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## **What's in a mandate? Mandate phrasing and the protection of civilians in peacekeeping missions**

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# What's in a mandate?

## Mandate phrasing and the protection of civilians in peacekeeping missions



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## **Introduction**

Out of the current United Nations (UN) missions, the large majority are operating under a mandate that includes the protection of civilians (POC) as a crucial part of the mission. Over half of the current peacekeeping missions are acting under a POC mandate, including 95% of peacekeepers (Hunt & Zimmermann, 2019). But while POC mandates are common, there is much variance between the tasks included in the mandate, the specificity of the mandate, and its implementation in different missions.

As increasingly extensive mandates that go beyond the core function of the protection of civilians are more and more common, peacekeepers are entrusted with increasingly diverse and complex tasks. This has been criticised by scholars who argue that peacekeepers are not equipped to handle increasingly complex task lists and that this distracts from the central part of the mission (Gilder, 2023; Oksamytna & Lundgren, 2021). At the same time the UN has changed its concept of POC to be more complex and include not only the classical physical protection through force. In its policy 2019, the UNDPO established three tiers of POC mandates, out of which only one regards physical protection and therefore includes the use of force for protection. Furthermore, POC mandates are differentiated into broad and prescriptive mandates (UNDPO, 2020). While prescriptive mandates include detailed language on the specific tasks that should be taken and specify the approach that should be used, broad mandates do not specify concrete tasks and instead use language such as “all necessary action” (UNDPO, 2020, p. 7).

Scholars have argued that POC mandated missions tend to use little force to fulfil their mandate despite being allowed to and it being beneficial for civilian protection. He argues that this is due to missing clarity regarding the norm of the use of force for POC mandates among peacekeepers (Bode and Karlsrud, 2019). There is however no research into how the specificity of a POC mandate impacts the peacekeepers’ ability to adequately protect civilians. This paper will therefore investigate the research question: To what extent does the specificity of a POC mandate impact the success in the protection of civilians?

To answer this question, I will conduct a comparative case study of two peacekeeping missions with different POC mandates. The cases investigated will be the mission in the DRC (MONUC/MONUSCO), which has a highly prescriptive and detailed mandate, and the mission in

Côte d'Ivoire (UNOCI) which has a very broad POC mandate (UNDPO, 2020). The case selection is based on a most similar systems design.

## **Literature Review**

While there is no available literature regarding the effect of different POC mandates, scholars have done comprehensive research on how POC mandates in peacekeeping have developed and are changing, what factors influence the successful incorporation of mandates and what hinders them, as well as the reasons for why the protection of civilians often fails.

### **The Development of the Protection of Civilians in Peacekeeping**

UN peacekeeping started out shortly after the foundation of the UN with an observer mission that aimed to aid in the peaceful resolution of conflicts while further action was impossible through the paralysation of the Security Council along Cold War polarisation. The basic principles of peacekeeping have stayed the same even over 70 years later until today: Peacekeeping forces are deployed and act only with the consent of the host state, remain impartial towards the conflict parties in question, and the non-use of force except in self-defence and defence of the mandate. However, since the beginning of peacekeeping, the experiences in Rwanda and Srebrenica have led to some significant changes in peacekeeping mandates, including the development of the responsibility to protect and of protection of civilian mandates (Hunt & Zimmermann, 2019).

The first time that the “protection of civilians” was mentioned in a peacekeeping mandate was in the peacekeeping mission in Sierra Leone in 1999 (Hunt & Zimmermann, 2019). This mission for the first time authorised the protection of civilians “under the threat of immediate violence” (Mamiya, 2016). Since then, PoC mandates have been issued in the vast majority of UN peacekeeping missions and the protection of civilians has been declared one of the UN’s most defining purposes in the 21st century by Secretary General Ban Ki-Moon (Hunt & Zimmermann, 2019). Currently seven out of 13 peacekeeping missions have PoC mandates, covering 95% of peacekeepers (Hunt & Zimmermann, 2019).

In its handbook, the UN Department of Peace Operations (DPO) expressly states that a central characteristic of PoC mandates is the authorisation of all necessary means, including deadly force. This made the 1999 resolution on the PoC mandate a landmark in the development of UN

peacekeeping. Since the beginning of PoC in peacekeeping 14 missions have received a PoC mandate, and the concept has been expanded and specified into specifics on the levels of strategy, operationalisation, and tactics (UNDPO, 2020).

Recently besides all-encompassing PoC mandates, “particularised protection” has become more and more common. This term describes the phenomenon of UNSC mandates becoming more specific to target specific populations that are of interest to the UN, the UNSC permanent five members (P5), or to the public media. This then concentrates resources on a minority of the civilians in need of protection and leaves the majority without it (Shesterinina & Job, 2016). This is a result of a general issue with PoC mandates in peacekeeping - forces are generally unable to protect all civilians in all places at all times, leading to inevitable trade-offs (Gilder, 2023).

