

U.N. PEACEKEEPING & HOST-STATE CONSENT

How Missions Navigate
Relationships with Governments

Sofía Sebastián
and Aditi Gorur



STIMSON

MARCH 2018

PHOTO CREDITS

UN Photo/Marco Dormino: Cover

UN Photo/Isaac Billy: Page 4

UN Photo/Nektarios Markogiannis: Page 10

UN Photo/Alexandra Simpson: Page 12

UN Photo/Albert González Farran: Pages 18, 32

UN Photo/Abel Kavanagh: Page 22

UN Photo/Eskinder Debebe: Page 42

UN Photo/Marie Frechon: Back cover

©Copyright 2018 Stimson Center. All rights reserved.

For more information visit stimson.org.

CONTENTS

Executive Summary and Recommendations	5
Introduction.....	11
Consent as a Peacekeeping Principle	13
Securing Consent Before Deployment	15
Strong, Weak, and Compromised Consent.....	19
Situations That Trigger Deterioration of Consent	23
<i>Elections</i>	24
<i>Sovereignty</i>	25
<i>Human Rights and Protection of Civilians</i>	26
<i>Mismatched Expectations</i>	27
<i>Lack of Capacity</i>	27
Responses to SOFA Violations	29
Strategies for Managing Consent	33
<i>Managing Consent Before Deployment</i>	33
<i>Protecting Consent After Deployment</i>	35
<i>Responding to Deteriorating Consent</i>	38
Conclusion	43
Acknowledgements.....	44
Endnotes.....	45

The absence of genuine host-state consent represents one of the **greatest threats** to the success of modern peacekeeping missions.



EXECUTIVE SUMMARY AND RECOMMENDATIONS

A fundamental principle of United Nations (U.N.) peacekeeping is that missions deploy only with the consent of the host-state government and the other parties to a conflict. In practice, however, the absence of genuine host-state consent represents one of the greatest threats to the success of modern peacekeeping missions.

Host-state governments can prevent peacekeepers from implementing their mandates by obstructing their movements or activities. This can occur when a government's interests conflict with peacekeeping activities such as supporting the implementation of a peace agreement on which the government wishes to renege, reporting on human rights abuses perpetrated by government actors, intervening against wrongdoers with government connections, or protecting civilians from government-inflicted violence. In extreme cases, host-state governments can erode missions' diplomatic space to the point of rendering them irrelevant.

Operating in an environment without strong consent can also present serious risks to peacekeepers' safety and security. In these contexts, for example, governments could delay or block important equipment from reaching peacekeepers, or could obstruct medical or casualty evacuation, placing peacekeepers' lives in danger.

Moreover, without host-state governments' active support for peacekeeping missions to achieve their mandates, it is very difficult for the missions to develop clear and sustainable exit strategies, which necessarily involve handing over some tasks to government authorities. This means that missions that lack strong consent from host-state governments may be forced into long and expensive deployments that are focused on "putting out fires" rather than building toward strategic exits.

Yet with the right support from the U.N. Security Council, other influential member states, and the U.N. Secretariat, peacekeeping missions can take steps to prevent or de-escalate these problems and promote a stronger relationship with the host-state government. This report explores how missions have navigated host-state consent in the past in order to draw lessons for better managing consent in the future.

The report offers a simple framework for understanding the state of host-state consent. It defines consent in the context of U.N. peacekeeping as comprising three elements: 1) acquiescence to the presence of the mission, 2) acceptance of the mission's mandate, and 3) commitment to the political process that the mission is intended to support (if there is one in place). Initial consent for a peacekeeping mission can be strong, when all three elements are present; weak, when the first element is present but the second and/or third are uncertain; or compromised, when all three elements are called into question.

Some of the most challenging peacekeeping missions today — including those currently deployed in the Democratic Republic of Congo, South Sudan, and Darfur — fall into the category of compromised consent. Such missions are particularly risky because they can unintentionally bolster abusive governments: peacekeepers are able to implement mandated activities that are beneficial or convenient to the government but are obstructed from undertaking tasks that run counter to the government's agenda. Savvy host-state governments can wield the threat of withdrawing their consent as a political weapon — a powerful trump card to coerce peacekeepers to quiet their criticisms of the government or risk being expelled.

Consent is often in flux over the lifespan of a peacekeeping mission, and can be strengthened or weakened by variations in a host-state government's authority and by the manner in which the U.N. mission affects the government's and other local actors' expectations, perceptions, goals, and interests. Situations that commonly trigger a deterioration of consent include elections; actions by the mission that the government perceives as challenging state sovereignty; activities pursuant to human rights or protection of civilians

mandates that implicate the government in wrongdoing; mismatched expectations between the mission and the host-state government as to the mission's role; and inadequate capacity by the host-state government to live up to its responsibilities vis-à-vis the mission or the political process.

Decisions on how to address consent challenges will always be highly context-specific; nevertheless, there are important steps that can be taken to mitigate risks associated with host-state consent before the mission deploys, in the initial months following the mission's deployment, and after consent begins to deteriorate. If mission leaders are trained on the risks and how to avoid them, vigilant in monitoring the strength of consent, and equipped with suitable mechanisms for addressing issues that arise from deteriorating consent, they may be able to promote stronger consent.

Even more importantly, U.N. Security Council members, neighboring member states, and other influential stakeholders must play a greater role in supporting missions to protect and strengthen host-state consent. The Security Council's active engagement is particularly critical during pre-deployment negotiations and after consent has begun to deteriorate. Without the strong political backing of U.N. member states, missions cannot overcome interference from host-state governments and successfully implement their mandates in environments of weak or compromised consent.

In order to promote strong consent and a better relationship between the U.N. and host-state governments, this report makes the following recommendations.

To the U.N. Security Council

- Prior to the deployment of a mission, the Security Council should either visit the host country or host a briefing by the major parties and civil society representatives in New York to better understand the political dynamics at play, the parties' political priorities and sensitivities, and the support it will need to provide to the mission.
- After the host-state government has consented to the deployment of a peacekeeping mission, the Security Council and the government (or the transitional authorities) should sign a compact with the assistance of the Secretariat. This compact should capture the shared political vision of the government and the Council, and detail the respective roles and responsibilities of the government and the mission in achieving that shared vision. The compact should specifically identify mutually agreed priorities for any mission support for the reform of state institutions, which may be used as future entry points for cooperation by the mission and the broader donor community. Where possible, the compact should be signed prior to the mission's deployment.
- The Security Council should remain abreast of developments affecting the relationship between the mission and the host-state government through quarterly reports of the Secretary-General and strategic reviews of the mission, and should request follow-up briefings by the Secretary-General or Under-Secretaries-General when further information and response options are needed.
- If and when a mission begins to experience serious deterioration of consent by the host-state government, the Security Council, with the assistance or at the request of the Secretary-General, should act decisively and creatively to strengthen the mission's negotiating position and dissuade behavior by the host-state government that violates the Status of Forces Agreement (SOFA) or the spirit of the mandate. Actions by the Council could include: visiting the country, working with regional neighbors or other influential actors, combined with follow-up diplomacy; holding open debates on the situation; and issuing diplomatic démarches.

- In extreme circumstances of deterioration of consent, particularly when the host-state government is perpetrating grave abuses against civilians, the Security Council should consider approving mechanisms that do not require host-state consent, such as regional or coalition interventions. In situations where the Council is divided and incapable of taking any action, individual Council members should turn for support to relevant Groups of Friends, influential neighbors or regional organizations, trading partners, and donors, with support and advice from the Secretariat.

To U.N. member states

- The U.N. General Assembly's Special Committee on Peacekeeping Operations (also referred to as the C34) should in its next report note that SOFA violations present serious risks to the safety and security of U.N. peacekeepers. The report should affirm that host-state governments have a responsibility not to obstruct the mission by blocking the entry of personnel or equipment into the country or impeding free movement within the country (including for the purpose of casualty and medical evacuations).
- In cases of egregious SOFA violations, influential member states and regional organizations should consider using diplomatic pressure and imposing or lifting sanctions as a means to encourage host-state governments to stop such violations and to promote cooperation with the mission. International financial institutions and member-state donors could also consider imposing conditions on aid related to a government's willingness to lift obstructions on mission activities.

