fruit—rank-and-file soldiers or officers with few connections—whereas high-ranking officials and politicians remain beyond the reach of justice.¹⁵³

MONUSCO's support has not overcome these entrenched inequities in the Congolese justice system. The rule-of-law section's close partnership with military justice authorities has led it to develop a roadmap prioritizing cases, but impunity remains the norm, including for commanders sanctioned by the UN, EU, and US for grave human rights abuses. As noted by one UN official, the mission understands justice support as technical in nature without straying into the sensitive politics of domestic prosecutorial policy.¹⁵⁴ A senior MONUSCO official acknowledged that "we wait for opportunities..., but is the priority to pursue [a perpetrator] if today he is not doing anything, or do I have to focus on pursuing [the perpetrator] who is dangerous today?"¹⁵⁵ Despite progress, more than fifteen years after MONUSCO began supporting the Congolese justice system, many of the most egregious crimes in the DRC, catalogued in the UN's mapping report, remain unpunished.¹⁵⁶

Such challenges abound in other missions as well. UNAMID's mandate foresaw support to prosecutions of serious crimes, including through the special prosecutor and a Special Court for Darfur Crimes. Sudanese authorities, however, have blocked politically sensitive investigations, reducing the mission's work to providing human rights training rather than building actionable

cases.¹⁵⁷ In South Sudan, the government has shown no interest in establishing a hybrid court, as mandated by the 2018 peace agreement. A UNMISS official explained that the mission does not consider it expedient to advocate for such a politically divisive war crimes tribunal while the peace process plods along.¹⁵⁸ In CAR, despite MINUSCA's solid record of cooperation with domestic justice officials, questions remain over the government's commitment to accountability, in particular under the 2019 peace agreement, which integrated some armed groups into a power-sharing coalition. So far, the Central African government has rejected amnesty, but some government officials suggest that justice may have to wait for peace to take hold.¹⁵⁹ A UN official conceded that it remains to be seen how MINUSCA will manage its relationship with the authorities if and when politically sensitive trials begin.¹⁶⁰

Compromising POC for Politics: State Sovereignty, Elections, and Peace Agreements

Missions' relations with governments are conditioned by a few recurring political considerations that can clash with protection concerns: state sovereignty, elections, and peace agreements.

Governments often apply pressure to peace operations over issues considered sensitive in terms of sovereignty and internal security. Sovereignty concerns are especially difficult to handle in African and Middle Eastern states with a history of colonialism. The South Sudanese government has vocally denounced UNMISS and other international actors for their perceived interference in domestic affairs. The proposed closure of POC sites, seen by the government as an indictment of

152 "Congo Army Colonel Guilty of Ordering Mass Rape on New Year's Day," AP, February 21, 2011. See also: Trial International, "Mutware Daniel Kibibi," available at <https://trialinternational.org/latest-post/mutware-daniel-kibibi/>.

153 See: MONUSCO and OHCHR, "Progress and Obstacles in the Fight against Impunity for Sexual Violence in the Democratic Republic of Congo," para. 34 and "Response of the DRC Ministry of Justice" (annexed).

154 Interview with MONUSCO officials, July 2019.

155 Interview with senior MONUSCO official, July 2019 (author translation).

156 OHCHR, "Report of the Mapping Exercise Documenting the Most Serious Violations of Human Rights and International Humanitarian Law Committed within the Territory of the Democratic Republic of the Congo between March 1993 and June 2003," August 2010.

157 UNAMID, "UNAMID Collaborates with Office of the General Prosecutor for Darfur Crimes on Transitional and Criminal Justice Workshop," October 15, 2017.

158 Interview with UNMISS official, August 2019.

159 Interviews with Central African government and judicial officials, June 2019.

160 Interviews with MINUSCA and Special Criminal Court officials, June 2019.

its human rights record, has given rise to tensions not just between UNMISS and domestic authorities but also between the mission and humanitarian actors.¹⁶¹ UN and humanitarian actors note that, in encouraging the return of displaced people, UNMISS is perceived to be succumbing to the government's demands to shut down POC sites prematurely, regardless of threats to civilians inside the sites.¹⁶²

Other missions grapple with similar tensions. In 2018, the Congolese government's refusal to attend a humanitarian conference over the UN's "exaggerated" data on humanitarian needs, including levels of forced displacement, created a rift between UN agencies and humanitarian NGOs, on the one hand, and MONUSCO, on the other.¹⁶³ A humanitarian official noted that MONUSCO ultimately sided with the government and—as a consequence—the UN Office for the Coordination of Humanitarian Affairs no longer publishes figures on internal displacement.¹⁶⁴

Elections usually bring POC challenges into sharp focus. As will be discussed later, the disputed 2010 election in Côte d'Ivoire triggered military action by the UN mission (UNOCI) to protect civilians, but this type of robust response is not always possible or advisable. Peacekeepers in the DRC are familiar with electoral tensions, having shepherded presidential elections in 2006, 2011, and 2018.¹⁶⁵ The elections in both 2006 and 2011 were tainted by violence, delivering close, controversial victories to President Kabila. The most recent election, initially scheduled for 2016, was repeatedly delayed as Kabila sought to stay in power beyond the two-term limit amid widespread popular discontent, culminating in a flawed election (see Box 5).¹⁶⁶

Much like elections, peace agreements raise difficult questions about the balance between politics and POC. Sometimes missions opt to preserve fragile agreements or cease-fires for fear that the UN will be blamed for a resumption of hostilities. UN officials noted that until 2019, MINUSMA's mandate prioritized implementation of the 2015 peace agreement, sidelining human rights and other POC concerns.¹⁶⁷ In South Sudan, some humanitarian workers worry that UNMISS will compromise the well-being of civilians in POC sites in order to make progress on implementation of the 2018 peace agreement.¹⁶⁸ Likewise, pressure to move government and opposition forces into cantonment sites is reportedly marginalizing concerns about the well-being of civilians living in their vicinity.¹⁶⁹ In CAR, many argue that MINUSCA is purposely ignoring the increase in violence since the signing of the 2019 Khartoum agreement in order to forestall an official resumption of hostilities.¹⁷⁰ "There is only one goal," said one analyst: "getting to the [2021] elections."¹⁷¹ This has reportedly led MINUSCA to ignore serious violations by both state and non-state actors, reduced its willingness to use force against spoilers, and encouraged compromises on the operationalization of joint security forces mandated by the agreement.¹⁷²

Confronting Systematic Resistance

At one point or another, peace operations are likely to face challenges from host governments. Short-term obstacles such as poor communication or misunderstandings can usually be overcome through in-country diplomacy. However, if host

161 Day, Hunt, Yin, and Kumalo, "Assessing the Effectiveness of the United Nations Mission in South Sudan/UNMISS."

162 Interviews with UNMISS and humanitarian actors, August 2019.

163 Jina Moore, "Despite Millions of Displaced People, Congo Rejects U.N. Aid Effort," *New York Times*, April 7, 2018; "Aid Groups Accuse U.N. of Manipulating Data ahead of Congo Polls," Reuters, December 5, 2018.

164 Interview with UN agency representative, August 2019. NGO representatives confirmed this conflict as well.

165 UN Security Council Resolution 2409 (March 27, 2018), UN Doc. S/RES/2409, paras. 1–10. On MONUC and MONUSCO's support to the 2006 and 2011 elections, see: Novosseloff, Abdenur, Mandrup, and Pangburn, "Assessing the Effectiveness of the United Nations Missions in the DRC/MONUC-MONUSCO."

166 On the 2018 electoral process in the DRC and MONUSCO's role, see: International Crisis Group, "Electoral Poker in DR Congo," April 4, 2018; and Naila Salihu, "Elections in the Democratic Republic of the Congo," ACCORD, 2019.

167 Interviews with current and former MINUSMA officials, Geneva and undisclosed location, July–August 2019.

168 See footnote 107.

169 Interview with humanitarian officials in South Sudan, August 2019.

170 Interview with humanitarian official, June 2019.

171 Phone interview with independent analyst, July 2019.

172 Interview with MINUSCA officials, June 2019.

Box 5. The 2018 elections in the DRC and POC

President Kabila's repeated attempts to subvert the electoral process in the DRC placed MONUSCO at the epicenter of a four-year struggle between Congolese civilians and a government that had repeatedly used force against them in its bid to retain power. Excluded by Kabila from providing logistical and technical support to the electoral process, MONUSCO's leaders opted for a dialogue-based, nonconfrontational approach to the government.¹⁷³ While the mission engaged state actors in a limited way, in particular by training police on securing the electoral process and crowd control, it focused primarily on mediating between state authorities, opposition parties, and the civilians organizing mass protests against the government.¹⁷⁴

The possibility of intervention in response to violence remained on the table, and UN police did intervene on occasion, but MONUSCO did not see its primary role as providing physical protection to protesters. On the contrary, despite overt threats to civilians, the mission prioritized dialogue while avoiding confrontation with Congolese security forces.¹⁷⁵ UN police thus did not accompany protesters as they marched, though they did deploy to the protest sites, and human rights personnel accompanying the police reported abuses by the Congolese police after the fact. One UN official also explained that MONUSCO decided not to deploy personnel to secure the return of a prominent opposition official to Kinshasa in order to avoid potential problems with state security forces.¹⁷⁶ In 2018, as elections neared, the protests fizzled.