### **The Protection of Civilians in the field**

PoC mandates have reached almost universal status among peacekeeping missions. With their rising popularity, the conceptualisation of the protection of civilians and the guidelines for the implementation of PoC have evolved in parallel. In addition to the increasing deliberation of the PoC norm, scholars have also established that the UN does appear to follow through on its ideals for the protection of civilians. Hultman (2013) established in a quantitative analysis that the UN is significantly more likely to establish a mission in a country with high levels of violence against civilians compared to other conflicts. This effect is mainly visible from 1999, which correlates with the first issuance of a PoC mandate. Mandates that authorise the use of violence (“robust” mandates) are furthermore more likely to be implemented in conflicts with higher levels of violence (Hultman, 2013). This shows that the UN Security Council (UNSC) does indeed follow through on its promises to commit to the protection of civilians as a main priority of peacekeeping.

It is also established that the presence of UN peacekeeping forces has substantial impacts on the level of violence committed against civilians during the conflict, but also after the conflict (Fjelde, Hultman, & Nilsson, 2019; Phayal & Prins, 2019). Besides the mandate and the use of force, Haass and Ansoorg (2018) have found that so-called “troop quality” matters. Holding troop size constant, there is less violence against civilians when troops are made up of peacekeepers from countries that invest more in their military.

While the use of force generally makes a significant improvement in the security of civilians, it can sometimes also endanger the very citizens it aims to protect. According to Hunt (2017), the

engagement of blue helmets in combat creates additional violence that can cause the death of civilians as collateral damage. As peacekeeping forces try to cooperate with local troops, joint missions can make them complicit in human rights abuses committed through local forces. There is also the issue of the general shift happening in local dynamics through the active involvement of peacekeepers. The MONUSCO mission in the Democratic Republic of the Congo (DRC) reported increased threats towards local staff and the families of local staff. The reception of peacekeepers as combatants and how it changes their local reputation and understanding of their purpose is hard to predict when resolutions are passed.

Peacekeeping missions also increasingly have the official consent of the host state for their implementation of the PoC mandate, but then face significant obstruction on the ground through local and governmental forces (Hunt & Zimmerman, 2019).

### **Criticism of the Protection of Civilians Framework**

There are furthermore arguments regarding the conceptual clarity of PoC as a concept. Bode and Karlsrud (2019) argue that there is a consistent underuse of force to protect civilians due to the ambiguity of PoC as a norm. This then leads to an overly careful interpretation through peacekeeping forces. There is also ample potential for confusion regarding the difference between the principles of the protection of civilians and the responsibility to protect (R2P). The UN addresses this issue by arguing that the R2P framework applies specifically to the crimes of mass atrocities and the fact that R2P can also be invoked without consent of the host state for interventions that go far beyond peacekeeping (DPO, 2019). Scholars however do claim that a more precise understanding of the co-evolution of the two norms is necessary to clarify the normative conception of the principles (Hunt, 2019).

The evolution of PoC to include multiple tiers of protections and layers in its strategic use was developed by the UN and the DPO to create a holistic approach to PoC that creates a safe environment from the ground up. Critics however argue that this tier system has left the PoC norm open for conceptual contestation through the unclarity it causes (Gilder, 2023). The more complex structure distracts from the - in theory - very basic task at the centre of the PoC mandate: The protection of civilians through all necessary means. This dilutes the mandate as peacekeepers are also meant to address root causes of civilian insecurity. The diplomatic language slightly varying from resolution to resolution adds another layer of conceptual confusion that peacekeeping

missions need to interpret. Lastly, it has been shown that “the use of force” is interpreted in dramatically different ways between varying missions and peacekeepers. While some believed their responsibility to require them to be proactive in their work, many pointed to the very limited willingness of troops to expose themselves to danger (Gilder, 2023). Even when force is used to protect civilians, data shows that it is often used ineffectively, leading to failed protection (Kjeksrud, 2016). There is also a criticism of the PoC framework that focuses on the grander scale of ethics, arguing that for effective humanitarian governance, the UN needs to narrow the goals of PoC mandates while widening the means it uses to reach these goals (Lidén, 2019).

While PoC mandates assume the protection of civilians *through* peacekeepers, it largely fails to grasp when protection *from* peacekeepers is necessary (Donais & Tanguay, 2021). This ties into the larger issue of the accountability gap for peacekeepers due to the unclear jurisdiction and framework in International Law.