To the U.N. Secretariat

- The Secretariat should generate advice on consent as part of a broader political strategy tool kit for mission leadership. The tool kit should include guidance on how to navigate the relationship with host-state governments that outlines different consent scenarios facing peacekeepers following deployment, response options, and other relevant matters such as the sequencing of mandated tasks, maintaining political commitment of parties to the peace agreement, dealing with spoilers, etc. The guidance should also specify a set of criteria for identifying serious deterioration of consent, which, when met, would encourage the Secretariat to bring the issue to the Security Council for consideration and/or further action.
- The Secretary-General should regularly include a section on SOFA violations in the missions' quarterly reports, and require that strategic reviews of missions include an analysis of the status of consent.
- The Secretariat should update the standard language of mission-specific SOFAs to clearly delineate the respective rights and responsibilities of the host-state government and the mission, and identify instruments to address violations of the agreement. The SOFA could, for example, create a mechanism through which the government and the mission regularly meet to discuss the status of SOFA-related issues.
- The Secretariat should produce a detailed analysis of the status of consent prior to the deployment of a peacekeeping mission that is based on the government's support for the presence of the mission, different aspects of the mandate, and various components of the political process. It should identify potential risks and scenarios under which consent could rapidly deteriorate, and outline response options. Based on this assessment, the Secretariat should provide recommendations to both the head of mission and the Security Council on how to navigate the issue of consent in specific peacekeeping contexts.
- The Secretary-General should send experienced start-up teams when a mission is deployed, and select those teams' first leaders using criteria that include negotiation skills and the ability to navigate the challenging issue of host-state consent. Induction training for these and subsequent mission leaders

should include a briefing on sensitive issues that have arisen during the mandate consultation process and since deployment (if relevant); the analysis provided by the Secretariat to the Security Council on consent-deterioration scenarios; and options to engage substantively with a broad range of state institutions as well as non-state institutions that may be acting as de facto governance structures at the local level. Induction training should highlight the importance of the SOFA, how to identify and respond to different types of SOFA violations, and implications associated with such violations.

- The Under-Secretary-General for Peacekeeping Operations should issue a directive requiring mission leaders to send monthly reports on all SOFA violations to the Secretariat.
- When there has been a serious deterioration of consent, the Secretariat should make use of the Secretary-General's good offices and engage in mission visits to raise the issue of SOFA violations and other consent challenges with host-state authorities, as well as meet with other influential governments or organizations. The Secretariat could also help by bringing the issue to the attention of the Security Council through "situational awareness" briefings, an informal exchange intended to provide the Council with information on issues of immediate concern, or under the rubric of "any other business" following Council consultations.
- In cases of urgent necessity, when SOFA violations require an immediate response by the Security Council, and when preceding actions by the Secretary-General have been ineffective, the Secretary-General should provide action-oriented recommendations to the Council by making use of his or her good offices, making public statements, or by formally invoking Article 99 of the Charter of the United Nations. If addressing the Security Council in public is politically sensitive, the Secretary-General should prompt Council action by approaching its members behind the scenes or through informal gatherings.

To leaders of peacekeeping missions

- Upon deployment, mission leaders should ensure that three activities are regularly conducted to protect consent from the outset: 1) regularly monitoring consent in order to identify any signs of deterioration and patterns of obstruction; 2) setting up coordination structures with government officials to minimize misunderstandings; and 3) systematically documenting SOFA violations, reporting violations to the Secretariat on a monthly basis, responding firmly through diplomacy, and alerting the Secretariat if obstruction has escalated.
- Mission leaders should engage substantively with a broad range of state institutions as well as non-state institutions that may be acting as de facto governance structures at the local level, instead of concentrating engagement on the host-state government at the national level. This broader engagement can help create a counterbalance in environments with diminishing host-state consent.
- Mission personnel should clearly communicate and explain the content of the mandate and the SOFA to their government counterparts, emphasizing the mission's mandated tasks, rights, and responsibilities, and the implications associated with violating the SOFA. For example, mission leaders should sensitize key figures in the executive and legislative branches; individual police officers and military advisors should sensitize their counterparts in the security sector; and the mission's legal team should sensitize officials working at relevant justice and law enforcement agencies.
- Missions should adapt their communications strategies to frame the issue of obstruction as a failure by host-state governments to honor their contracts with the Security Council and the international community. Missions should place renewed emphasis on public messaging to secure popular consent that can help counteract a weakening of consent from host-state governments.

- Missions' decisions about the sequence of mandated activities should be informed by an analysis of whether consent is strong, weak, or compromised. In settings with weak or compromised consent, missions should prioritize issues where the mission's and host-state government's priorities overlap in order to demonstrate early on to host-state governments the value that the mission can bring without triggering frustrations. By contrast, in settings with strong consent missions should prioritize mandated tasks that the government may not immediately consider to be in its own interest so as to take advantage of the early window of opportunity when cooperation is often strongest.

**To be effective,
missions need both
an implementing
partner and an
underlying political
process in place.**



INTRODUCTION

This report examines the relationship between host-state governments and U.N. peacekeepers operating in missions with nonexecutive mandates, where collaboration with the host-state is essential.¹ According to peacekeeping guidelines, peacekeepers are deployed on the basis of consent from the main parties to a conflict. In practice, however, the U.N. Secretariat and the U.N. Security Council treat the host-state government as the most important party from whom to secure consent, and may not consult with other conflict parties extensively. This special status accorded to host-state governments likely derives from the recognition of their sovereign rights to control their territories. Historically, only the withdrawal of consent by host-state governments — and not by any other parties to a conflict — have led U.N. peacekeeping missions to exit. For this reason, the report focuses on how peacekeepers navigate consent with host-state governments.

In this report, consent is defined as comprising three elements: 1) acquiescence to the presence of a peacekeeping mission, 2) acceptance of the mission's mandate, and 3) commitment to the political process that the mission is intended to support. Acquiescence to the presence of a peacekeeping mission is related to the legal aspect of consent, i.e., the willingness of the parties to, among other things, accept the mission's presence and its freedom to undertake activities in accordance with the mandate. Acceptance of the mission's mandate and commitment to the political process are related to the political, and more tenuous, aspects of consent. They concern the willingness of the parties to undertake the necessary reforms for meaningful implementation of both the mandate and the political process that may be in place to resolve the conflict. Consent by host-state authorities to the mission's presence is not always matched by consent to the mandate and the political process.

While various efforts have been made to address the capability, capacity, and resource gaps of peacekeeping missions in complex environments, less attention has been devoted to crafting effective strategies to allow missions to manage the often-difficult relationships with host states. Yet experience has shown that host-state consent is one of the most critical factors in determining the success or failure of a peacekeeping mission. In order to be effective, missions need both an implementing partner and an underlying political agreement or process in place. Consent that is limited or lacking may serve to undermine the implementation of the mandate and the mission's credibility, leave missions in prolonged deployments with no clear exit strategy, and put U.N. personnel at risk. In some situations, the mission may unintentionally advance the harmful agenda of an abusive host-state government by conducting activities that the government finds convenient, while being prevented from undertaking other activities that may threaten the government's hold on power. In these situations, the United Nations faces a fundamental dilemma: whether to keep a peacekeeping mission in place with questionable consent, or withdraw and leave the civilian population unprotected.

This report begins with a review of the principle of consent in peacekeeping, which informs the relationship between the host-state government and the peacekeeping mission. The second section examines the process through which strategic consent for a peacekeeping mission is secured. The third section proposes a framework for thinking about consent in the context of peacekeeping, describing three main categories (strong, weak, and compromised consent). The fourth and fifth sections outline, respectively, situations that commonly trigger a deterioration of consent, and some of the approaches U.N. missions have taken to respond to host-state obstruction. The last section identifies strategies that U.N. member states, the Secretariat, and mission leaders could pursue to better navigate relationships with host-state governments in complex peacekeeping environments before a mission deploys, immediately after a mission deploys, and once consent has begun to deteriorate.

Debates on the issue of consent have been mostly focused on the disruptive role of **local spoilers** rather than the host state.