Opinions on MONUSCO's choices are divided. Many praise the mission for averting widespread violence and facilitating the first consensual transfer of power in the DRC's history. Others argue that MONUSCO's leaders ultimately decided that holding the repeatedly delayed elections was as important as ensuring they were free and fair. A senior humanitarian official noted, "MONUSCO... at the top level took sides with the government, trying to appease them, maybe trying to preserve the space to keep on talking with them, maybe for the higher... good, but this [choice] was not necessarily shared [by other international actors]."¹⁷⁷ Reflecting on these difficult choices, a MONUSCO official concluded that, while civilians' right to protest had been sacrificed on the altar of politics, the head of the mission "was very determined not to give anybody an excuse for annulling those elections.... Maybe history will show that was the right call."¹⁷⁸

states are complicit in, or responsible for, systematic violence against civilians, peacekeepers must decide when and how to confront the authorities, including through different degrees of force. A hostile relationship is difficult to manage and may, ultimately, result in a loss of host-state consent and the mission's withdrawal. Since the absence of peacekeepers is likely to exacerbate abuses against civilians, this eventuality places pressure on the UN to compromise with host states. This section

surveys challenges that arise when peace operations face systematic resistance from host governments.

Systematic Obstruction

Security Council mandates and the UN's POC policy require missions to proactively deter and respond to threats to civilians. In practice, however, a mission's ability to carry out POC activities depends on its staffing, capabilities, and

173 Interviews with senior MONUSCO officials, July–August 2019. See: "Outside Help Not Wanted, Says DRC as Key Elections Loom," AFP, August 24, 2018. MONUSCO lobbied to support the DRC's electoral process, but the Kabila government insisted on conducting elections without outside support. This reduced MONUSCO's influence and was criticized by the international community, but the government ultimately organized the vote without external support, marking a significant step forward in terms of its ability to fund and conduct elections. See: Salihu, "Elections in the Democratic Republic of the Congo," p. 51.

174 Interviews with MONUSCO officials, July–August 2019. See: MONUSCO, "Bulletin of UNPOL," December 2018, available at www.un.org/preventing-sexual-exploitation-and-abuse/sites/www.un.org/preventing-sexual-exploitation-and-abuse/files/bulletin_of_police_-_decembre_2018.pdf.

175 Interviews with MONUSCO officials, July–August 2019. On the DRC's threats to civilian protesters, see: Human Rights Watch, "Repression Persists as Election Deadline Nears: President Kabila Should Ensure Credible Vote, Abide by Constitution," June 29, 2018.

176 Interview with MONUSCO official, August 2019.

177 Interview with humanitarian official, August 2019.

178 Interview with MONUSCO official, August 2019.

freedom of movement. Obstruction becomes a whole-of-mission liability when host governments systematically impede the UN's operational capabilities while blocking peacekeepers from accessing parts of their territory.

Peacekeeping mandates, status of forces agreements, and other agreements between missions and host states guarantee freedom of movement, customs clearance for equipment, and visa-free entry for peacekeeping personnel. However, some host states systematically impose bureaucratic hurdles or overtly prevent missions from operating. Two missions in particular—UNMISS and UNAMID—have frequently struggled to obtain visas for staff. In addition to delaying visas for UNAMID staff, sometimes for months on end, the Sudanese government occasionally prevents staff from taking up positions in sensitive sectors such as human rights and political affairs.¹⁷⁹ In South Sudan, visa delays are more acute for military personnel than civilian staff.¹⁸⁰ Other missions also encounter visa delays, though less systematically and only rarely due to active resistance.¹⁸¹

One of the most serious problems is host states delaying or denying the entry of strategic military assets. The South Sudanese government has refused to let attack helicopters and unarmed aerial vehicles into its territory, despite the Security Council repeatedly authorizing such equipment for the mission's Regional Protection Force.¹⁸² Sudanese authorities have also delayed or refused the entry of important equipment, including attack

helicopters.¹⁸³ During pre-electoral tensions in the DRC, MONUSCO struggled for months to import ammunition for some rapid-deployment battalions, requiring intervention by the mission and the troop-contributing countries concerned.¹⁸⁴

Another challenge is host states' restrictions on the movement of peacekeeping personnel. In clear violation of UNAMID's status of forces agreement, the Sudanese government has repeatedly denied peacekeepers permission to travel to various parts of Darfur.¹⁸⁵ As noted by one UNAMID official,

If host states are complicit in, or responsible for, systematic violence against civilians, peacekeepers must decide when and how to confront the authorities, including through different degrees of force.

some areas, especially within the Jebel Marra region, have been off-limits to peacekeepers for extended periods of time, negatively impacting the mission's ability to verify allegations of violence against civilians, let alone intervene to prevent violations (though these dynamics have

evolved since the swearing in of the new transitional government in August 2019).¹⁸⁶ UNMISS has faced similar difficulties, especially since 2013, with government forces and non-state actors recurrently denying access at checkpoints across the country. The mission does not track the incidence and regularity of these denials, but UN officials agree that at least some restrictions are likely orchestrated from Juba to prevent UNMISS from bearing witness to violations against civilians.¹⁸⁷

Other governments use similar tactics to restrict movement, though to a lesser degree. Peacekeepers in Côte d'Ivoire reported restrictions on their movements due to tensions with the government.¹⁸⁸ Even in CAR, where MINUSCA's relations with

179 Email exchange with UNAMID officials, April 2020. For further examples, see: Sebastián and Gorur, "U.N. Peacekeeping and Host-State Consent," pp. 23–24; Forti, "Navigating Crisis and Opportunity," pp. 5–6.

180 Interview with senior UNMISS official, August 2019.

181 Sebastián and Gorur, "U.N. Peacekeeping and Host-State Consent."

182 Interviews with government representative and UN official, New York, November 2018 and May 2019; Interviews with UNMISS officials, August 2019.

183 Helicopters were eventually delivered after lobbying from the US government, but Sudan got the last word by blocking imports of advanced targeting systems, meaning that the helicopters could not be used to confront actual threats to civilians. Interview with independent analyst, Geneva, July 2019. Sebastián and Gorur, "U.N. Peacekeeping and Host-State Consent," p. 23.

184 Interview with UN officials, New York, March and May 2019.

185 The UN secretary-general's reports on UNAMID and UNMISS contain separate sections on violations of status of forces agreements.

186 Interview with UNAMID official, June 2019.

187 Interview with UNMISS official, August 2019.

188 Foley, *UN Peacekeeping Operations and the Protection of Civilians*, p. 284.

state authorities are generally cooperative, the government's special anti-crime police unit, the Central Office for the Suppression of Banditry, sometimes refuses entry to prisons.¹⁸⁹ Such obstacles arise when the interests of specific state actors are in play, though for most missions they are not systematic enough to substantially impede implementation of peacekeeping mandates.

Confrontations over Human Rights and POC

Engaging host states on their human rights and POC records is a persistent challenge for most peace operations. Together with the Office of the UN High Commissioner for Human Rights (OHCHR), missions' human rights sections are tasked with reporting on human rights and other serious violations, in particular war crimes and crimes against humanity. Tensions often rise after the publication of reports that are critical of host states. While it should not be assumed that government actors always react negatively—some national institutions, especially justice ministries and national human rights bodies, welcome human rights monitoring as a form of constructive criticism—some view monitoring as an indictment of their performance.

In many cases, mission leaders have to make judgment calls, balancing civilians' rights against the risk of antagonizing host states.

Reactions from host governments vary widely. Especially when the military or police face allegations of widespread abuses against civilians, authorities may restrict access to areas of concern, reducing the ability of UN personnel to investigate. As noted above, South Sudan and Sudan impede the movement of troops, which also prevents human rights staff from reaching victims.¹⁹⁰ In 2019, South

Sudanese authorities initially denied UNMISS permission to investigate allegations of mass rape near Bentiu, though the mission ultimately reached victims after its leadership intervened.¹⁹¹ In Darfur, government-affiliated groups reportedly barred UNAMID from accessing team sites and monitoring human rights in areas handed over to the government.¹⁹² Other missions face similar problems. In the run-up to the 2018 elections, MONUSCO human rights monitors were harassed by national security forces when deployed to monitor electoral violence.¹⁹³ The Central African government stonewalled efforts to examine widely reported allegations of torture by national security forces and Russian mercenaries in 2018.¹⁹⁴

Sometimes criticisms of human rights abuses against civilians can provoke more hostile reactions from states. In 2014, the Congolese government expelled the head of MONUSCO's joint human rights office after the mission published a report on summary executions and enforced disappearances by national police officers.¹⁹⁵ In 2015, the Sudanese government expelled several human rights officers and closed UNAMID's human rights antenna in Khartoum after the mission published a report critical of the government and attempted to investigate alleged abuses.¹⁹⁶ MONUSCO and UNMISS officials have repeatedly been detained by national security forces, and two UNMISS staff have remained unaccounted for since 2014.¹⁹⁷

Other POC activities can lead to profound disagreement over government policy, with spillover effects for peacekeepers. Given their role as the public face of the UN's in-country presence,

¹⁸⁹ Interview with senior MINUSCA official, June 2019.

¹⁹⁰ See: Aditi Gorur, "Managing Host State Consent and the Protection of Civilians," in *Special Report: Evolution of the Protection of Civilians in UN Peacekeeping*, Lisa Sharland, ed. (Canberra: Australian Strategic Policy Institute, 2019), p. 14.

¹⁹¹ Interviews with UNMISS officials, August 2019.

¹⁹² Forti, "Navigating Crisis and Opportunity," p. 14.