Scholars have also criticised that POC mandates do not protect all civilians equally. Next to the phenomenon of particularised protection, the UN has also been accused of neglecting the protection of its local civilian staff (Müller, 2020). The lack of a clear protection policy in Darfur harmed the UN’s cooperation with local groups who felt unsafe in their work. Many reports say that the reporting of incidents in internal displacement camps was useless, even though peacekeepers did create a more secure environment through the provision of employment and infrastructure (Müller, 2020).

### **Protection of Civilian Mandates**

The allocation of PoC mandates is furthermore not always well received by other actors in the conflict, who despite the given consent of the host state believe that this involvement of peacekeepers harms sovereignty as well as impartiality. In the UNAMID mission in Darfur, the Government of Sudan saw the PoC mandate as a sign that the peacekeepers were not truly impartial (Müller, 2020).

Futhermore, PoC mandates are criticised for their phrasing and for what they ask from peacekeepers. So-called “Christmas tree mandates”, named for their increasingly longer task lists under each subsection, have long been criticised in peacekeeping (Oksamytna & Lundgren, 2021). Many peacekeeping mandates get more extensive and detailed, assigning tasks to peacekeeping

forces that they are not equipped for or at least cannot fulfil with the resources they are assigned. If they are able to take on the various tasks assigned in mandates, it is often to the detriment of the key cause of the mission. While this is a trend regarding not just PoC mandates, the issue is mirrored in the protection of civilians. PoC mandates are growing more complex and include more tasks while at the same time missions are being slimmed down to remove unnecessary procedures and grow to be more efficient. This creation of lean missions includes significant pressures to limit the budgets allocated to peacekeeping operations. This means that forces are essentially required to take on more issues while having less means to do so, which can easily result in underperformance in the peacekeeping forces (Donais & Tanguay, 2020).

Mandates are furthermore always dependent on the political interests of members of the Security Council and their commitment to the protection of civilians. This commitment has always differed within the permanent five members (P5) of the Council and continues to do so today. As the successful implementation of PoC mandates requires political support within the Security Council as well as the support from the military on the ground, consensus on the issue is crucial to avoid contestation that undermines the mission (Gilder, 2023). Besides consensus on the dedication to the protection of civilians, it is also crucial for all actors involved to understand and acknowledge the political reasons for the civilian insecurity in question so that it can be addressed effectively - something that is occasionally particularly difficult for the host state to agree with (Hunt & Zimmermann, 2019).

While some authors argue that the tier system causes conceptual confusion and distracts from the actual physical protection of civilians, other authors believe that the first tier, consisting of engagement and communication, is actually the most important one and that prevention needs to be strengthened (Johnson, 2019). These different conclusions result however from the same observation: Physical protection as it is currently implemented is not capable of consistently and reliably protecting civilians due to a number of shortcomings (including missing training, resources, political support locally and internationally, etc.).

While there has been interesting research into the importance of general peacekeeping mandates for peacekeeping missions, as well as research into the flaws of the POC concept, there is a research gap regarding the different guidelines and specificity of POC mandates and the effect this has on the peacekeepers' actual protection of civilians. As the deliberation of POC mandates is

rather untransparent, it leaves the puzzle of why some mandates are so differently conceived and structured than other PoC mandates.

## **Theoretical Framework**

### **Conceptualisation: Protection of Civilians Mandates**

To analyse the posed research question, it is essential to agree on a clear and internally coherent conceptualisation of PoC mandates and the protection of civilians.

According to the DPO's (2020) handbook on the protection of civilians the protection of civilians is "without prejudice to the primary responsibility of the host state, integrated and coordinated activities by all civilian and uniformed mission components to prevent, deter or respond to threats of physical violence against civilians, within the mission's capabilities and areas of deployment, through the use of all necessary means, up to and including deadly force" (p. 3). Mandates vary between missions based on the specific phrasing and the clarification through the rules of engagement (ROE) and directives on the use of force. It further conceptualises protection of civilian mandates into three tiers. Tier 1 is the protection through dialogue and engagement, tier 2 is constituted of physical protection, while tier 3 is the creation of a protective environment. While the aspect of physical protection is what mostly comes to mind when discussing the protection of civilians, the other two tiers have become equally important parts of the concept and need to be regarded for a full understanding of how PoC in peacekeeping works. The tiers are not activated sequentially but rather coexist and interact with each other in the fulfilment of the PoC mandate.

The DPO (2020) differentiates mandates between *broad* mandates and *prescriptive* mandates. Broad mandates express the general obligation for the protection of civilians but do not give detailed guidance on the steps that need to be taken to achieve this purpose. Prescriptive mandates on the other hand are more extensive and specify which measures should be taken to fulfil the mandate. Some scholars use similar terminology to the DPO but attach different meanings to this terminology. Gilder (2023) analyses the "broadening" of PoC mandates but does not use broad in the way the DPO uses it, but rather as a synonym for what other scholars call "complex" (Donais & Tanguay, 2020). He instead means the inclusion of tasks into the PoC mandate that are not the physical protection of civilians, something that in many cases would in fact be found in a

prescriptive mandate. For clarity, this paper will be using the terminology established by the DPO (2020).