CONSENT AS A PEACEKEEPING PRINCIPLE

Since the 1990s, as the deployment of multidimensional peacekeeping missions in volatile, intrastate conflicts has become more frequent, the basic principles of peacekeeping (including consent) have been progressively reassessed. Yet little guidance has been provided about what consent really means or how peacekeeping missions may navigate their relationships with host-state governments.

The report of the High-Level Panel on U.N. Peace Operations (known as the Brahimi Report), published in 2000, identified consent from the parties to the conflict as one of the guiding principles in U.N. peacekeeping. It also acknowledged that consent could be manipulated in different ways, particularly as a tool to buy time and strengthen parties' capabilities and power. Once the mission no longer serves their interests, the Brahimi Report noted, parties to a conflict might either limit an operation's freedom of movement, fail to comply with the provisions of a peace agreement, or simply withdraw consent. In situations of limited consent, the Brahimi Report advised missions to be prepared to "deal effectively" with spoilers, allowing them to apply "robust rules of engagement," including the use of force in defense of the mandate.²

United Nations Peacekeeping Operations: Principles and Guidelines, also referred to as the Capstone Doctrine, was published in 2008 by the U.N. Department of Peacekeeping Operations as part of a codifying effort to professionalize the conduct of U.N. peacekeeping. It defined consent as encompassing not only "acceptance of a peacekeeping operation" but also "commitment by the parties to a political process" that the mission is mandated to support.³ It noted that, without both of these components of consent, "a United Nations peacekeeping operation risks becoming a party to the conflict; and being drawn towards enforcement action, and away from its intrinsic role of keeping the peace."⁴

The Capstone Doctrine also made an important distinction between consent from the main parties to the conflict who are engaged in political dialogue (which has come to be referred to as strategic consent) and consent from state and non-state actors who are operating on the ground at the local level (referred to as local consent). According to this document, strategic consent empowers peacekeepers to undertake action locally to carry out their mandated tasks, without the need to seek further authorization. However, even with strategic consent in place, peacekeepers will not necessarily have consent at the local level for their actions, "particularly if the main parties are internally divided or have weak command and control systems ... [or] in volatile settings, characterized by the presence of armed groups not under the control of any of the parties, or by the presence of other spoilers."⁵ The Capstone Doctrine advised missions to "continuously analyze its operating environment to detect and forestall any wavering of consent [and] ... manage situations where there is an absence or breakdown of local consent."⁶

Notwithstanding the contributions of both the Brahimi Report and the Capstone Doctrine, debates on the issue of consent have been mostly focused on the disruptive role of local spoilers. Host-state acquiescence to the mission's presence has remained a cornerstone of peacekeeping, but few lessons have been identified on how the government's consent may (or may not) translate into local compliance or political cooperation, or how peacekeeping operations could manage it. Furthermore, peacekeeping missions have been increasingly deployed in complex environments where "political processes [are] susceptible to collapse"⁷ or where there is no peace to keep — taking peacekeepers further away from conducive environments in which consent can be easily nurtured. Lastly, little attention has been devoted to the role played by a broader spectrum of stakeholders (beyond the immediate parties to the conflict), including political parties, civil society representatives, and the population at large, whose blessing may be critical at different stages.

Recent peacekeeping trends, including the development of mandates that are designed to support the physical and institutional extension or restoration of state authority (such as in Mali, the Democratic Republic of Congo, and Central African Republic), also have underexplored implications for consent. These mandates may challenge the notion of impartiality when the mission is explicitly working to strengthen the presence, capacity, and authority of the state, and could undermine the mission's legitimacy in the eyes of other parties to the conflict. As the Capstone Doctrine noted, perceptions of partiality may undermine the peacekeeping mission's credibility and legitimacy, and lead to a withdrawal of consent.⁸ Such mandates can also potentially conflict with the mission's activities related to protecting civilians or promoting human rights when the government is implicated in abuses against the population.

The High Level Independent Panel on Peace Operations (HIPPO), appointed by U.N. Secretary-General Ban Ki-moon to complete a review of U.N. peace operations in the face of these challenges, acknowledged in its report two contrasting schools of thought: that the core principles of peacekeeping should be upheld, and that the principles are "outmoded and require adjustment."⁹ This report proposed a "flexible and progressive interpretation" of the core principles rather than a rewriting,¹⁰ but said little on the issue of consent. It reiterated the notion that U.N. peace operations should be deployed as part of a broader political process, and that the consent of the host-state government is "fundamental" for peacekeeping missions and "should be reinforced."¹¹ Consent of other parties was noted as important but not always possible, especially in situations where fighting is ongoing.¹²

Despite the significance of consent as a core principle of peacekeeping, and its critical importance for mission effectiveness, very few academic or policy analyses have been produced on the topic. Ian Johnstone's 2011 article "Managing Consent in Contemporary Peacekeeping Operations" posits relational contract theory as a framework for understanding consent.¹³ Giulia Piccolino's and John Karlsrud's 2011 article "Withering Consent, but Mutual Dependency" draws on the cases of Côte d'Ivoire and Chad to analyze the cost-benefit calculations and relationships between U.N. peace operations and African leaders.¹⁴ And a 2017 analysis by Adam Day, "To Build Consent in Peace Operations, Turn Mandates Upside-Down," proposes that the Security Council should set overarching peace objectives, while the substance of the mandate should be contained within a compact between the Secretariat, the host-state government, and other relevant stakeholders.¹⁵ Day argues that this approach would make mandates more tailored to the political and security dynamics on the ground, reduce misunderstandings, and encourage greater commitment and ownership from national stakeholders.¹⁶

Better understanding is needed of what states are consenting to, how different mission activities may affect the strength of consent, and how different actors should respond to deteriorating consent.

SECURING CONSENT BEFORE DEPLOYMENT

The United Nations has no standard procedures to follow when securing consent from host-state authorities before deploying peacekeeping operations. The act of consent for the deployment of a new U.N. peacekeeping mission happens during negotiations between the U.N. Security Council and the prospective host-state government (and sometimes other parties to the conflict). This act of consent may not be formalized in writing. It may be reflected in meeting records of the Security Council or recorded in some other way.

The process is primarily political, and involves initial consultations among members of the Security Council, the U.N. Secretariat, the host-state government, other parties to the conflict where possible, regional actors, and potential troop- and police-contributing countries. The Secretariat produces a strategic assessment for the deployment of a peacekeeping operation and sends an assessment mission to the ground when security conditions permit. Using these assessments, and the recommendations of the Secretary-General, the Security Council may decide that establishing a peacekeeping operation is the preferred approach to address a particular situation. Once that decision is made, members of the Security Council draft and adopt a resolution with a mandate detailing the responsibilities of the new mission.

The host-state government generally grants consent before the adoption of such a resolution. The process can be straightforward when the host-state government formally requests the assistance of the United Nations. In other scenarios, especially when the host state has reservations about accepting a U.N. mission, the process can be subject to protracted negotiations that can last for months or even years, and can result in a refusal by the host-state government. In Sudan, for example, the authorization of the African Union-United Nations Mission in Darfur (UNAMID) took almost a year from the initial Resolution 1706, which mandated the United Nations Mission in Sudan to cover Darfur and was rejected by the government, to the adoption of Resolution 1769, which established the African Union-U.N. hybrid peacekeeping mission.¹⁷

Lengthy negotiations can be used by the host-state government to influence the mission's mandate and make it more favorable to the government's interests. How much host-state preferences weigh in the design of a mission relates to the strength of the state internally and internationally, along with the interests and preferences of the members of the Security Council. In Chad, for example, the government exploited the prolonged decision-making process in 2007 to introduce multiple restrictions to the mandate, particularly vis-à-vis the mission's political role, and gradually turned the mandating process "into a 'race to the bottom,' as France and other Council members lowered their ambitions as they attempted to secure Chadian consent."¹⁸