¹⁹³ Interview with MONUSCO official, July 2019.

¹⁹⁴ Interview with UN official, July 2019. See also: Dionne Searcey, "Gems, Warlords and Mercenaries: Playbook in the Central African Republic," *New York Times*, September 30, 2019.

¹⁹⁵ "DR Congo: UN Rights Chief Condemns Government's Decision to Expel Envoy," UN News, October 19, 2014.

¹⁹⁶ Email exchange with UNAMID officials, April 2020; "Sudan Asks UN to Shut Human Rights Office in Khartoum over Abuse Claims," AFP, November 27, 2014.

¹⁹⁷ Interviews with MONUSCO and UNMISS officials, August 2019. Amnesty International, "Fate of Two Detained UNMISS Staff Unknown: Anthony Nyero and James Lual," December 14, 2016.

peace operations' public information divisions are particularly easy targets of government criticism. Though they are rarely themselves considered a POC asset, mission spokespersons foster dialogue and sensitize local populations while disseminating information to counter threats, predatory policies, and hate speech. For much the same reasons, host states sometimes try to take control of media to quell opposition to their policies. The Congolese government has restricted transmission by the UN's Radio Okapi and other radio stations.¹⁹⁸ UNMISS faces similar challenges from the South Sudanese government over the broadcasts of Radio Miraya, one of the few independent sources of information in the country. MONUSCO faced analogous problems after the government restricted internet access to quell civilian protests ahead of the 2018 election. One senior UN official explained that this was a true POC dilemma, where civilians' right to free speech and fair elections clashed with the government's legitimate attempts to stop incitements to violence and the manipulation of public opinion through "fake news."¹⁹⁹

Self-Censorship by Missions

In many cases, mission leaders have to make judgment calls, balancing civilians' rights against the risk of antagonizing host states. According to UN officials, denouncing and strong-arming government officials may yield temporary results but can trigger resentment and backlash, reducing a mission's leverage with host-state authorities in the long run.²⁰⁰ Under pressure to maintain working relationships with host states, missions acknowledge that they often soften their criticism and calibrate their messaging on governments' performance on POC. Senior UN officials in the

DRC and South Sudan noted that, even when missions express concerns, they emphasize positive steps taken by government actors to create space for future discussion.²⁰¹ Given the scale of protection challenges, missions pick their battles. For instance, a senior UNMISS official noted that it is not possible to confront the government over every POC issue. "I have a limited amount of political capital, and I must make sure to spend it on things that matter," he explained.²⁰²

When missions avoid openly challenging host states, they engage in different degrees of self-censorship. It is difficult to assess the prevalence of self-censorship and to what extent it reflects

When missions avoid openly challenging host states, they engage in different degrees of self-censorship.

ingrained practices. However, UNAMID and MINUSMA have been accused of withholding criticism and manipulating reports to cover up Sudanese and Malian forces' violations.²⁰³ Senior UNMISS officials conceded that human rights reports are

written so as not to "unnecessarily antagonize" government counterparts (though they remained adamant that content was not stripped from reports).²⁰⁴ A UN official acknowledged that MINUSCA was slower to call out abuses by government forces than those by armed groups.²⁰⁵ While maintaining that the mission usually confronted Central African authorities over threats to civilians, a senior MINUSCA official nevertheless acknowledged that on at least one occasion the mission backed down in the face of government pressure, effectively abandoning efforts to investigate a massacre.²⁰⁶

It is not always clear to what extent self-censorship reflects direct pressure from host governments versus internal missions dynamics. Within missions, it is unclear whether it results from the

198 "DRC Blocks RFI Broadcasts, Cancels Press Accreditation for Its Correspondent," RFI, January 2, 2019.

199 Interview with senior MONUSCO official, July 2019.

200 Interviews with UN officials, New York, DRC, and South Sudan, May, July, and August 2019.

201 Interviews with senior UNMISS and MONUSCO officials, July–August 2019.

202 Interview with senior UNMISS official, August 2019.

203 Foley, *UN Peacekeeping Operations and the Protection of Civilians*, p. 297; Interviews with current and former MINUSMA officials, July–August 2019.

204 Interview with senior UNMISS officials, August 2019.

205 Interview with former MINUSCA official, July 2019.

206 Interview with UN official, July 2019.

passivity of individual UN staff or from top-down guidance from mission leaders who are unwilling to antagonize their state counterparts. Many UN officials argue that some missions' human rights units are unwilling to write critical reports because they are poorly staffed.²⁰⁷ However, others argue that the problem is systemic. According to one UN official, a recurring challenge in many missions is that "human rights people" are considered "troublemakers" who threaten more important strategic priorities.²⁰⁸ In these missions, human rights and POC often yield to other mission tasks, irrespective of Security Council-mandated priorities.

Use of Force against State Security Forces

Formally, the UN's POC policy makes no distinction between state and non-state perpetrators and urges peacekeepers to prevent and respond to any source of physical violence against civilians.²⁰⁹ However, in reality, peace operations are reluctant to use force, or even to threaten to use it, against national security forces. The UN has struggled with this issue since at least the 1990s, when peacekeepers failed to protect civilians from national armies and government proxies in Rwanda and the former Yugoslavia.²¹⁰ The emergence of POC mandates is rooted in these now defunct operations, but today's missions consistently fail to enforce nominally robust mandates against states whose consent they depend on and whose armed forces often outmatch their own.

Since its deployment, UNAMID has been at the forefront of tensions over state-sponsored violence against civilians (though comparatively little is known about its record of using force).²¹¹ Peacekeepers in the DRC have also faced regular

abuses of civilians by national security forces since the early 2000s. However, it was South Sudan's civil war that brought systematic state violence against civilians into the spotlight. In response to widespread abuses by national security forces, the Security Council tweaked UNMISS's mandate to clarify that peacekeepers should protect civilians "irrespective of the source" of violence.²¹² As explained above, the UN's POC policy now makes this a binding directive for all peace operations with protection mandates.

While the use of force is usually associated with images of soldiers engaging in firefights or large-scale military operations, it encompasses a spectrum of activities, ranging from nonlethal preemptive deployment to active hostilities that could result in casualties.²¹³ In practice, proactive and offensive operations have almost always targeted non-state actors rather than state security forces. In fact, it is almost unheard of for peacekeepers to carry out full-scale combat operations against government forces. The most prominent example is UNOCI's intervention against troops loyal to Laurent Gbagbo during the 2011 election crisis in Côte d'Ivoire (see Box 6). However, two caveats are in order. When UNOCI turned to forceful measures against pro-Gbagbo troops, the UN no longer recognized Gbagbo as the legitimate president of Côte d'Ivoire, significantly reducing the political costs of intervention. Equally importantly, UNOCI acted alongside the French military, making it more like a conventional Chapter VII enforcement action.²¹⁴ UNOCI's intervention is thus not easily transferable to other peacekeeping contexts as a "best practice" for managing threats to civilians from host states.

Though full-scale military intervention against state forces is rare, peacekeepers do use nonlethal

207 Interviews with UN officials, DRC, CAR, South Sudan, New York, and Geneva, March–November 2019.

208 Interview with UN official, Geneva, July 2019.

209 See footnote 38.

210 UN General Assembly, *Report of the Secretary-General Pursuant to General Assembly Resolution 53/35: The Fall of Srebrenica*, UN Doc. A/54/549, November 15, 1999; UN Security Council, *Report of the Independent Inquiry into the Actions of the United Nations during the 1994 Genocide in Rwanda*, UN Doc. S/1999/1257, December 16, 1999.

211 But see: UN Office of Internal Oversight Services (OIOS), "Evaluation of the Implementation of Protection of Civilians Mandates in United Nations Peacekeeping Operations," March 2014, pp. 9–10.

212 UN Security Council Resolution 2155 (May 27, 2014), UN Doc. S/RES/2155, para. 4(a)(i).

213 DPKO and DFS, "Guidelines on the Use of Force by Military Components in United Nations Peacekeeping Operations," January 2017.

214 Alexandra Novosseloff and Lisa Sharland, "Partners and Competitors: Forces Operating in Parallel to UN Operations," International Peace Institute, November 2019, p. 12.

Box 6. Elections in Côte d'Ivoire and POC

In Côte d'Ivoire, disputed elections in December 2010 between the incumbent, Laurent Gbagbo, and the opposition leader, Alassane Ouattara, triggered a political standoff. The electoral commission declared Ouattara the winner, and the UN, African Union, and Economic Community of West African States all certified the results. However, Gbagbo still refused to step down.²¹⁵ After the Constitutional Court tried to reverse the election result in Gbagbo's favor, the head of UNOCI rejected the court's decision.