When analysing the protection of civilians, it is furthermore crucial to conceptualise who qualifies as a civilian. Civilians in the context of PoC mandates are defined as everyone excluding “members of the armed forces, members of an organised armed group with continuous combat function; and civilians directly participating in hostilities, for such time as they do so” (DPO, 2019, p. 6).

PoC mandates may coexist with other protection mandates, such as mandates regarding sexual violence, human rights, and the rule of law (DPO, 2020). While these mandates are distinct, the PoC mandate should implement other foundational UN principles such as the Women, Peace, and Security (WPS) framework.

### **Theories regarding the phrasing of PoC mandates**

While there is no concrete research on the effect that different PoC mandates have on their fulfilment, there are established theories for expansive “christmas tree mandates” passed by the Security Council. According to Oksamytna and Lundgren (2021), more tasks included in a mandate distract from the key purpose of a mission and set peacekeeping missions up to fail, as they lack resources and qualified staff to fulfil the demands of the mandate. Considering the enormous budgetary constraints that peacekeeping missions have, this then adds extra pressure and creates an even larger gap between the mandate and the actual practice (Donais & Tanguay, 2021).

Next to this, a prescriptive mandate also mirrors the more complex vision of PoC laid out in the 2019 policy and 2020 handbook. As Gilder (2023) has argued, this then leads to more conceptual confusion and dilutes the key purpose of the mandate. In combination with the theory that the normative ambiguity of the PoC concept leads to an underuse of force, this logic can be transferred to infer less effectiveness of PoC mandates if they are more extensive and complex in nature (Bode & Karlsrud, 2019). It can therefore be expected that different phrasing of PoC mandates influences substantially what aspects of the protection of civilians the peacekeeping mission focuses on and how successful they are in their attempts. Many additional tasks that are assigned under a PoC mandate might lead to less of a focus on the actual physical protection and a scattering of the available staff, worsening the mission’s success in fulfilling its mandate. Additionally to this, it

can also be expected that PoC mandated missions struggle when their mandate is changed by adding additional tasks, as it leaves them less room and freedom to adapt to on the ground developments.

## **Methodology**

The research question will be analysed in an explorative qualitative study that compares the POC mandates of two different cases, the UNOCI peacekeeping mission in Côte D'Ivoire and the MONUC (later MONUSCO) mission in the DRC. Through the method of process tracing, the different mandates, their justifications, and their implementation will be analysed to explore the significance of the kind of POC mandate implemented and the guidance it provides. The research question will be studied in the form of an explorative qualitative study, as the individuality of cases does not allow for causality to be established in small-n qualitative study. The paper instead aims to develop a conception of how mandate guidelines are conceived, implemented and how they affect the actual protection of civilians on the ground. The method of process tracing was chosen as it allows for the contextualisation of the phrasing of mandates in regard to influencing factors and decision making at the time and allows for the utilisation of a wide variety of sources. This makes it the most suited method for an explorative study, as it has a less rigid structure than qualitative content analysis.

A comparative case study allows for analysing a more specific, prescriptive POC mandate in contrast with a more general POC mandate. Possible differences in the causes, development, and consequences between different guidelines in POC mandates can therefore be established. To isolate the key factor of the POC mandate phrasing as much as possible, the case selection was based on a most similar systems design (MSSD). Due to the highly individual nature of conflicts and peacekeeping missions, such a design can never be perfectly applied, but it is important to note that the missions in the Côte d'Ivoire and DRC have key commonalities. Both missions started in the early 2000s and experienced a growing critical situation in their host states over time, exacerbating the need for the protection of civilians. The missions also both started out with a similar number of troops (6,000 for UNOCI and 5,000 for MONUC) and experienced substantial troop increases over the next years. They also experienced a similar level of fatalities among peacekeepers, 151 in UNOCI and 161 in MONUSCO (UNDPO, n. d.).

The timeframe examined will be similar for both cases. While UNOCI will be examined from its conception in 2004, MONUC was deployed since 1999 but only received an extensive POC mandate in 2005. Nevertheless, while the focus of the analysis of MOONUC will lie on the peacekeeping under its more extensive POC mandate, the beginning of the mission will be included to provide context. While UNOCI fulfilled its mandate in 2017, MONUSCO is still ongoing today and has recently received a stronger mandate. The differing factor between the missions is their POC mandate, which is far more extensive and specific in its guidelines in the MONUC/MONUSCO mission than in the UNOCI mission.