When a peacekeeping mission is reconfigured, there is generally a new dialogue among all parties involved that is designed to build consensus around the new mandate and ensure that the host-state government consents. This is not always the case, however. When the civil war broke out in South Sudan in December 2013, and there was evidence that both the host-state government and the opposition faction were perpetrating serious human rights violations including deliberate attacks on civilians, the mission focus was transformed abruptly from building state capacity to protecting civilians without formal consultations with the parties to the conflict. As a result, it took time for the South Sudanese authorities to fully understand the implications of the mission's new mandate, and this undermined the ability of peacekeepers to operate on the ground.¹⁹ More recently, U.N. Security Council Resolution 2304, which authorized a 4,000-troop regional protection force in South Sudan tasked with protecting civilians, was passed in August 2016. At a Security Council meeting, a South Sudanese representative conveyed the government's rejection of the force "as it does not ... consider the points of view of South Sudan."²⁰ Negotiations with the government on

the modalities of the new force ensued, but, as a result of government obstruction and delays, a year passed before a phased deployment of troops could begin in August 2017.²¹

A mission's legal status to operate on the ground is elaborated in a Status of Forces Agreement (SOFA), which lays out the respective rights and obligations of the host-state government and the mission.²² SOFAs presume consent; they are not the legal act that conveys it. The following are some key distinctions between the SOFA and the legal act of consent:

1. *Timing.* The act of consent generally occurs before the adoption of a peacekeeping mission mandate, whereas the SOFA is negotiated and signed after the adoption of a mandate. A SOFA should ideally be formalized before a peacekeeping mission is deployed,²³ although most recent mandates include a provision whereby a template SOFA, prepared by the Secretary-General in 1990, is legally in force until a mission-specific SOFA is finalized.²⁴
2. *Parties.* The act of consent occurs in negotiations between the Security Council and the host-state government (and potentially other parties to the conflict). The SOFA is negotiated between the Secretariat and the host-state government.
3. *Content.* The act of consent is inextricably linked to negotiations about the content of the peacekeeping mission's overall goal: the host-state government (and potentially other parties to the conflict) are agreeing to a peacekeeping mission with a certain set of objectives. Current SOFAs do not address the mission's objectives and mandated tasks. Rather, they define the status, facilities, privileges, and immunities of the mission and its personnel, as well as the rights and responsibilities of both the mission and the host-state government. They include provisions that are necessary for the mission to operate on the ground pertaining to, among other things, communications, freedom of movement, provision of premises to the mission by the government, arms and uniforms, criminal and civil jurisdiction, and dispute settlement (for private law claims against the U.N.).

Even though SOFAs do not convey consent, they can be useful tools in managing consent. First, SOFAs are an important symbol of the commitments that the Secretariat and the host-state government make to support one another. Second, they provide specific standards that can be invoked when SOFA violations become pervasive (although they cannot on their own guarantee consistent cooperation on the ground from all parties).²⁵ Third, pervasive violations of a SOFA may serve as an early warning sign about the deterioration of the broader health of host-state consent to the mission's presence and mandate.

The mission-specific SOFAs that are in use today are based on a model SOFA for peacekeeping operations that was presented by the Secretary-General to the U.N. General Assembly at the latter's request in October 1990.²⁶ These SOFAs often do not address the complex dynamics that infuse the relationships between many current missions and the host states in environments where peacekeepers are expected to adopt robust approaches on the ground, including those that are potentially in direct confrontation with host-state authorities. For example, SOFAs do not provide any legal parameters for the use of force by U.N. peacekeepers. They also do not include any provisions to create remedies for SOFA violations or mechanisms to resolve disputes over SOFA violations.²⁷

The HIPPO Report recommended the creation of compacts between the United Nations and host states as a way to ensure that governments understand their obligations and fully commit to the responsibilities involved in their consent.²⁸ Conceptualized this way, the compact would aim to elaborate the details of the political aspects of consent (such as the boundaries of the mandate and the respective roles of the mission

and the host-state government in implementing it) in the same way that the SOFA elaborates legal matters pertaining to the status, facilities, privileges, and immunities necessary for the implementation of the mandate, potentially helping to reduce misunderstandings or mismatched expectations between the mission and the host-state government.

The version of the compact implemented by the U.N. in the Central African Republic differs in some ways from the HIPPO model. It is a post-conflict compact model, signed by the mission, the host-state government, and some donor countries, which provides a framework for mutual accountability that may be supported with post-conflict recovery plans funded by the donor community. Under this premise, the government, the United Nations, and the donor community are bound to a common framework of shared priorities, commitments, and principles in order to create incentives for compliance.²⁹ However, capacity issues in the Central African Republic, the complexity of negotiating with a large number of armed groups, and the absence of active Security Council involvement have delayed implementation.³⁰ This post-deployment compact model also does not address the challenge of misunderstandings or mismatched expectations between the mission and the host-state government that may arise during mandate consultations.

**A host-state
government's consent
for a peacekeeping
mission can fall into
three categories: strong,
weak, or **compromised**.**



STRONG, WEAK, AND COMPROMISED CONSENT

Formally, a host-state government's strategic consent for a peacekeeping mission is binary — the consent either exists or it does not. In practice, however, host-state governments may give their consent with different levels of enthusiasm or with different conditions attached that fundamentally affect the mission's ability to achieve its objectives. We propose three categories to describe the type of consent a peacekeeping mission initially receives from the host-state government: strong, weak, and compromised. These categories are not static — for example, a mission that starts off receiving strong consent from the host-state government may later find that it has only weak consent. As we will argue in later sections, applying this typology can help the U.N. assess the risks that different peacekeeping missions face and the strategies that can be adopted to mitigate those risks.

		Elements of Consent		
		Acquiescence to Mission Presence	Acceptance of Mission Mandate	Commitment to Political Process
Types of Consent	Strong	✓	✓	✓
	Weak	✓	?	?
	Compromised	?	?	?

Consent is strong when the government welcomes the deployment of a peacekeeping mission, supports the mandate, and is engaged in a political process intended to resolve the conflict. The ideal scenario involves national actors committing to a peace process and inviting the U.N. to deploy a peacekeeping mission to support it. In this scenario, the government sees the mission as an indispensable component of the restoration of peace and perhaps also the consolidation of its authority throughout its territory. The government may also see the mission as an entry point for international humanitarian or development assistance or investment, or as a buffer against its adversaries. The U.N. thus enjoys strong initial political support and cooperation to implement it, though consent is likely to fluctuate over time and may wane as the government consolidates its authority and gains strength.³¹ Even in situations of strong consent, some areas of disagreement or tension between the mission and the government are likely — for example, even a strongly consenting government may be unhappy with a mission for reporting on human rights abuses that the government has committed.

The Central African Republic offers one example of fluctuations in host-state consent. The state was under critical threat at the time peacekeepers deployed, and the mission was regarded as a tool for ensuring stability and supporting the consolidation of the state. Following elections in 2015, personnel from the U.N. Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA) reported encountering more political friction with government counterparts.³² However, the government remains dependent on the international community to consolidate its power and prevent the state from collapsing or breaking up, and so the mission can be said to still enjoy relatively strong consent.³³

Consent is weak when the government accepts the mission's presence but may not be in agreement with its mandate or committed to the political process the mission is intended to support. In these situations, consent is often granted grudgingly in response to international pressure and without genuine buy-in from

the government.³⁴ The host-state government may accept the mission as a necessary evil (e.g., because the government's control over its territory is under threat and it requires military support), but it does not agree with all aspects of the mandate and does not share the U.N.'s vision for the political resolution of the conflict. The host-state government in these contexts will likely seek to limit the mission's capacity to implement aspects of the mandate by obstructing the mission's operations on the ground, restricting its political space, or failing to act on negotiated agreements. The lack of government cooperation presents serious obstacles for the mission to implement its mandate and achieve its objectives.