After several incidents of targeted violence against civilians attributed to pro-Gbagbo forces, the Security Council imposed targeted sanctions against Gbagbo and his associates while strengthening UNOCI's mandate to protect civilians.²¹⁶ On April 4, 2011, the UN secretary-general instructed UNOCI to take "necessary measures" to prevent the use of heavy weapons against civilians.²¹⁷ After launching operation "Protect the Civilian Population" on April 5th, peacekeepers and UN attack helicopters intervened, together with French forces, against Gbagbo-led security forces, ultimately leading to Gbagbo's removal from power on April 11th (rendering his revocation of consent for UNOCI's presence moot).²¹⁸

force to protect civilians against state agents, in particular by deterring violence through a show of force or interposing themselves between civilians and government forces. For instance, in the DRC, after several episodes of government violence against protesters in the years prior to the repeatedly delayed 2018 elections, MONUSCO redeployed police to urban areas at greater risk of confrontations while proactively sending out patrols to reduce the likelihood of state agents firing on protesters.²¹⁹ According to UN officials, MONUSCO formed police units even interposed themselves between civilians and national police to prevent bloodshed.²²⁰ Though it generally maintains positive relations with Central African authorities, MINUSCA has threatened to use force against state security forces to prevent harm to civilians on at least one occasion.²²¹ In South Sudan, the mission has adopted a more robust posture around POC sites, reducing the incidence of crimes

against civilians, and Mongolian peacekeepers have reportedly used force to prevent the recruitment of child soldiers.²²²

That being said, peacekeepers remain reluctant to escalate by firing warning shots, let alone by exchanging fire with state security forces. In 2014, the UN Office of Internal Oversight Services (OIOS) found "a persistent pattern of peacekeeping operations not intervening with force when civilians are under attack," noting only two cases of interposition and three instances of peacekeepers firing with lethal intent.²²³ Reluctance to use force against government forces sometimes has tragic consequences. In February 2016, UNMISS failed to protect civilians inside the Malakal POC site.²²⁴ Just a few months later, in July 2016, UNMISS faced similar problems at its POC site in Juba, and UN staff were raped and a civilian killed at the Terrain Compound, just a few hundred meters away from UN headquarters.²²⁵ Other notable cases of failure

215 For details, see: Foley, *UN Peacekeeping Operations and the Protection of Civilians*, pp. 286–287.

216 UN Security Council Resolution 1975 (March 30, 2011), UN Doc. S/RES/1975, para. 12.

217 Executive Office of the UN Secretary-General, "As Côte d'Ivoire Plunges into Violence, Secretary-General Says United Nations Undertakes Military Operation to Prevent Heavy Weapons Use against Civilians," UN Doc. SG/SM/13494-APR/2157, April 4, 2011.

218 UNOCI, "UNOCI Launches Operation 'Protect the Civilian Population,'" April 5, 2011. See also: Alexandra Novosseloff, "The Many Lives of a Peacekeeping Mission: The UN Operation in Côte D'Ivoire," *International Peace Institute*, June 2018, pp. 15–19.

219 Interviews with MONUSCO officials, August 2019.

220 Interviews with MONUSCO and UN officials, DRC and New York, August and November 2019. See also: Hunt, "Protection through Policing," p. 6.

221 Interview with former MINUSCA official, July 2019.

222 Jason Patinkin, "U.N. Moves to Protect South Sudan Civilians After Years of Criticism," *Reuters*, August 28, 2017; Interviews with UN and UNMISS officials, New York, DRC, and South Sudan, May and August 2019.

223 OIOS, "Evaluation of the Implementation of Protection of Civilians Mandates in United Nations Peacekeeping Operations," March 2014, paras. 22–26.

224 On the involvement of the national army, see: *Civilians in Conflict*, "A Refuge in Flames: The February 17–18 Violence in Malakal," April 2016.

225 UN Security Council, *Executive Summary of the Independent Special Investigation into the Violence in Juba in 2016 and the Response by the United Nations Mission in South Sudan*, UN Doc. S/2016/924, November 1, 2016.

to protect civilians include the UN Mission in Sudan's lack of response in Kadugli in June 2011.²²⁶

The lack of reported cases of peacekeepers firing on host-state forces points to a larger problem. While internal inquiries reveal an increase in UN responsiveness to POC incidents generally, there is no systematic data on confrontations with government forces specifically, even though human rights reports regularly implicate state agents in abuses in some countries.²²⁷ Moreover, many missions adopt a risk-averse operational posture despite nominally robust POC mandates. UNMISS shares patrol schedules weeks in advance, meaning that government forces know where not to go to avoid scrutiny.²²⁸ UN officials and Congolese civilians note that peacekeepers are rarely physically present when violence occurs or arrive too late, meaning that the question of how much force they should use does not arise in the first place.²²⁹ Explaining how one UNMISS unit refused to check the source of heavy gunfire in the vicinity of its base, a UN official conceded that, while gunfire does not necessarily constitute a threat to civilians, this kind of operational posture can easily lead to POC failures.²³⁰

Internal investigations and external audits acknowledge that peacekeepers' failure to use force can be attributed to a range of factors, including national caveats and member states' different interpretations of the scope of use of force authorizations. Moreover, budgetary restrictions, insufficient troops, and operational obstacles reduce the UN's effectiveness, including its ability to preempt abuses in hostile environments such as Darfur, the DRC, and South Sudan. However, these factors only partly explain why government actors commit abuses with impunity, even near UN bases. The reality is that peacekeepers are more reluctant to use force when host governments are unable or unwilling to discharge their primary responsibility

to protect civilians.²³¹

Disaggregating the Host State, Peace Operations, and the UN

Neither host governments nor peace operations are monolithic entities. In fact, conceptualizing relations in binary terms—peacekeepers versus states—masks a great deal of complexity. Peace operations can benefit from disaggregating the many actors representing the “host state” to better understand who can offer points of entry and leverage on POC. At the same time, while a range of UN stakeholders engage on POC, their divergent understandings of one another's functions and responsibilities often undermine relations with government actors.

What Do We Mean by the Host State?

State authority is inevitably compromised in peacekeeping contexts, but host governments vary enormously in their institutional capacity, complexity, hierarchy, and geographic reach. Even if ultimate decision-making power is concentrated in the hands of a small political elite, UN personnel are usually required to interact with a range of national and subnational actors (in addition to non-state armed groups). For instance, CAR's institutional structures are highly centralized but largely confined to the capital, Bangui, with only a minimal presence in a few other cities and virtually no presence in over 80 percent of the territory. While this makes it easier for MINUSCA to know whom in Bangui to address on POC concerns, it also requires frequent engagement with rebel groups. In the DRC, state authorities are present in most of the country, but the central government's

226 Interview with UN official, August 2019. See: Daniel Howden, “UN Accused of Standing By while Sudanese Forces Killed Civilians,” *The Independent*, July 8, 2011.

227 The response rate to incidents of violence against civilians for 2010–2013 was 20 percent, compared to 62 percent for 2014–2017. OIOS, “Evaluation of the Implementation of Protection of Civilians Mandates in United Nations Peacekeeping Operations,” March 2014, paras. 18–20; “Inspection of the Performance of Missions' Operational Responses to Protection of Civilians (POC) Related Incidents,” July 2018, paras. 37–41; MONUSCO and OHCHR, “Accountability for Human Rights Violations and Abuses in the DRC: Achievements, Challenges and Way Forward (1 January 2014–31 March 2016),” October 2016, p. 3.

228 Interview with UNMISS official, August 2019.

229 Interview with UNMISS officials, August 2019. On the DRC, see: Van der Lijn, Hoebeke, Glawion, and de Zwaan, “Securing Legitimate Stability in the DRC.”

230 Interview with UNMISS official, August 2019.

231 OIOS, “Evaluation of the Implementation of Protection of Civilians Mandates in United Nations Peacekeeping Operations,” paras. 40–44.

authority is more diffuse and less hierarchical outside the capital, raising questions about the extent to which subnational actors authoritatively channel Kinshasa's policy preferences.

Peacekeeping personnel work on POC with various host-state actors, beginning with national political leaders, security forces, and civilian authorities. This includes regular contact by special representatives of the secretary-general and their deputies (SRSGs and DSRSGs) with presidents, prime ministers, and certain ministers, and by force commanders and police commissioners with their host-state military and police counterparts. The frequency and degree of cooperation between mission and host-state leadership varies considerably from country to country, but UN officials agree that these relationships are critical to laying the groundwork for cooperation on POC and maintaining host-state consent.²³²

Conceptualizing relations in binary terms—peacekeepers versus states—masks a great deal of complexity.

The level of tension between the UN and the host state often varies across different levels of interaction. Even if work with the central government, certain ministries, or the security forces is temporarily put on hold, this does not necessarily mean that subnational state representatives or local actors will not be receptive to working with peacekeepers on POC. For instance, many MONUSCO military units maintain cooperative relationships with local FARDC commanders even though the government and high military command are reluctant to strategize with MONUSCO's military contingent as a whole.²³³ In Darfur, UNAMID personnel have sometimes bypassed state actors viewed as too closely aligned with the Khartoum regime to address humanitarian concerns directly with local-level state and community actors.²³⁴

Similarly, sometimes it is possible to work with some national government actors but not others. Even when there are disagreements over political priorities, peacekeeping missions often maintain technical cooperation with the host state, for instance between civilian peacekeeping personnel and ministry officials. MONUSCO's engagement on child recruitment with the Ministry of Defense and the FARDC continued despite serious tensions between the mission's leadership and the Congolese government during the tenure of former SRSG Martin Kobler.²³⁵ Likewise, some UNMISS staff report being able to maintain lower-level technical dialogue in areas such as human rights

and the rights of returnees despite systematic obstruction at the strategic level.²³⁶ To be sure, lack of political support for strategic objectives makes it difficult to make substantive progress on POC over the long run. However, maintaining

open channels of communication is critical to restoring cooperation when the political climate eventually improves, and to protecting civilians in the meantime.