While a wider variety of cases would allow for a better supported conclusion, the inclusion of an additional case would exceed the scope of the paper as well as weaken the MSSD case selection.

The sources included in the analysis are mainly official UN documents, such as UN Security Council resolutions, peacekeeping reports by the Secretary-General, guidelines for missions and peacekeepers, and independent studies commissioned by the UN, as well as reputable NGO reports and some secondary academic sources. The units analysed are peacekeeping missions. It is important to note, that while MONUC and MONUSCO are officially considered different peacekeeping missions, it is considered as one unit in the analysis as MONUSCO heavily builds on and develops out of the previous MONUC mission. Indeed, many scholars consider it simply a renaming of the mission. This is in line with previous analyses of peacekeeping in the DRC (see e.g. Tull, 2018; Spijkers, 2015; Murphy, 2016).

## **Analysis**

### **Case Study: UNOCI**

#### **Background**

The UNOCI mission in Côte d'Ivoire was established in the Security Council resolution 1528 (2004) and went into force in April 2004 (UN Security Council, 2004a). The mission had the aim to support the implementation of the previously negotiated peace agreement. After the death of the country's first president, his successor President Bédié stoked xenophobia and antagonised Prime Minister Ouattara who had been appointed by the previous president. After a coup in 1999, Gbagbo was elected as president, but a revolt of army members soon broke out that escalated into a full-

blown civil war. This civil war between the government forces controlling the South of the country, and the “new forces”, who had rebelled against the government and controlled the North, officially ended with a power-sharing agreement for the government in 2003, but the conflict restarted in 2004 (Foley, 2017).

The mission deployed took over from the existing MINUCI mission that was present in support of the French forces previously. UNOCI was tasked with the control of a zone of confidence in the centre of the country that separated the two sides. UNOCI initially deployed 6,000 troops and raised its troop strength multiple times up to over 10,000 deployed uniformed personnel, before it began shrinking the mission ahead of its end (Bellamy & Williams, 2012).

### **The Mandate**

UNOCI was mandated from the beginning under Chapter VII, the paragraph of the UN Charter that allows the Security Council to take non-military and military action when reacting to threats to peace and acts of aggression (UN Charter, art. vii).

In regard to the protection of civilians, the establishing mission called the protection of civilians a main priority for the peacekeeping mission and established a broad mandate calling for “without prejudice to the responsibility of the Government of National Reconciliation, to protect civilians under imminent threat of physical violence, within its capabilities and its areas of deployment” (UN Security Council, 2004, p. 3). As this is the extent to which POC is directly discussed in the resolution, it can be categorised as a “broad mandate” according to UN definition. This POC mandate stayed consistent throughout later resolutions regarding UNOCI (UN Security Council, 2005; UN Security Council, 2007). It was slightly extended in resolution 2226 (2015) to include a recommendation for a more active defence of the mandate, comprehensive POC strategy, and cooperation with humanitarian agencies for the recognition of threats to the civilian population. The protection of civilians is nevertheless affected by other elements of the resolution, including paragraphs referencing internally displaced persons, sexual violence, and humanitarian assistance.

### **Protection of civilians in practice**

Unexpected at the conception of the mission, ethnic hate, and violence as well as targeted violence by militias had to be confronted in the first years after the deployment of the mission. Even though POC was a key priority of the mission, it was at no point a strategic goal or implemented into

official UN strategy. A protection network established in 2005 by the UN office for coordination of humanitarian affairs (OCHA) mainly focused on preventive action and information sharing. After the restart of the conflict, the Security Council issued a sanctions regime and used violence against civilians as one of its arguments in the resolution for the first time in history (United Nations Security Council, 2004b). Despite Human Rights Watch calling for a better implementation of the POC mandate, mission reports from the time still included no specifics on the implementation of POC and a roundtable on UNOCI in 2006 saw the Force Commander stating that POC was not a priority (Human Rights Watch, 2005; UN Security Council, 2007b; UN Security Council, 2007c; OCHA, 2006). The final paper of the roundtable furthermore concluded that POC would need to be given more priority to develop a coherent POC strategy that can be effectively used in crises and fulfil the expectations of the local population (OCHA, 2006). Nevertheless, a research visit to West Africa three years later found no concrete improvement or implementation of the suggestions agreed upon at the roundtable. Additionally, an OCHA paper still stated that the POC mandate should be interpreted narrowly and according to the humanitarian concept of protection (UNDPO & OCHA, 2009).