The deployment of U.N. Operation in Côte d'Ivoire (UNOCI) is illustrative as a case of weak consent realized under strong French diplomatic pressure during the presidency of Laurent Gbagbo.³⁵ The mission was deployed in early 2004 to support the implementation of the Linas-Marcoussis Accords, signed with heavy French backing. Elected by popular vote in 2000, President Gbagbo recognized the value of French and U.N. peacekeeping forces acting as buffers against the rebels, but he viewed the peace agreement and the peacekeeping operation as an affront to his constitutional authority.³⁶ His strategy thus entailed reducing the political space of peacekeepers and, when circumstances allowed, engaging in direct confrontation and obstruction. As a result, UNOCI's mandate, which required close collaboration with the government in almost all areas, was undermined when the government refused to cooperate. The mission was ultimately sidelined in 2007 after the president negotiated a peace agreement directly with the rebels with minimal U.N. involvement.³⁷

Consent is compromised when there is no genuine buy-in from the government to support the mission's presence, the proposed mandate, or the political process (if there is one in place). Compromised-consent scenarios often involve an authoritarian regime or "big man" system that has an established bureaucracy and security apparatus, and thus the host-state government does not need to rely on U.N. peacekeepers to establish stability in the areas of the country the government wishes to secure. This gives the host-state government the leverage to push back against the Security Council, threaten to reject the mission's deployment altogether, and shape the mission's operational or political parameters. By contrast, in a weak-consent scenario, the government may wish to influence negotiations to restrict the mission's activities, but may lack the international standing or domestic capacity to challenge the will of the Security Council.

In compromised-consent scenarios, the government may insert critical operational and/or political restrictions during negotiations prior to or after the deployment of a mission. These restrictions may relate to the types of activities that peacekeepers are authorized to conduct or the conditions under which they operate. In either case, the host-state government's objective in applying these restrictions is to prevent peacekeepers from being able to carry out any activities that the government finds threatening. For example, the government may restrict the mission's radio use, impose restrictions on the nationalities of troop-contributing countries (in an attempt to keep out any countries that may apply a more robust or impartial approach), or demand minimal U.N. involvement in the political process. Thus, from the outset, the mission is only or largely empowered to conduct activities that the host-state government affirmatively seeks or finds relatively nonthreatening.

A classic scenario of compromised consent involves a situation in which there is an urgent moral imperative to provide humanitarian assistance or to protect civilians, and the government is complicit in creating the crisis. In order to secure consent to protect civilians, the U.N. might temporarily sacrifice other important aspects of peacekeeping essential for the mission's longer-term impact, such as supporting a political process or governance reforms aimed at addressing the root causes of the conflict.

The case of Chad demonstrates how compromised consent may arise. Frequent attacks in eastern Chad by militias from Sudan had created instability along Chad's eastern border.³⁸ After a rebel attack in N'Djamena in April 2006, President Idriss Déby requested the deployment of an international civilian force to protect

the population in the east. U.N. plans to address the crisis were delayed. By the time a decision was made to deploy a mission with a robust military component attached to a political dialogue, Déby's position vis-à-vis the rebels had strengthened, prompting him to question the mission's relevance.³⁹ A compromise was eventually reached to deploy a civilian and police U.N. mission alongside a French-led EU force, with a limited mandate focused on the protection of civilians. According to John Karlsrud, the mission was ultimately accepted because it was not equipped with a strong political mandate.⁴⁰ This concession, made against the U.N. Secretariat's advice, "left the mission with little leverage when the government of Chad finally lost patience with [it]."⁴¹ Ultimately, lacking political support from a majority of the members of the Security Council who questioned the mission's value, the U.N. Mission in the Central African Republic and Chad (MINURCAT) had no lasting impact in Chad. As a U.N. representative who served in the mission observed, "When Déby felt that the regional constellation of forces had shifted, he wanted the mission closed and there was nothing [the mission] could do."⁴²

A similar situation unfolded in Sudan following the crisis in Darfur in 2004. Amid strong opposition against the deployment of a large and robust U.N. peacekeeping mission, the Sudanese government eventually accepted a joint African Union-U.N. mission, but with severe preconditions that impaired the operation from the outset.⁴³ These conditions included a demand for all troops to be African and further rejections of specific nationalities of troop-contributing countries. The Sudanese government blocked, for example, the deployment of advanced military contingents from Norway that were better-trained and better-equipped, but allowed the deployment of forces that came from politically friendly African countries and were unlikely to challenge the government.⁴⁴ As former head of U.N. peacekeeping Jean-Marie Guéhenno contended, "the government of Sudan ... negotiated in such a way that it had ample means to control the pace of transition [from the previous African Union-led mission to UNAMID], and to decide whether it wanted the mission to be a success or failure."⁴⁵

Compromised consent and weak consent both present the risk that the peacekeeping mission will fail to achieve what the Security Council wants it to achieve because the host-state government is reluctant to fulfill its responsibilities. They can also contribute to undermining the mission's legitimacy and credibility, especially in the eyes of the population. Once the population loses confidence in the mission and the peace process, the mission risks losing one of the key partners for peace. Compromised and weak consent can also lead to prolonged deployments with no clear exit strategy in sight, since there is no viable political solution to sustainably resolve the conflict.

Compromised consent presents an additional, more pernicious risk: that the mission will end up unintentionally advancing the harmful agenda of an abusive host-state government. The mission is authorized to conduct activities that the government finds convenient or helpful, which allows the government to maintain popular support from some quarters. But it is prevented from undertaking activities that might threaten the government's hold on power by creating political space for opposition parties, exposing illegal or abusive activities by the government, or providing assistance to populations who oppose the government politically.

As we will discuss in the next section, consent fluctuates over time, and missions that start off with strong consent do not necessarily maintain it. Later sections will explain how the distinction between strong, weak, and compromised consent can be helpful in identifying strategies for managing risks by taking action prior to deployment, immediately after deployment, and after consent has begun to deteriorate.

Consent is not static but in constant flux—a moving target.



SITUATIONS THAT TRIGGER DETERIORATION OF CONSENT

The extent to which a host-state government welcomes a mission's presence can change as the government gains or loses domestic power, as the country's standing in the international arena rises or falls, and as the mission's activities align with or undermine the government's interests. Consent is thus not static but in constant flux, a moving target that is likely to be affected by variations in a host state's authority and by the manner in which the U.N. mission impacts the host state's and other local actors' expectations, perceptions, goals, and interests.⁴⁶ This section describes situations that carry a particular risk of triggering a deterioration of consent, and how host-state governments have tended to manifest that deteriorating consent.

The deterioration of consent can take many different forms but, generally speaking, manifests as either: a) operational disruptions through access restrictions or other violations of the SOFA, or b) political disruptions where the host state seeks to undercut the mission's diplomatic space to the point of rendering the mission irrelevant.⁴⁷ Obstruction strategies by host states can undermine the mission's ability to implement the mandate by simply causing implementation delays, which can impair the mission's situational awareness and its ability to respond to protection threats and human rights abuses, or, on the more extreme end of the spectrum, can result in overt confrontation and a situation where the host state takes active steps intended to remove the mission from the country. Withdrawal of consent is a tool of last resort, often utilized when contradictions between the interests of the government and the mission cannot be reconciled or when expectations are not met.⁴⁸

Common SOFA Violations

- **Blocking supplies and equipment, including spare parts, food rations, and medical supplies.** For example, as of March 2017, a total of 182 U.N. shipments remained at customs in Sudan, pending government clearance. Some of these shipments have been there for a year.⁴⁹
- **Delaying, restricting, or refusing visas.** For example, according to a 2016 report on Darfur by the Secretary-General, 39 visas were rejected in Sudan over the course of a year, including senior positions such as the principal humanitarian affairs officer and the senior women's protection adviser, on two occasions each.⁵⁰ As of March 2017, 292 visa requests submitted since January 2016 remained pending.⁵¹ A U.N. representative observed, "The mission has been trying for a while to conduct a strategic assessment but [the government keeps] denying visas for U.N. staff from headquarters to visit."⁵² This can also extend to obstructing larger deployments of military personnel. For example, the deployment of a U.N. regional protection force to South Sudan was significantly delayed as a result of government obstruction related to the granting of visas and the allocation of land for bases.⁵³
- **Illegal taxation, including parking fees.** In an emerging trend, for example, South Sudanese authorities have demanded that peacekeepers pay a fee before services are provided.⁵⁴
- **Restrictions on freedom of movement by land, air, or water to prevent swift responses to events on the ground.** In Darfur, for example, some of these restrictions have included the imposition of checkpoints or curfews to preclude peacekeepers from conducting night patrols, and the denial of flight clearances. In South Sudan, restrictions on movement became pervasive following the outbreak of civil war in December 2013.⁵⁵
- **Denying or imposing restrictions on access to alleged victims or sites where massacres or human rights violations have occurred, preventing human rights officers from undertaking proper investigations.** In Darfur, the investigation into allegations of mass rape by Sudanese security forces in the

village of Tabit in 2014 was severely undermined by the presence of security and militia representatives during the investigation.⁵⁶