Acting as a bridge between states and their citizens, peace operations also engage civilian populations directly, to varying degrees. In anticipation of its drawdown, MONUSCO is exploring how its community-alert networks and early-warning systems, built over the years in fulfillment of the mission's POC mandate, can be passed on to Congolese state authorities.²³⁷ In CAR, in the absence of formal state institutions in many parts of the country, a UN official explained that MINUSCA engages with local religious leaders, ethnic community representatives, youth leaders, women's groups, and armed groups to negotiate local cease-fires and peace agreements with communities affected by violence committed by

²³² Interviews with UN officials in CAR, DRC, and South Sudan, June–August 2019.

²³³ Interview with senior MONUSCO official, August 2019. See: Daniel Levine-Spound, "Backlash in Beni: Understanding Anger against the UN Peacekeeping Mission in the DRC," *Civilians in Conflict*, December 18, 2019.

²³⁴ Interview with UNAMID official, June 2019.

²³⁵ Interview with MONUSCO officials, August 2019.

²³⁶ Interviews with UNMISS officials, August 2019.

²³⁷ 2019 independent strategic review. On MONUSCO's POC tools, see: *Civilians in Conflict*, "Protection with Less Presence': How the Peacekeeping Operation in the DRC Is Attempting to Deliver Protection with Fewer Resources," January 2018.

armed groups.²³⁸ UNMISS is likewise involved in a series of local-level community violence reduction initiatives while also supporting the South Sudanese national dialogue, which consists of local, subnational and national consultations on, among other issues, strengthening citizen-state relationships.²³⁹

This engagement reflects peace operations' increasing work with civil society, community representatives, and national UN staff on POC assessments, analysis, and programming. Nonetheless, interviews with MINUSCA, MONUSCO, and UNMISS personnel suggest that an imbalance remains between missions' top-down support to central government institutions and their engagement with affected civilian populations to implement protection-related activities.

What Do We Mean by Peace Operations and the UN?

In conceptualizing UN–host state relations, generic references to peacekeepers—much like references to the “host state”—obscure a more complex reality. To begin with, one should distinguish between the wider UN system and peace operations. The Security Council authorizes peacekeeping and special political missions, which are overseen primarily by the Departments of Peace Operations and of Political and Peacebuilding Affairs. However, other branches of the UN system also shape POC responses in the field, in particular the Office of the UN High Commissioner for Human Rights and the Office for the Coordination of Humanitarian Affairs.

Ideally, the personnel of peace operations—civilian, military, and police—carry out their POC functions in coordination with other UN entities and under the political stewardship of New York. In practice, the UN's institutional management of

POC is often piecemeal, and there is confusion over the division of labor with host governments. Moreover, while protecting civilians is formally a “whole-of-mission” task, different components of peace operations understand their POC roles vis-à-vis host authorities quite differently.

The problem is both conceptual and administrative. Security Council mandates make POC a priority for both peacekeepers and host states (while reiterating that governments bear primary responsibility for protecting civilians). A preliminary difficulty, however, is that host states have no government entities dedicated to something called “POC,” a polysemous term of art originating in, and largely confined to, the UN policy world.²⁴⁰ There is no direct equivalent at the national level. More confusingly still, some states have institutions dedicated to “protecting civilians” but not directly related to UN-mandated POC, as in CAR's Directorate-General for Civil Protection (*Direction générale de la protection civile*), which manages firefighting and emergency first aid.²⁴¹ Senior UN and MINUSCA officials concede that they sometimes deliberately avoid using the term POC in dialogue with national counterparts, noting that it could lead to confusion.²⁴²

The disconnect runs deeper in that peacekeeping missions also have no staff dedicated to helping host governments fulfill their primary responsibility to protect civilians. Administratively, peace operations have developed different institutional responses to POC, but a common feature seems to be that POC units and POC advisers rarely engage directly with state authorities on protection concerns.

While this may seem counterintuitive, POC advisers and units function primarily as internal coordinators in peace operations.²⁴³ POC advisers provide advice to other military, police, and civilian

238 Interview with MINUSCA official, June 2019. See also: International Crisis Group, “Making the Central African Republic's Latest Peace Agreement Stick,” pp. 9–10.

239 Interviews with UNMISS officials, August 2019. See also: www.ssnationaldialogue.org/.

240 On the different meanings and definitions of POC, see: 2019 POC policy, para. 14. “While there is no UN-wide definition of ‘protection of civilians,’ there is a common objective shared by UN actors to protect civilians from risks and threats to their physical integrity, including those arising from armed conflict.” See also: Welmoet Wels, “The Many Meanings of Protection of Civilians: A Truth Universally Acknowledged?” *IPI Global Observatory*, October 10, 2019.

241 Email exchange with MINUSCA official, January 2020. See: French Embassy to CAR, “Inauguration du siège de la Direction générale de la protection civile,” February 8, 2019.

242 Interview with senior MINUSCA official, June 2019; IPI POC briefing, November 2019.

243 DPKO and DFS, “Evaluation of Mission-Specific Protection of Civilians Strategies,” September 2016 (on file with author). On the organization of POC in peacekeeping, see: Alice Debarre and Namie Di Razza, “Pursuing Coordination and Integration for the Protection of Civilians,” International Peace Institute, February 2019. See also: 2019 POC policy, paras. 33, 34, 36, and 78–87. On Mali, see: Namie Di Razza, “Protecting Civilians in the Context of Violent Extremism: The Dilemmas of UN Peacekeeping in Mali,” International Peace Institute, October 2018, pp. 17–19.

peacekeeping personnel who, in turn, are expected to embrace protection ideals in their interactions with state authorities, in line with the whole-of-mission approach to POC. POC advisers themselves only occasionally interact with state actors if and when the government is invited to specific meetings of UN coordination mechanisms, such as protection working group meetings on transhumance in CAR, provincial senior management protection group meetings in the DRC, or joint missions with government authorities in the DRC and CAR.²⁴⁴ In the end, even though POC is nominally a top priority for both peacekeepers and states, there are no dedicated state or peacekeeping officials in dialogue with one another on what is ostensibly their core responsibility.

This creates challenges. The nature and scope of POC can be contentious within peacekeeping missions, where military, police, and civilian personnel do not always agree on how best to address threats to civilians. Peacekeeping components understand their and others' POC tasks differently, resulting in a lack of clarity on who is tasked with, and ultimately responsible for, encouraging host governments to meet their protection responsibilities. Notably, UN staff do not always agree on whether military and police peacekeepers have the authority to use force against government forces and who has the ultimate authority to order such an action.²⁴⁵ These difficulties are exacerbated when peacekeepers must directly engage their government counterparts on their POC performance—arguably the most diplomatically sensitive aspect of the UN's work.

A few recurrent challenges in reconciling POC and

principled host-state support are worth highlighting. Some UN officials criticize UN police in MONUSCO, UNAMID, and UNMISS for being “too close to the government.”²⁴⁶ This is because they not only build the capacity of national police forces but are also involved in potentially sensitive operational tasks. In the DRC, protecting civilians during the 2015–2018 electoral period risked placing UN police in opposition to the same national units they were training or accompanying. While many police units have performed well in the DRC, South Sudan, and beyond, questions remain as to whether they can balance support to national

police forces with the need to ask difficult questions of their national counterparts, share intelligence with missions about operational risks, and critically assess the performance of national police in formulating POC strategies.²⁴⁷

Similar questions are raised about heads of field office, who enjoy wide decision-making authority under the UN's newly decentralized, field-focused management system.²⁴⁸ While many heads of field office engage robustly with subnational state authorities, some UN officials worry that their proximity to national counterparts and lack of authority over military and police components in their sectors make them less likely to confront state actors over POC concerns.²⁴⁹

UN humanitarian agencies often criticize missions' deferential attitude toward state actors and lack of impartiality, noting in particular that triple-hatted DSRSGs fail to defend humanitarian priorities, and thus civilians, against political pressure from host governments.²⁵⁰ In the DRC, senior UN and humanitarian officials noted that, especially during

Peacekeeping personnel at all levels work hard to build relationships with their state counterparts, but perspectives on how peace operations should best engage state actors to induce compliance with POC mandates vary widely.

244 Interviews with MONUSCO and MINUSCA officials, June–August 2019.

245 Interviews with UN officials, CAR, DRC, and South Sudan, June–August 2019.

246 Interviews with MONUSCO and UNMISS officials, July–August 2019.

247 Ibid. For details, see also: Hunt, “Protection through Policing,” pp. 13–19.

248 Arthur Boutellis and Alexandra Novosseloff, “Road to A Better UN? Peace Operations and the Reform Agenda,” International Peace Institute, November 2017, pp. 36–39.

249 Interviews with MONUSCO and UNMISS officials, July–August 2019. For a positive example of the performance of heads of field office (not related to engaging state authorities), see: Ralph Mamiya, “Protection of Civilians and Political Strategies,” International Peace Institute, May 2018, p. 8. Police and military command remains centralized, even in sectors under the authority of heads of field office.