The presidential elections of 2010 marked a major crisis in the Côte d'Ivoire. Over 3,000 people were killed in the unrest accompanying and following the election, which led to the Security Council reiterating the mandate to use force to protect civilians when necessary. The UN furthermore launched the operation "Protect the civilian population" in which it militarily destroyed heavy weapons to prevent them being used against the population (UNDPO & OCHA, 2009). While the Secretary-General published a statement stressing that the peacekeepers had simply been acting under the responsibility to protect civilians, others accused the UN of becoming a party to the conflict and violating their principle of impartiality as well as the principle regarding the use of violence only in self-defence (Office of the Secretary General, 2011). After the inauguration of Ouattara in 2011, POC has not been expanded on in reports and appears to no longer be a priority.

There are multiple suggestions that the interpretation of UNOCI's POC mandate by the peacekeeping forces was at least varying, if not flawed. At the 2006 Abidjan roundtable regarding the UNOCI mission, the commander of forces explicitly criticised an insufficiently clarified mandate language regarding the protection of civilians. The final paper regarding the roundtable

did not offer any further clarifications on language regarding concepts such as “imminent threat” (OCHA, 2006).

After an attack on a refugee camp in 2012, a UN special rapporteur working at the camp stated that peacekeeping forces told him that they could not interfere when civilians were attacking other civilians (Inner City News, 2012). While this does not reflect the mission’s rules of engagement, it seems as if that was the common interpretation. UNOCI fulfilled its mandate in 2017 after reducing its force in multiple steps since 2013. In his final report, the Secretary-General applauds the calm atmosphere surrounding the elections and determines the security situation as stable (UN Security Council, 2017).

### **Evaluating the POC strategy in the Côte d’Ivoire**

While the POC strategy and prioritisation in the Côte d’Ivoire has changed over time, it was overall approached as more of a humanitarian issue rather than a civil-military strategy objective. Multiple examples of unclarity regarding the responsibilities of the peacekeeping forces can be found throughout the duration of the mission, and NGOs as well as UN special rapporteurs’ encouragements to take the protection of civilians more seriously were largely ignored. Overall, the protection of civilians in the Côte d’Ivoire lacked a clear strategy, even as this improved slightly in the latter half of the mission’s duration. Nevertheless, the successful end the UNOCI mission found confirms an overall success in its POC mandate.

## **Case Study: MONUC/MONUSCO**

### **Background**

MONUC was established in the DRC in 1999 and has since then grown in size and significance. The mission was originally designed to monitor the ceasefire agreement that marked the end of the Second Congo War, but the mandate soon had to be expanded as peacekeepers were confronted with ongoing violence. The conflict can without exaggeration be considered one of the most complex in the world, due to the original involvement of many African nations as well as many domestic factions, and the splintering within the DRC that followed as a result of the war after foreign forces eventually withdrew. After the Second Congo War, multiple conflicts in different parts of the country, such as the Ituri conflict, the Kivu conflict, and the Dongo conflict dominated the country’s unrest over the next years. The many rebel groups and militias have continued to

spark violence ever since. MONUC was renamed to MONUSCO in 2010 to reflect the new stabilisation phase of the mission and country. While MONUC started out with 5,000 troops, MONUSCO has reached a mandate that allows for up to 19,000 troops to be deployed (Spijkers, 2015).

### **The Mandate**

In the first issuance of a Chapter VII mandate that included language regarding the protection of civilians, the POC mandate was not seen as a main priority but rather as an addendum for when need be. Since then, the mandate has gone through considerable change through the years and changing security situation in the DRC. While the first POC mandate in 2000 used standard general language on the protection of civilians, later resolutions included more specifications regarding the methods through which POC is supposed to be ensured, the regions which need to be focused on, and the progress that should be made.

Records of deliberations regarding the original POC mandate for MONUC show that a number of Security Council members from the Global North were rather sceptical towards the issuance of a POC mandate, arguing that it could overcomplicate the mission and might set unrealistic standards for the mission in light of its resources. Security Council members from the Global South on the other hand largely spoke out in favour of the mandate (UN Security Council, 1999a; UN Security Council, 2000a). It is important that this was one of the first adoptions of a POC mandate after the first POC passed mandate in the UNAMSIL peacekeeping mission, which explains the concerns regarding POC mandates at least partly (UNDPO & OCHA, 2009).

In 2004, the POC mandate was substantially expanded and from there on considered second in priority in the peacekeeping mission (UN Security Council, 2004c). As peacekeepers started to take on a more proactive role in the protection of civilians, the POC mandate in resolution 2147 (2014) omitted the qualifier “imminent” from the original mandate phrasing “under imminent threat of physical violence” (UN Security Council, 2014). The current MONUSCO mandate includes an entire section dedicated to POC, calling for community engagement, targeted offensive operations, mediation efforts, advocacy, joint prevention plans with the government of the DRC, etc. (UN Security Council, 2022). Even this long and detailed mandate only relates to POC in its purest sense, with separate sections regarding sexual violence, children in armed conflict, and human rights violations.