- **Attacks on U.N. property.** These were prominent in Côte d’Ivoire before the 2010 elections and have remained pervasive in Darfur and South Sudan. Attacks may include looting, destruction, or confiscation of U.N. assets and property, or illegal searches of (and illegal entries into) U.N. premises. In June and July 2015, for example, South Sudanese soldiers used rocket-propelled grenades and heavy machine guns to fire at and attack barges from the U.N. Mission in South Sudan (UNMISS) that carried humanitarian supplies, “rendering the engine and communication equipment of [one] barge temporarily inoperable.”⁵⁷
- **Attacks against U.N. personnel.** These can include incidents of rape, shootings, harassment, and extortion, including unlawful arrests and detentions of (typically national) staff. In addition, they can involve issuing *persona non grata* notifications against U.N. personnel, such as Deputy Special Representative of the Secretary-General Toby Lanzer in South Sudan in 2015. Another common government tactic is to deny U.N. staff entry into the country. Morocco, for example, denied Special Envoy Christopher Ross entry into Western Sahara in 2012, and refused Special Representative of the Secretary-General Kim Bolduc entry as the newly appointed head of the U.N. Mission for the Referendum in Western Sahara (MINURSO) for eight months in 2014.⁵⁸ More recently, Morocco expelled 84 international staff in March 2017, after the Secretary-General referred to the country’s presence in Western Sahara as an occupation.⁵⁹
- **Failure by host-state security forces to protect U.N. personnel and property.**⁶⁰ Before the 2010 elections in Côte d’Ivoire, for example, it was common for the media to incite demonstrators (and mobilize the so-called *jeunes patriotes*) to attack UNOCI troops, which resulted in several violent incidents. Many of these incidents took place in the passive presence of Ivorian security forces,⁶¹ which amounted to a form of “implicit encouragement.”⁶²

Five principal situations may contribute to the deterioration of consent and, on occasion, lead to the formal withdrawal of strategic consent: 1) elections or any other triggering event that may realign the balance of power between different actors on the ground, such as renewed violence or regime change; 2) mission activities that are perceived by the host-state government as threats to its own sovereignty; 3) robust approaches by peacekeepers to certain mission activities such as protection of civilians and human rights monitoring, which may run counter to the host state’s agenda when the government is complicit in abuses against civilians; 4) failure of the peacekeeping mission to deliver on promises or mismatched expectations about the mission’s goals; and 5) lack of capacity by the host-state government.

Elections

Elections represent a potential turning point in the relationship between the government and the peacekeeping mission. In the lead-up to an election, for example, tensions can be exacerbated as a result of mission activities that may be perceived as undermining the government’s standing, such as those related to supporting free speech and free assembly, or human rights monitoring. After an election, host-state governments may feel they have renewed legitimacy. They may grow more assertive and often seek to restrict the mission’s political space. In Burundi, for example, the government reduced the presence of international organizations, which were regarded as direct competitors to the new government’s authority, in an attempt to minimize their influence following the 2005 elections. In the Democratic Republic of Congo, following his election as president in the 2006 elections, Joseph Kabila began putting pressure on the U.N. Mission

in the Democratic Republic of the Congo (MONUC) to withdraw from the country, and obstructing the mission politically. In Sudan, following the 2010 elections, which helped President Bashir consolidate his power, the government announced that the mission would need to notify the government prior to any movements by its forces.⁶³

In Côte d'Ivoire, the December 2010 elections led to a dispute over the results and fundamentally altered the relationship between the mission and President Gbagbo's government. A confrontation erupted when the Constitutional Council, controlled by the lame-duck Gbagbo, tried to reverse the results of the elections. The head of the U.N. mission, who was responsible for certifying the elections, rejected the Constitutional Council's decision and recognized Alassane Ouattara as the legitimate new president over Gbagbo. The dispute eventually led to a wave of violence between Gbagbo's forces and Ouattara's supporters, and sparked one of the most heated confrontations between a peacekeeping mission and a (disputed) host-state government, resulting in actions that ranged from the government's blocking supplies and mission movements to Gbagbo's supporters using physical aggression against peacekeepers. Gbagbo ultimately demanded the withdrawal of UNOCI, but international recognition of Ouattara as the legitimate winner deprived the former president of sovereign authority, and the mission was allowed to stay.⁶⁴

Sovereignty

Consent may also deteriorate in the face of perceived threats to host-state sovereignty. As noted above, host-state authorities can view the peacekeeping mission as a way to strengthen their own positions domestically. Cooperation with the mission may be seen as advantageous when it brings the prospect of international resources. It may become less attractive when peacekeepers promote norms and practices that are perceived to undermine local actors' authority, or when host-state authorities fear for their own political survival.

For example, a representative of UNMISS suggested that given South Sudan's recent independence and its history of colonization and oppression, the government has become "obsessed" with sovereignty as a political principle and very hostile to foreign interference.⁶⁵ A representative of the U.N. Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) contended that the mission started having problems precisely when the agenda of President Joseph Kabila began to diverge from the U.N.'s, "when the focus of the mission turned to ... key sovereignty areas where he and his regime did not want the internationals to have a role."⁶⁶ In Côte d'Ivoire, a major crisis erupted in January 2006 following a communiqué by the International Working Group (IWG),⁶⁷ which stated that the mandate of the National Assembly, which had expired in December 2005, should not be extended. The communiqué was deliberately falsified to suggest that the IWG had undermined national sovereignty by calling for the dissolution of the National Assembly.⁶⁸ This led to a major crisis in the relationship between UNOCI and host-state authorities, involving violent demonstrations, a number of SOFA violations (including access restrictions and attacks against the mission personnel and property), and calls for withdrawal.

Host-state governments may also push back against certain mandated activities that are perceived to undermine host-state sovereignty, such as activities related to military justice and other aspects of security sector reform. This is particularly relevant in situations where host states are not consulted on the pace and nature of reforms. In these scenarios, norms are likely to be either resisted or "outmaneuvered,"⁶⁹ prompting missions to waste critical human, economic, and political resources to address the problems associated with obstruction. In the Democratic Republic of Congo, for example, the Security Council has continued to mandate the mission to work on security sector reform, but U.N. staff have reported not being able to fully implement programs in sensitive areas of this agenda. The government obstructs these activities by

simply not releasing previously committed funds.⁷⁰ Reintegration activities have also been challenging in less obstruction-ridden environments, such as Côte d’Ivoire under President Ouattara.⁷¹

The issue of sovereignty is related to an important question all peacekeeping missions face soon after deployment: in what sequence should reforms and/or the different provisions of a peace agreement be introduced? One school of thought among U.N. representatives is that missions should embark on sensitive agendas that may be perceived as challenging host-state sovereignty immediately upon deployment. This would allow missions to establish firm boundaries and principles with the host-state government, and to take advantage of a window of opportunity when missions often have the greatest influence over a host-state government.⁷² Another school of thought is that these sensitive agendas should be delayed, giving mission leaders a chance to develop good relationships with the host-state government that would facilitate the mission’s work later on. As we will discuss on page 36, these sequencing decisions may be informed by an analysis of whether the mission has received strong, weak, or compromised consent.⁷³

Human Rights and Protection of Civilians

Consent may also deteriorate as a result of specific mandated activities, such as human rights monitoring and civilian protection. This is especially relevant in contexts where host-state authorities commit human rights abuses or pose physical threats to civilians. The U.N. peacekeeping policy on the protection of civilians requires peacekeepers to be prepared to intervene unilaterally and to use force at the local level if necessary “to prevent, pre-empt or put an end to threats of physical violence,” even if those threats come from the host-state government.⁷⁴ Undertaking activities that require robust action, including against the government, however, may not only put peacekeepers or civilians in harm’s way but may also put strategic consent in peril.⁷⁵

In Darfur, action against the government has always resulted in a backlash.⁷⁶ As a U.N. representative noted, “Every time there is a peak of tensions ... when we release a report on human rights they do not like or we defend ourselves — supplies stop coming immediately. Visas are not delivered. ... Access becomes extremely difficult and they reduce our ability to monitor and report by reducing the number of staff we have. It lasts for a few months.”⁷⁷ The South Sudanese government has responded similarly to the release of human rights reports, on one occasion expelling a human rights officer. Human rights officers have also been prevented from carrying out investigations into sites where massacres had allegedly taken place in Côte d’Ivoire before and right after the 2010 elections, Darfur, the Democratic Republic of Congo, South Sudan, and other areas.⁷⁸

When missions are mandated to take a robust approach to the protection of civilians, two types of scenarios are particularly challenging. The first relates to situations where the mission is simultaneously mandated to intervene to protect civilians and to work closely with the government in other areas (or where the mission is expected to work jointly with the state to protect civilians). These scenarios may undermine the mission’s impartiality and compromise the ability of the mission to fully implement its mandate. Missions that are so dependent on cooperation with the government may be prone to “unreporting” or “self-censorship,” effectively turning the U.N. into an accomplice to abuses committed by host-state authorities.