250 “Triple-hatted” refers to DSRSGs who are also resident and humanitarian coordinators, providing a bridge between the mission and the UN country team. See: “Mission Start Up Field Guide for Senior Mission Managers of United Nations Peacekeeping Operations,” excerpted in *Documents on the Law of UN Peace Operations*, Bruce Oswald, Helen Durham, and Adrian Bates, eds. (Oxford: Oxford University Press, 2010), pp. 567–569.

pre-electoral tensions, MONUSCO repeatedly compromised its POC mandate to maintain cooperation with the government.²⁵¹ In Mali, the perception that MINUSMA is a party to the conflict hinders coordination with humanitarian and civil society actors, and the mission is wary of publicly criticizing violations committed by state security services.²⁵²

In theory, the leaders of peace operation are responsible for the UN's overall political and military approach and for reconciling the dilemmas of POC and host-state support. Ultimately, the SRSG oversees the UN's political, military, and humanitarian response in-country, and this division of labor is relatively well understood in integrated missions (though the military component's outsize role sometimes creates parallel chains of command).²⁵³ In practice, however, clear, immediate, and hands-on political guidance from mission leadership on specific POC challenges is often lacking. A common challenge is that only the most sensitive questions reach mission leaders, even though managing POC and host-state support also involves a multitude of mundane operational and tactical tasks, implemented on a daily basis with government actors.

In the end, peacekeeping personnel at all levels work hard to build relationships with their state counterparts, often with technical support from POC advisers and preemptive political leadership. But even so, perspectives on how peace operations should best engage state actors to induce compliance with POC mandates vary widely.²⁵⁴

What Do We Mean by “UNHQ” or “New York”?

Peace operations and host states interact against the backdrop of conflicting national, regional, and international interests, yet there is often a misper-

ception that “New York” or “UNHQ” provide “political direction” to “the field.” In fact, New York comprises at least four different sets of actors whose agendas vis-à-vis host states rarely coincide: the UN Secretariat, the Security Council, the General Assembly, and powerful states, some of which have direct interests in specific host countries.²⁵⁵ While UN officials generally agree that political pressure, especially from states on the Security Council, can enhance peace operations' leverage with host governments, the challenge is how to build consensus for action in an increasingly polarized political environment.

Over the years, the UN Secretariat has tried several methods to address problems with host states: (1) regular reporting on violations of status of forces agreements; (2) inclusion of host-state representatives in Security Council meetings on peace operations; (3) Security Council field visits to countries where peacekeepers operate; (4) compacts with host governments;²⁵⁶ and (5) regular joint or coordinated engagement with foreign embassies and influential actors present in host states.

Peacekeeping missions have signed compacts with governments in CAR and Mali, but interest has waned due to questionable results.²⁵⁷ Some Security Council visits reportedly influence the behavior of host governments, including on POC, but their long-term effects are difficult to gauge, and promises are easily broken. One senior UN official conceded that Security Council visits are less effective than one would hope because host states usually have friends on the Security Council who are not willing to challenge state sovereignty, lest the same methods be used against them in the future.²⁵⁸ The South Sudanese government's failure to accept the deployment of the Regional Protection Force, as promised during a highly publicized Security Council visit to Juba in 2016,

251 Interviews with UN and humanitarian officials, August 2019. NGO representatives in the DRC confirmed this widespread view.

252 Di Razza, “Protecting Civilians in the Context of Violent Extremism,” p. 19.

253 UN officials acknowledge that missions' military component and civilian leadership do not always agree on how to interpret mandates and engage state authorities. Interviews with UN officials, New York, DRC, and South Sudan, May and July–August 2019.

254 Interviews with UN officials in New York, DRC, and South Sudan, March, July, and August 2019. UN officials note that a mission's performance on POC also depends on the quality of advice it receives.

255 Additionally, the UN Secretariat comprises entities with different views on core peacekeeping functions.

256 Compacts were proposed in the 2015 HIPPO report. See: HIPPO report, paras. 85 and 151.

257 Security Council Report, “Is Christmas Really Over? Improving the Mandating of Peace Operations,” February 2019, p. 9. On MINUSCA, see: Sebastián and Gorur, “U.N. Peacekeeping and Host-State Consent,” p. 17. Interview with senior UN official, New York, May 2019.

258 Interview with senior UN official, New York, May 2019.

illustrates how governments can outmaneuver even powerful states.²⁵⁹

It is unclear to what extent technical fixes can address a lack of collective will amid underlying political divisions. Though violations of status of forces agreements are now tabulated, damning records of systematic and intentional violations in missions like UNAMID and UNMISS have reportedly not triggered any concrete response from the Security Council.²⁶⁰ Meetings to discuss the shortcomings of technical fixes tend to produce yet more technical fixes instead of the political solutions required.²⁶¹

In an era of polarization and great-power competition, where states are increasingly divided on peacekeeping priorities, POC remains something of a consensus topic in the Security Council and General Assembly.

However, member states interpret the scope and meaning of the concept in different ways.²⁶² China and Russia consistently emphasize the importance of host-state sovereignty over competing considerations. Some major troop-contributing countries oppose specific mission strategies, including on matters such as robust military action and the use of force. With the Security Council increasingly deadlocked, it is difficult to imagine the five permanent members authorizing force along the lines of UNOCI's 2011 intervention in any of today's missions.

Against this backdrop, peace operations struggle to navigate competing POC and political demands, especially with international and regional actors vying to influence host governments directly. Russia's support to the armed forces in CAR—

Peace operations struggle to navigate competing POC and political demands, especially with international and regional actors vying to influence host governments directly.

uncoordinated with the UN and EU's capacity-building efforts—raises concerns about the national military's future adherence to human rights standards. The African powers mediating the DRC's election crisis did not always prioritize the democratic aspirations of the Congolese people. A senior UNMISS official explained that he actively avoids involving the Security Council on sensitive work with the South Sudanese government, lest China and Russia undermine the mission's political outreach.²⁶³ Senior UN officials in the DRC and the Secretariat echoed this sentiment, referring specifically to Russia's support for DRC's government in the 2015–2018 electoral period.²⁶⁴

A number of UN officials also noted that peacekeeping missions do not deal with the regional politics of conflicts effectively, owing to capacity shortfalls, lack of expertise, and UN bureaucracy. One

senior UN official noted that MONUSCO will never be able to restore state authority and provide security as long as the regional dimensions of the DRC's conflict are ignored.²⁶⁵

At the same time, the problems are not limited to the Security Council's divisions and the regional dimensions of conflicts. The UN Secretariat's role in shaping missions' operational responses is also debatable. A number of senior UN officials noted that, while the Secretariat's technical support can be useful, political support on fundamental POC questions is often lacking.²⁶⁶ According to one senior MINUSCA official, the Secretariat's reluctance to investigate or criticize underperforming troop-contributing countries or to share the results of internal investigations and inquiries on POC incidents prevents the mission

259 Paul Williams, "Key Questions for South Sudan's New Protection Force," *IPI Global Observatory*, September 12, 2016.

260 Interviews with UNMISS and UN officials, New York and South Sudan, May and August 2019. The process of tabulating violations apparently suffers from chronic undercounting in some missions.

261 Security Council Working Group on Peacekeeping, "Cooperation between Peacekeeping Operations and Host States for Stronger Peacekeeping and Peacebuilding," April 2019 (on file with author).

262 Richard Gowan, "The Security Council and the Protection of Civilians," in *Evolution of the Protection of Civilians in UN Peacekeeping*, Lisa Sharland, ed., Australian Strategic Policy Institute, July 2019, pp. 7–10.

263 Interview with senior UNMISS official, August 2019.

264 Interviews with senior UN officials, New York and DRC, May and August 2019.

265 Interview with senior UN official, August 2019.

266 Interviews with UN officials, New York, May 2019.

from improving operational responses to threats to civilians.²⁶⁷

Recommendations: Leveraging UN Strengths to Reconcile the State-Centric and Protection-Driven Rationales of Peacekeeping

Peace operations operate in diverse environments, with varying degrees of host-state consent, and alongside a range of government actors. Ultimately, peacekeeping personnel in each context must decide how to make the most of the UN's strengths, mitigate risks to civilians, and maintain the support of government partners for mutually desirable POC goals. Striking the right balance between cautious diplomacy, preemptive action, and assertive intervention is never easy or preordained, and much depends on the personal qualities of mission leaders. Choosing carrots or sticks is a function of engaging the right state actors in a timely fashion and leveraging the UN's support proactively and responsibly. This section encourages policymakers to consider seven recommendations for managing POC and host-state support going forward.

Striking the right balance between cautious diplomacy, preemptive action, and assertive intervention is never easy or preordained.

Persuading through Dialogue

Peacekeeping is associated with the iconic blue helmets, but words are arguably the UN's strongest weapon. Maintaining dialogue, strong leadership, and open channels of communication is central to building a mutual understanding of POC. Reflecting on recurrent tensions between the government and UNMISS over the years, a senior South Sudanese official acknowledged that "much of this is [due to a] lack of communication.... There's a lot of misunderstanding involved because

[UNMISS] are not communicating well."²⁶⁸

Peacekeeping personnel at all levels, including technical staff and those working at the local level, engage with government counterparts on a litany of tasks with implications for civilians. Nonetheless, peacekeepers too often think of dialogue with host-state actors as a prerogative of mission leaders or a function of public information divisions. Peace operations should put greater emphasis on training and preparing all personnel for interactions with state officials, non-state actors, and civilians. This includes improving their communication, negotiation, diplomacy, and language skills (especially in some Francophone missions where language is a barrier to engagement) and their knowledge of local etiquette and customs.

When tensions rise, peace operations must work to maintain open channels of communication with state counterparts who remain receptive to dialogue on POC. They must be ready to explain complex and seemingly contradictory mandates, such as why the mission is building a state's authority while simultaneously criticizing it for failing to protect civilians or for committing human rights abuses. This is especially important in countries without a history of democratic governance, where human rights are not necessarily understood as being integral to transitioning from conflict to peace.