## **The Protection of civilians in practice**

After its raised priority in 2004 and extended mandate in 2005, MONUC adopted a new concept of operations (CONOPS) that same year. This CONOPS set more detailed guidelines for the protection of civilians and is reflected in mission reports that show that the neutralisation of domestic and foreign forces was considered necessary for the fulfilment of the POC mandate. Mission reports as well as the CONOPS do however clarify that peacekeepers are by definition not an active party to the conflict and can therefore not proactively fight foreign forces (United Nations Security Council, 2005).

In 2007 the UN established POC the main focus of MONUC after a review of its strategic objectives and increased the mission size to 17,000 troops (United Nations Security Council, 2007d). Shortly after, POC was mentioned in its own section in mission reports. Despite the peacekeepers' more active physical protection of civilians, the situation in the DRC remained dire as the UN failed to prevent multiple massacres and attacks (Foley, 2017). In 2008 it was revealed that MONUC's military commander had resigned as he considered the POC concept for MONUC to be not reconcilable with reality (Pozzi & González, 2009). After a military operation of the Congolese armed forces supported by the UN, reports came out that the Congolese armed forces had killed hundreds of civilians and raped thousands of women during the operations. The UN special rapporteur for extrajudicial killings stated that the Congolese armed forces were in many ways a bigger threat to civilians than the militias (United Nations Human Rights Office, 2009). In response to the incidents, the UN withdrew its support to the units involved and developed a new policy to assess whether joint operations would comply with POC standards.

A new mission-wide POC strategy was adopted in 2010 and acknowledged that MONUC did not have the capacity to always protect civilians everywhere, but instead needed to focus on priority areas. Multiple cooperations with other organisations and forces, joint operations, and programmes to gain information from local communities show the increasingly holistic and proactive approach the mission was taking (Foley, 2017). With the renaming of the mission to MONUSCO, the Security Council encouraged an approach that would include innovative measures and joint programmes that had partly already been established under MONUC. These “innovative measures” include joint operations, community liaison officers, mobile operating bases, and women's protection advisers (UN Security Council, 2012).

While the protection of civilians seemed generally more under control than before, a newly armed rebel group emerged in 2012. After this group took control of a city for a certain amount of time, confusion among peacekeepers regarding their rules of engagement kept them from engaging with the rebels, the Force Intervention Brigade was established. This was emblematic of a new phase not only in the protection of civilians in MONUSCO, but also in peacekeeping in general. It was announced as the UN's first offensive force that was supposed to be used in targeted operations to neutralise militias. This represents an enormous change from just seven years ago when the UN clarified that peacekeepers were by definition not legitimised to partake in offensive action (Spijkers, 2015). Since then, the Force Intervention Brigade has taken offensive action against militias in the name of its POC mandate. In 2019 MONUSCO adapted its structure to be more dynamic and have battalions that can be deployed all over the country when need arises (United Nations, 2019a).

In recent years the situation has however significantly worsened, especially through the takeover of the North Kivu province by a rebel group. The horrific humanitarian circumstances and enormous displacement caused by this have exacerbated allegations that the peacekeepers are not sufficiently fulfilling their POC mandate. This has led to anti-MONUSCO sentiment and protest within the DRC calling for the mission to leave the country. In 2021 a joint transition plan was published that sets up criteria for a controlled successful drawdown of the peacekeeping mission from the DRC. For this a system guaranteeing the protection of civilians is essential, which the UN aims to build through a strong cooperation with civil society in the DRC (Levine-Spound & MacClinchy, 2022).

### **Evaluating the POC strategy in the Democratic Republic of the Congo**

The development of the POC mandate in the DRC and the protection of civilians in practice is quite dramatic. While the POC mandate in the DRC was quite basic in the beginning, it quickly grew to be far more extensive and include specific guidance. Along with this development POC also gained higher priority within the mission and became the main task of MONUSCO. Although the mission developed innovative strategies for the protection of civilians and the establishment of a network to address POC with other parties and through different channels, the difficult security situation in the DRC also led to significant losses on the civilian side that were not prevented by the UN, as well as human rights violations that were reportedly committed by the Congolese army.

The establishment of the Force Intervention Brigade under the POC mandate is furthermore controversial. Supporters of the mandate argue that it has allowed for more effective and flexible civilian protection and is a step in the right direction - a direction where peacekeeping missions receive the resources necessary to step up to their mandate. On the other hand, scholars have pointed out that due to its offensive involvement, the UN is becoming a party to a conflict in which it is supposed to be impartial (Muller, 2015, Tull, 2018). This is problematic in regard to POC, as the perception of uniformed UN personnel as a conflict party endangers civilian staff and local collaborators. Specifically in the DRC there have been reports of increased threats against civilian and local staff and their families. Even not directly affiliated NGOs made efforts to set themselves visually apart, so as to not be confused for peacekeepers, who were no longer seen as independent (Tull, 2018).