In Darfur in 2014, for example, the mission was accused of failing to report accurately on crimes by government forces.⁷⁹ In South Sudan before the civil war began in 2013, peacekeepers grew too close to the government and failed to push back against it over incidents of violence against civilians and indications that the government was attempting to consolidate power in contravention of the constitution. In the Democratic Republic of Congo, MONUC “often turned a blind eye on violations [to the cease-fire] committed by the

Kinshasa side.”⁸⁰ The challenge in these situations is considering how to push back against host-state authorities that abuse human rights or pose a threat to civilians while minimizing the risk of retaliation by the government against the mission, as well as reducing the possibility that this will undermine other core mission objectives.

The second scenario involves situations where the mission is mandated to protect civilians proactively but there are few entry points for cooperation with the host-state government. This was the case in South Sudan following the outbreak of the civil war in December 2013. When the Security Council authorized a new mandate for the mission in May 2014 in response to the violence, the mission found itself in a peculiar situation: it no longer had the government as a partner; it had no significant role in the political process; and its role was centered around the protection of civilians, human rights monitoring and reporting, and creating conducive conditions for humanitarian assistance, which did not facilitate positive interactions with the government.⁸¹ As a U.N. representative noted, “the new mandate turned us into something other than a peacekeeping mission. They later gave us some good offices, which helped, but why would [the government] want to meet with us?”⁸²

Mismatched Expectations

Failures to implement the mandate or deliver on commitments are additional reasons why relations may worsen. For example, in Chad, delays in the construction of airport aprons and police stations, which were promised during the negotiations of MINURCAT II, undermined the already tenuous consent from host-state authorities.

Relations can also be affected by conflicting visions and mismatched expectations about the mission’s goals and tasks. In Mali, the government has requested that the U.N. Multidimensional Integrated Stabilization Mission in Mali act as a partner in its fight against the rebels, but the mission has refused to support the government’s agenda in this area. Even though relations have not become stressed to the point of obstruction, this has remained a significant source of tension. In Chad, President Déby regarded the mission as a buffer against the rebels in the border area. Rebel attacks on N’Djamena in the summer of 2008 and the fall of 2009, which were met with no action from MINURCAT, contributed to the deterioration of relations and became the precursor of the formal request for withdrawal in early 2010.⁸³

Conflicting views about a mission’s mandate from the main parties can also lead to paralysis. MINURSO, for example, has been unable to organize a referendum in Western Sahara as a result of irreconcilable disagreements between Morocco and the Frente Polisario (the representative of the Sahrawi people in Western Sahara) over who should be entitled to vote. The government of Morocco now sees the mission’s mandate as one limited to demining and monitoring the cease-fire,⁸⁴ while the Frente Polisario believes the mission’s central mandate remains organizing a referendum, with other activities such as monitoring the cease-fire “subordinate or instrumental to that aim.”⁸⁵ As a result, no substantial progress has been made in implementing the mandate. The Moroccan government has grown distrustful of the mission, and has sought to control its movement and limit access to local interlocutors.⁸⁶

Lack of Capacity

Deteriorating consent can also be the result of a lack of host-state government capacity, including the capacity to exercise command and control over forces.⁸⁷ In these situations, waning consent may be due to the government’s weakness rather than a deliberate desire to obstruct the mission’s activities. In CAR, for example, the relationship between the government and the mission has become difficult because of the lack

of political will and capacity to undertake certain tasks. Even though these challenges are not so severe as to constitute a threat to the mission's consent, they undermine the mission's ability to implement its mandate. As a U.N. representative noted, "If stakeholders do not want to play ball or do not have a vision for the country or are not willing to do what is necessary," the U.N. cannot assist from the outside.⁸⁸

The case of Haiti illustrates how a more severe lack of host-state government capacity can undermine consent. After Michel Martelly, a famous Haitian musician, won the controversial 2010 presidential elections,⁸⁹ his five-year term was marred by gridlock and animosity between the executive and legislative branches. During his tenure the government failed to hold several elections, leaving the country without full legislative representation for large swaths of time.⁹⁰ In 2014, the legislature was dissolved and Martelly began ruling by decree.⁹¹ He was widely seen as not having the political or management experience to run the country effectively.⁹²

This chaos at the top echelons of the national government prevented host-state authorities from carrying out political commitments and supporting the implementation of the mandate of the U.N. Stabilization Mission in Haiti (MINUSTAH) — to the extent that the government's capacity to consent to these processes became uncertain. While former president René Prével had liaised on a regular basis with the mission and briefed the General Assembly and Security Council in New York multiple times throughout his presidency, President Martelly only met with Security Council members once, during their visit to Haiti in February 2012.⁹³ Quasi-paralysis at the political level inhibited the ability of the government to move forward on several key aspects of the consolidation plan agreed with MINUSTAH, including the strengthening of an electoral commission, the strengthening of rule-of-law institutions, and support to government reforms.⁹⁴

One of the challenges in these contexts involves distinguishing between situations where deteriorating consent is a problem of capacity and where it is a problem of political will — an important difference, since the steps that the mission, the Security Council, and other stakeholders can take to remedy each will be different. In particular, inadequate government capacity to establish an effective chain of command can prevent national consent from translating into a conducive operating environment at the local level. In South Sudan, for example, mission personnel have sometimes found it difficult to identify when restrictions on the mission's freedom of movement are imposed deliberately and strategically by the government (e.g., in an attempt to prevent the mission from witnessing violence perpetrated by the government or accessing vulnerable civilians), and when they are imposed by local figures acting outside the command and control of the central government (e.g., local commanders setting up checkpoints in an effort to secure bribes for personal gain).⁹⁵

RESPONSES TO SOFA VIOLATIONS

SOFA violations represent one of the most common strategies of obstruction when there is no buy-in from the host-state government. In South Sudan, for example, 450 SOFA violations were reported in a nine-month period from March to November 2015.⁹⁶ SOFA violations are generally more pervasive when there is an escalation of violence or when human rights abuses become widespread, precisely when the mission's rapid response is needed most.⁹⁷

While there are no formal tools for member states or guidance for mission leadership to navigate the relationship with host states, the Secretariat and specific U.N. missions have routinely implemented four different (and often overlapping) types of responses designed to address SOFA violations. The first one involves avoidance — implementing measures designed to prevent situations in which peacekeepers might come into direct confrontation with host-state authorities. These measures can sometimes be counterproductive when they result in self-imposed limitations on movement, and may leave civilians in dangerous locations without protection when not enough “reassurance” from the government is granted. The mission in South Sudan, for example, has regularly used flight safety assurances and formal communications to notify the government about movements and to avoid confrontations with its forces (at one time even requiring a member of the South Sudanese armed forces to be on each flight to assure security). While mission leadership has never interpreted these exchanges as requests for permission to operate, over time they have become a *de facto* self-imposed restriction that has, in turn, undermined the mission's SOFA and its ability to respond adequately and opportunistically on the ground.⁹⁸

The second line of response involves direct, local engagement when faced with a SOFA violation. This is undertaken by peacekeepers on the ground, but there is a high degree of flexibility in terms of how they respond to violations. While some missions have developed standard operating procedures that provide troops with specific guidance and instructions for engagement when facing access restrictions,⁹⁹ the commander on the ground is ultimately the one responsible for interpreting these guidelines and making decisions in theater.