Leveraging Leadership

Mission leaders play a unique role in addressing POC challenges with government actors. The direction, priorities, and, ultimately, performance of peace operations rise and fall on the personal qualities of their leaders and their relations with government counterparts. As stressed by various UN and government officials, the "human element" is critical to building rapport with state leaders and

²⁶⁷ Interview with senior MINUSCA official, June 2019.

²⁶⁸ Interview with senior South Sudanese official, August 2019.

reducing friction.²⁶⁹ Many crises are defused through extended in-person negotiations or personal appeals to high-ranking government leaders. During the 2018 elections in the DRC, many UN officials pointed to the SRSG's personal bond with the outgoing president, as well as the UN police commissioner's regular phone calls with the DRC's police chief, as reducing tensions on election day.²⁷⁰ By the same token, poor leadership damages the credibility of peacekeeping and requires subsequent leaders to waste time and energy rebuilding squandered trust.

There is no leadership template for peacekeeping. Mission leaders use different methods to manage relations with their host-country counterparts. Some SRSGs and DSRSGs prefer quiet, behind-the-scenes diplomacy, while others opt for more transparent and public messaging.²⁷¹ Either way, they must project an image of firmness and fairness while avoiding unnecessary conflict and escalation. Reflecting on the UN's difficult yet "robust" relations with the South Sudanese government, one senior UNMISS official noted that "host authorities respect toughness, even if they disagree with you."²⁷² Leaders' effectiveness on POC often depends on their professional backgrounds (ranging from diplomacy and politics to humanitarian affairs and law), openness to POC as a priority, and willingness to take risks on behalf of civilians (which in turn depends on how aggressive or risk-averse force commanders and police commissioners are).

However, the UN must better prepare all prospective mission leaders—civilian, military, and police—for the complex protection challenges they will face. Mission leaders who view their role as primarily political sometimes neglect the connection between POC as a mandated objective and the technical means of encouraging states to meet their responsibilities to civilians. Mission leaders must also be constantly reminded of the UN's legal and policy requirements surrounding the use of force

against host-state security forces.

Making Capacity Building People-Centered and Holistic

In 2015, the High-Level Independent Panel on Peace Operations (HIPPO) warned that "conflicts are caused by bad governance, where the state is captured by elites who monopolize its levers for power and enrichment, and use the security apparatus to contain social and political challenges to their rule."²⁷³ Five years later, too many peace operations still prioritize the extension of state authority at the expense of strengthening governance. To remedy this, the UN should partner with a wider group of national and international actors to help establish a protective environment while reconceptualizing mandates to restore and extend state authority around people-centered development initiatives.

There is still too much focus on technical, state-centric interventions, discounting that state institutions are often captured by domestic elites with little interest in improving governance.²⁷⁴ Peacekeeping personnel, in particular civilian staff, should promote local ownership of state-building initiatives by establishing more direct lines of communication with local civil society to inform peace operations' POC priorities and the implementation of their mandates.²⁷⁵ They should also coordinate and pool resources with the UN country team, international financial institutions, donors, and international civil society organizations. A good example is MINUSCA's support to CAR's nascent security forces in coordination with the EU, UN Development Programme, and other actors, each leveraging its strengths toward a common goal.

All too often, capacity building is not holistic, integrated, and cross-sectoral. Many peace operations narrowly equate POC with civilians'

269 Interviews with UN staff and government actors, CAR, DRC, and South Sudan, June–August 2019.

270 Interviews with MONUSCO officials, July–August 2019.

271 This can be a risky strategy. One former SRSG of MONUSCO was prone to, and criticized for, tweeting updates about meetings with government officials. Interview with MONUSCO official, July 2019.

272 Interview with senior UNMISS official, August 2019.

273 HIPPO report, para. 13.

274 Youssef Mahmoud and Anupah Makoond, "Sustaining Peace: What Does It Mean in Practice?" International Peace Institute, April 2017.

275 Interviews with government and civil society actors, CAR, June 2019.

immediate personal safety rather than long-term protection goals linked to education, healthcare, or job creation. UN officials note that capacity-building projects tend to function as box-ticking exercises, where pure numbers (e.g., how many police stations were refurbished?) mask uncertainty about actual POC gains (e.g., is the population safer because the police now have better offices?).²⁷⁶ As noted by one UN official, there is sometimes a perception that peacekeepers patrol simply for the sake of patrolling and implement quick-impact projects for the sake of quick-impact projects.²⁷⁷

Multidimensional operations in the process of devising and implementing transition and exit strategies are more openly grappling with long-term protection goals. The sustainability of MONUSCO's institutional reforms emerged as a major concern in the mission's 2019 strategic review, and similar factors are now guiding UNAMID's drawdown. MONUSCO is preparing province-specific POC strategies in areas where the mission is slated to depart, but officials there acknowledged that thinking around integrated, holistic capacity building should have started much earlier.²⁷⁸ All peace operations should heed this lesson and engage host states as early as possible on long-term POC strategies that anticipate the departure of peacekeepers.

Inducing Best Practices

Managing support to host states in accordance with POC principles relies on a delicate balance among persuasion, inducement, and, ultimately, pressure. While there is no formula for calibrating “carrots and sticks,” missions should leverage capacity building and other forms of support to induce best practices and promote national ownership.

To increase government buy-in, missions should involve host governments in POC-compliant initiatives based on joint planning, coordination, and implementation such as joint investigation teams or the collocation of personnel supporting

the prosecution of serious crimes. On-the-job training for government officials should be prioritized over abstract training programs. At the same time, the UN must take care to hire experienced, high-performing personnel if it hopes to promote genuine synergies with state actors and avoid criticism of peacekeeper underperformance. The UN must recognize that government actors, despite their own capacity gaps, understand whether they are working with qualified professionals.

When applied proactively and creatively, the HRDDP can be a powerful tool to influence the behavior of state institutions. While some missions have managed to leverage the policy to promote human rights and mitigate risks to civilian populations, it is still often misunderstood as a technical box-ticking exercise (at best) or an obstacle to cooperation (at worst). The UN must enhance awareness of the HRDDP among military and police components, ideally prior to deployment, and implement a monitoring and evaluation system to assess compliance with the policy—or lack thereof—across different missions.

State behavior can also change due to emulation, whereby certain government actors can be induced to embrace POC goals through a sense of competition with similarly situated actors. It is hard to pinpoint a precise causal mechanism, but it seems that many government actors want to show that, despite their often poor reputations, they, too, can perform effectively. UN military officials suggest that state security forces behave better when they carry out patrols, activities, or operations together with peacekeepers. Similar behavioral factors are at work in peace operations' outreach to governments and non-state armed groups on child recruitment and sexual violence.²⁷⁹ In South Sudan, the government and opposition have sought to increase their legitimacy by projecting their compliance with international norms through competing action plans and pledges (even if translating words into

²⁷⁶ Interviews with MONUSCO officials, July–August 2019.

²⁷⁷ Interview with MONUSCO official, August 2019.

²⁷⁸ Interviews with UN, UNAMID, and MONUSCO officials, New York, Geneva, and DRC, May, July, and August 2019; MONUSCO strategic review, paras. 93–100.

²⁷⁹ NGOs have also contributed to this form of emulation. For instance, Geneva Call has signed deeds of commitment with various armed groups, encouraging them to respect international humanitarian norms.

action remains a challenge).²⁸⁰

Peacekeeping personnel should thus strategically engage with receptive national and subnational government actors in the hope that other government institutions will follow their example. MONUSCO has calibrated its support to military and civilian justice actors in this way.²⁸¹ MINUSCA has brokered local peace agreements in the hope that this will create bottom-up pressure on the government and armed groups to compromise.²⁸² At the same time, peacekeeping personnel must be diplomatic in its efforts to foster emulation and take care to avoid creating friction or unhealthy competition.²⁸³

Using Coordinated Pressure Tactics

Peace operations should make use of the full spectrum of bargaining tools at their disposal, including pressure tactics and compulsion. Such measures should be resorted to in a deliberate and coordinated manner, involving other UN actors, receptive host-state actors, and, to the extent possible, powerful states, including Security Council members.

To be effective, naming and shaming requires balancing a host state's sovereignty with its reputation. The Congolese government's attempts to combat sexual violence are reportedly linked to shedding the moniker "rape capital of the world." Likewise, in South Sudan, the armed forces have expressed the desire to be taken off "the list of shame," referring to UN listings for sexual violence and child recruitment.²⁸⁴ However, for every positive experience, there are examples of human

rights criticisms producing negative consequences, including the harassment of UN staff and reprisals against civilians.

While no foolproof formula exists for leveraging states' reputational concerns, naming and shaming depends on contextual factors and must reconcile denunciation with encouragement.²⁸⁵ UN officials noted that they avoid blindsiding government counterparts, in particular by sharing human rights criticisms in advance and, where possible, engaging in dialogue on contentious findings.²⁸⁶ One senior UN official explained effective human rights reporting as "helping the state to find its self-interest."²⁸⁷ Citing the tenure of one former SRSG, a senior UN official noted that when naming and shaming crosses over into humiliation of government authorities, this is likely to create a backlash.²⁸⁸

While naming and shaming aims to leverage states' reputational concerns to elicit better behavior, peace operations should also make strategic use of human rights fact-finding to directly pressure government actors responsible for human rights violations. Human rights reports can be used to engage in confidential dialogue with high-level state representatives, raise awareness of violations, and build political support for action against serial violators. Outreach to domestic civil society ensures that there is bottom-up pressure on governments. UN technical support for domestic investigations creates the threat of criminal accountability—or at least disciplinary action—against wrongdoers. In the DRC, such support has resulted in the prosecution of state agents. Peace operations can also leverage the threat of international prosecution to deter abuses. The UN has

280 The Sudan People's Liberation Army-In Opposition has strategically supported the Hybrid Court for South Sudan, arguably to curry favor with international actors. See: Ty McCormick and Siobhan O'Grady, "The New York Times South Sudan Op-Ed That Wasn't," *Foreign Policy*, June 9, 2016.