## **Discussion and Conclusion**

The analysis of the POC mandate in the UNOCI mission and its implementation found that the protection of civilians was barely discussed in mission reports as well as other official peacekeeping documents. While more documentation on POC can be found in later years of the mission, this does not seem to correlate with a continuously worsening threat to civilians. Instead, the documentation seems to reflect an institutional change that reflects the conclusions of UN research teams.

The overall small role POC has played in strategic considerations and peacekeeping reporting can be seen as reflecting a limited interest on the side of the Security Council and the Secretary General. This echoes research that has suggested that conflicts that impact vested interests of Security Council members receive more specific and extensive guidance in their peacekeeping mandates (Allen & Yuen, 2014). This case study confirms that there is evidence to believe that a similar dynamic is reflected in POC mandates: More general POC mandates correlate to less strategic consideration for, and less reporting on the protection of civilians. This does not necessarily reflect negligence in the actual protection of civilians itself, but does imply less control mechanisms, which could be a significant issue in certain circumstances. There are furthermore multiple reports of troops misinterpreting the guidelines and mandate language, or at the very least considering it unclear. This is obviously correlated to the non-specification within UNOCI's POC

mandate as well as the lack of strategic guidance on POC in UNOCI's manuals and rules of engagement.

The MONUC/MONUSCO peacekeeping mission in the DRC shows a much more significant development of the POC mandate and implementation into the mission. While the first POC mandate of the mission was passed with doubts from some Security Council members, POC later became the mission's main focus and responsibility. The mission was furthermore revolutionary in its use of offensive force under the POC framework. The mandate of the mission got substantially more extensive throughout its duration. While this amount of detail and inclusion of all kinds of aspects could be theorised to distract from the core of the mandate, no substantial evidence can be found to confirm this theory. While the potential for misinterpretation through peacekeeping forces is always existent, there seem to be less reports of unclear guidelines in the MONUSCO mission compared to UNOCI. The more extensive mandate can however, similarly to the development in UNOCI, be connected to the interest of the Security Council in the mission. The Security Council clearly has an interest in the successful protection of civilians in this conflict, and the extended mandate is accompanied by extensively developed strategy and resources regarding POC. In this case there is also a definite connection between a worsening situation for the civilian population and more concrete guidelines within the POC mandate.

This case study does not confirm the expectation that a more inclusive and extensive mandate leads to a distraction from the key task of POC, as MONUSCO in many ways was more proactive in fulfilling its POC mandate than UNOCI. The analysis also suggests that in one case there might indeed be an effect opposite to the one initially expected. While it was suggested, that more complex and extensive mandates might lead to unclarity among troops regarding the concept of POC and their tasks, this paper found that there was more unclarity when the mission was mandated with only a general short POC mandate. This might be due to the extra explanation of the role that longer mandates offer, and the additional reporting and specificity e. g. in the rules of engagement, that have here been found to go along with prescriptive POC mandates.

This study does however find that the phrasing of the mandate indeed matters, as it is the basis for the strategy of the mission and the role understanding peacekeeping troops have of themselves. Changes in mandate that might seem subtle, such as the omission of the word "imminent" in the phrase "imminent of physical violence" can be emblematic for large-scale strategy innovation. A

more extensive mandate with more specific guidelines is correlated to a clearer strategy and more resources that are available to the peacekeepers.

The study is limited by multiple factors. As previously mentioned, while the case selection is based on a most similar systems design, due to the uniqueness of each peacekeeping mission, UNOCI and MONUSCO have significant differences. For one, the threat against civilians in the DRC was more severe, longer lasting and more widespread than in the Côte d'Ivoire, which also impacts the priority and thought given to the POC mandate. In evaluating the success of the peacekeeping mission in regard to POC, it is difficult to make an objective judgement that takes into account that the missions did not face the same circumstances. Secondly, it is important to note that because more documentation and reporting is available about MONUSCO than UNOCI, the perception of the missions and their comparative strengths and weaknesses might be skewed. Due to the limited scope of this paper, it was impossible to acquire additional information beyond the official UN documents and secondary sources, such as through interviews.

Further research into the phrasing of mandates is necessary to possibly find stronger correlations and establish causation. This further research would profit from deeper research into the motivations of the Security Council and the process of the passing of the mandate, as well as interviews with officials implementing the mandate on the ground. It is also crucial to widen the case selection to more cases in order to establish convincing patterns regarding the phrasing and implementation of POC mandates across missions. A more detailed exploration into the representation of the different tiers of the protection of civilians concept and their implementation, as well as the interaction and co-existence of POC with other protection concepts in the mandate would furthermore be worthy of attention in further studies.

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