281 Interview with MONUSCO officials, July 2019.

282 Interviews with MINUSCA officials, June 2019. See also: Mamiya, "Protection of Civilians and Political Strategies."

283 MONUSCO's outreach to armed groups on child recruitment has met with resistance from people within the Congolese state apparatus who fear that the UN's dialogue with armed groups—even if limited to demobilizing child soldiers—will inadvertently legitimize these groups. Interviews with MONUSCO officials, August 2019.

284 Interviews with UN officials, DRC, South Sudan, New York, and Geneva, March–November 2019.

285 A complicating factor is that different states have different levels of tolerance for human rights shaming. For instance, South Sudan's leaders are often said to be immune to this kind of leverage, reducing the UN's ability to shame them into changing their behavior.

286 Interviews with UNMISS officials, August 2019.

287 Interview with senior UN official, August 2019.

288 Interview with senior UN official, New York, May 2019.

supported International Criminal Court (ICC) investigations in the DRC while wielding the possibility of prosecution in The Hague to influence the Congolese military and non-state armed groups.²⁸⁹ Even in South Sudan, where the ICC currently lacks jurisdiction, military commanders reportedly express fear of ICC prosecution, allowing UNMISS to influence their decision making.²⁹⁰

Peace operations can also try to influence sanctions designations to deter government abuses against civilians.²⁹¹ While the overall effectiveness of targeted sanctions is disputed, some missions report using the threat of sanctions to influence government and non-state actors. At least some government actors in South Sudan are reportedly susceptible to pressure from sanctions, especially when levied by the US.²⁹² Removal of sanctions has also given international actors leverage in Sudan's transition.²⁹³ Mission leaders inevitably have different levels of risk tolerance for coercive measures, but involving influential NGOs and powerful states that can themselves denounce or impose sanctions for abuses may create a virtuous feedback loop of international and domestic pressure.

Delivering Coherent, Mission-Specific Messaging on the Use of Force

Resorting to force is the most coercive tool available to peacekeepers. It is important, however, to distinguish the use of force in support of a government from the threat or use of force against government troops. In the era of Security Council-approved stabilization mandates, using force to support host governments is no longer as controversial as it used to be. However, peace operations should always tie kinetic force to a broader political strategy, and force is usually more effective when used jointly with state security forces—as opposed

to unilaterally by the UN.

Where host states systematically abuse civilians, peacekeeping missions may lawfully resort to coercive methods to influence the political calculus of host governments. However, the threat of force must be applied selectively, rigorously, and with a clear and attainable goal in mind. Communicating “red lines” to host governments can have a deterrent effect but can also incentivize state actors to continue engaging in actions that fall just short of those lines. The UN must be prepared to enforce red lines or risk losing credibility with civilians and exposing its weakness to host governments.

Following through on the use of force can be difficult given peacekeepers' divergent interpretation of their responsibility to use force to protect civilians. Military officials in peacekeeping missions mostly acknowledge that force is required in cases of spontaneous, tactical intervention against ongoing abuses, for instance if a peacekeeping unit comes across government troops committing rape.²⁹⁴ However, using force against the host state as a matter of policy is more controversial. It carries the risk that the host state will withdraw its consent, exposing civilians to even greater abuse while transforming peacekeeping into nonconsensual Chapter VII enforcement. MONUSCO faced precisely this dilemma during the 2015–2018 pre-electoral period, ultimately opting for a nonconfrontational approach. UNOCI's 2011 intervention against pro-Gbagbo forces offers a counterexample, though it will be difficult to replicate.

Experiences from the last twenty-five years of peacekeeping suggest that there is no single right response to government abuses against civilians. Each mission raises distinct challenges. In South Sudan, where the risk of confrontations between UN and government troops is a daily reality, UNMISS's internal rules are reportedly clear, allowing the mission to use force against national

289 Interview with senior MONUSCO official, Kinshasa, April 2016.

290 Interviews with UNMISS officials, August 2019.

291 The Security Council and individual member states (most prominently the US and EU) impose targeted sanctions, but information on POC and human rights violations collected by peace operations informs sanctions designations.

292 Interviews with UNMISS officials, August 2019.

293 Cameron Hudson, “Removing Sudan's Terrorism Designation: Proceeding with Caution,” Atlantic Council, March 2020.

294 Interviews with UNMISS and MINUSCA officials, June–August 2019. See footnote 38.

security forces (for POC and non-POC purposes).²⁹⁵ Such a formal policy on the use of force is more difficult, however, when relations with a host government have not escalated to open hostility. Referring to the pre-electoral period in the DRC, a senior UN official explained that “ambiguity in such contexts is desirable,” and there are “more effective methods to take on the government, for instance presence, deterrence, and de-escalation.”²⁹⁶ However, this view is not accepted by all UN stakeholders—not to mention civilians in host states.

Despite these lingering disagreements, interviewees agree that the UN must improve training, political guidance, and legal advice on the use of force, including lethal force against state agents. If they expect peacekeepers to take operational risks, the Security Council and Secretariat should, at a minimum, seek to avoid confusion at the strategic and tactical levels by consistently communicating their views on the need to use force in specific high-risk situations. This is not the case at present. Referring again to the DRC pre-election standoff, a UN official conceded that the Secretariat had deliberately not given a clear response to MONUSCO.²⁹⁷ Though MONUSCO staff requested instructions on the possibility of using force to protect civilians from the Congolese armed forces and police, no formal, written guidance was reportedly issued.²⁹⁸ The UN must recognize that contradictory messaging on POC and obligations under international law is a recipe for dysfunction and a convenient excuse for inaction.²⁹⁹

While UN personnel increasingly use the vocabulary of “civilian protection” and “POC” in their daily work, it is often unclear to what extent they see state authorities as protection partners.

Reconceptualizing Engagement with States as a “Whole-of-Mission” Protection Task

The potential synergies between POC and host-state support are clear in most peacekeeping environments. A senior MINUSCA official noted that “POC is short-term RESA [restoration and extension of state authority], and RESA is long-term POC.”³⁰⁰ Using a similar analogy, a MONUSCO official distinguished between “short-term POC and long-term POC,” clarifying that not using force to prevent an imminent death serves no protection goal, but risky yet forward-looking decisions can perhaps be justified on POC grounds.³⁰¹

Yet while UN personnel increasingly use the vocabulary of “civilian protection” and “POC” in their daily work, it is often unclear to what extent they see state authorities as protection partners. This partly reflects well-founded concerns about

states’ ability to respect human rights and international standards. However, there are also conceptual and institutional lacunae that unnecessarily hamper implementation of POC tasks in coordination with state actors.

The UN Secretariat should articulate a vision for partnerships with host governments on POC and devise mission-specific guidelines for how UN personnel can responsibly support state actors in light of Security Council mandates. The UN should explore how POC advisers can better mediate

295 Interviews with UNMISS officials, August 2019.

296 Interview with senior UN official, August 2019.

297 Interview with UN official, New York, May 2019.

298 Interviews with MONUSCO officials, July–August 2019.

299 Interviewees underscored that the UN should recognize that military and police capabilities matter, and that under-resourced peacekeepers can only provide modest on-the-spot protection, especially when facing sustained resistance from state security forces with greater firepower.

300 Interview with MINUSCA official, June 2019.

301 Interview with MONUSCO official, August 2019.

between UN personnel and government actors. POC units tend to play an internal coordination role in missions, which leaves POC advisers detached from a core aspect of peacekeepers' daily work and reduces their ability to provide relevant guidance. The focus should shift from internal, NGO-focused protection strategies to support for operational plans developed and "owned" by state actors and calibrated to specific threats. Another important question is how military, police, and civilian components understand their respective roles and responsibilities in implementing the HRDDP. Lastly, public information divisions are rarely integrated into mission POC strategies and coordination mechanisms, reducing the UN's ability to use communications as a bridge between host governments and civilian actors.

Twenty years after the Security Council's first POC

mandate, it is unclear whether peace operations have a long-term, politically driven protection agenda that adequately balances bottom-up civilian expectations with top-down initiatives to extend state authority. POC is still understood primarily as the provision of immediate physical protection rather than a holistic, developmental solution to host states' governance shortcomings. Too many peacekeeping functions involve technical and military quick fixes but lack a political end game. As several missions prepare to draw down, the UN should clarify how the state-centric focus of UN-mandated intervention can be reconciled with holistic, people-oriented support that prioritizes national ownership of POC. How peace operations navigate protection challenges with their host-state counterparts will determine the legacy of peacekeeping going forward.

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777 United Nations Plaza
New York, NY 10017-3521
USA
TEL +1-212-687-4300
FAX +1-212-983-8246

Freyung 3
1010 Vienna
Austria
TEL +43-1-533-8881
FAX +43-1-533-881-11

51-52 Harbour House
Bahrain Financial Harbour
P.O. Box 1467
Manama, Bahrain
TEL +973-1721-1344