A number of variables may influence the commander's calculation for engagement, including operational feasibility, potential risks to troops, and potential risks to civilians (particularly those in nearby sites). A common challenge in many missions is how to deal with informal checkpoints — and whether to push through, turn around, or stay and negotiate. In South Sudan, for example, peacekeepers may be able to push through a checkpoint but “then you have another checkpoint and civilians back in the campsite. You need to think about those civilians. Logistically, it is not realistic to push through.”¹⁰⁰ In some situations, contingents have turned around when faced with even minor opposition at checkpoints, even if they had the right to respond robustly.¹⁰¹ And in other cases, mission leadership has simply opted for accepting restrictions and adjusting operations accordingly “for the sake of the smooth functioning of the mission,”¹⁰² even if that means undermining the mission's credibility and its ability to implement the mandate.

Given the mixed record on how peacekeeping units have responded (or not responded) to access restrictions, some missions have introduced innovative approaches. UNMISS, for example, has set up mentor teams to guide peacekeepers on planning and execution, and to teach them how to interpret guidance on the ground (these were used for the first time with Operation Unity I and II). As a representative of UNMISS noted, “We were able to tell them how to do this, how to start negotiating [at the local level] ... and if that does not work, we can negotiate from [higher levels to reach] SPLA headquarters. [This is how] we were successful in reaching central Unity areas, where we had not been present since before the crisis in 2013.”¹⁰³ These practices are not widespread, however. Furthermore,

there is still a significant amount of pressure to stay “inside the tent,” because bad relations “can make it impossible for a mission to operate [and] to move around the country.”¹⁰⁴ The default approach is still driven by the necessity to preserve the consent and good will of the government. In cases where state authorities are engaged in human rights abuses or atrocities, this approach may seriously undermine the legitimacy of the mission in the eyes of the population by making it complicit with the government’s actions.

The third line of action involves tracking and reporting, especially in missions where SOFA violations are pervasive, such as UNAMID and UNMISS (although not all violations are recorded). Access restriction reports move through multiple channels and divisions but are all ultimately conveyed to the mission’s joint operations center so that mission leadership has a good understanding of the situation. Once codified, SOFA violations are raised diplomatically on several levels, ranging from the host-state government to the Security Council.

Diplomatic tools are the fourth type of response and can be used at multiple levels. At mission level, leadership engages with the appropriate ministries to ensure understanding of the mission’s mandate and the government’s obligations, and to raise any issues pertaining to any SOFA violation. In South Sudan, for example, the mission meets with government counterparts on a regular basis to provide a list of specific violations and request an investigation to ensure accountability. The government, however, often fails to share the results of any investigation it has committed to undertaking.¹⁰⁵

Some missions have established formal mechanisms of dialogue to address these issues. For example, following suspicions from some government officials that peacekeepers were collaborating with rebels, MINUSCA set up a weekly meeting bringing together the mission’s force commander with counterparts from the Central African Republic military, police, and gendarmerie to share assessments, plan operations, coordinate activities, and reduce misunderstandings.¹⁰⁶ A U.N. representative said that this approach “to a large extent ... avoids obstructions to operations.”¹⁰⁷ In Darfur, the mission has revived the use of a tripartite mechanism that meets at both the technical and political levels. The body was initially intended to meet three times a year in order to accelerate the process of deployment and review operational challenges, but it now meets every two to four weeks, and is currently used to hold the government accountable to its obligations. As another U.N. representative observed, “The mechanism has not necessarily improved the situation but it has allowed us not to be bullied, and show them we are not passively accepting their intimidation. We pushed politely but firmly to address our issues.”¹⁰⁸

Cooperation with the donor community, including the use of diplomatic *démarches* at the highest level to protest the most serious abuses, has yielded some results in Sudan. In order for these tools to work, however, strategic thinking is critical. As a U.N. representative observed, “You [need to] use all the channels that can exert pressure ... [and] identify who will make the most impact. Collaboration and mutual support ... gives us the opportunity to get some messages out that we cannot say as the U.N.”¹⁰⁹

Generally speaking, missions prefer to address SOFA violations quietly and bilaterally with the government because public pressure is often counterproductive. As a representative of UNMISS argued, “the moment you go through the press and point fingers, it is always going to worsen the situation and put people on the defensive. [Governments] don’t want to lose face.”¹¹⁰ Another UNMISS representative described a crisis in July 2015, when the South Sudanese government suspended barge movements, including the transport of humanitarian supplies. In that case, the representative said, the mission was “careful not to publicize it but [to] deal with it diplomatically on the ground. [New York headquarters wanted to go public] but we said, ‘Let’s not make our life more difficult here because we do not know if there is a command and control problem.’”¹¹¹

Often, however, the mission is unable to effect behavioral changes in the government. In Sudan, complaints to authorities about bureaucratic delays have often been met with threats to further curtail cooperation with the mission.¹¹² When issues cannot be resolved diplomatically on the ground, access restrictions and SOFA violations may escalate and involve the diplomatic support of U.N. headquarters in New York and the Security Council. The Security Council has a number of political tools at its disposal to address these violations (e.g., Council presidential statements, groups of friends, etc.) but this body has been slow in responding, opting for limited engagement in the daily operations of peacekeeping missions. Mission leadership has also tended to let violations fester for too long before taking matters to the Security Council. As a U.N. representative suggested, “We have had continuous lack of addressing [violations]. We are not creative, do not use new tools, do not deploy the Secretary-General and Deputy Secretary-General enough; we need savvier tools.”¹¹³

In short, while a more systematic approach has emerged in missions where access restrictions are part of the daily operational routine (such as in South Sudan and Darfur), these approaches have remained ad hoc. Information about how U.N. missions deal with access restrictions and other violations is still scant, precluding the development of a framework of lessons learned. Further analysis and monitoring is thus needed to understand what strategies work best and under what circumstances.

If the deterioration of consent reaches an extreme, the government can threaten to expel the mission.



STRATEGIES FOR MANAGING CONSENT

The previous sections outlined how consent operates in peacekeeping doctrine and in practice, and demonstrated that consent is not a black-and-white issue. While it remains a fundamental principle that peacekeeping missions deploy only with the strategic consent of the host-state government (and other parties to the conflict whenever possible), consent is sometimes grudging, often misunderstood, and never static. Even the missions with the strongest support from host-state governments sometimes face challenges related to SOFA violations or efforts by the government to stymie missions politically. For example, the Central African Republic government strongly wants MINUSCA to remain in the country, and even initially requested that MINUSCA take on more executive functions. Yet it has committed numerous small-scale SOFA violations, such as attempting to impose taxes on fuel purchased by the mission, or opening a MINUSCA weapons container in front of journalists out of suspicion that the mission was arming rebels.¹¹⁴

The previous sections also highlighted that the deterioration of host-state consent can be fatal to the effectiveness of a peacekeeping mission. As the host-state loses interest in cooperating with the mission politically, or begins restricting mission operations, the mission's ability to implement its mandate plummets. Once the deterioration of consent reaches an extreme, the host-state government can play its trump card and threaten to expel the mission. This puts the mission in an extremely dangerous situation. Complying with the government's demands could mean failing to carry out the mandate, risking a loss of impartiality, or even lending support to a government that is perpetrating human rights abuses. On the other hand, failing to comply could mean being forced out of the country and being unable to implement the mandate at all.

In an effort to remain on the government's good side, missions may tone down their public or private criticism. They may decide not to push strongly on issues that they know to be sensitive for the government (even if these issues are critical to the mission's political strategy), and instead emphasize activities that the government is likely to welcome, on the basis that these activities could provide an entry point to better cooperation and thus a closer relationship with the government. While these compromises may sometimes be necessary, this defensive posture can be dangerous. A U.N. representative described this risk as it related to MONUSCO, saying that as the mission progressively compromised its strategic role, it developed a "service provider syndrome."¹¹⁵

This section lays out steps that can be taken to minimize these risks before a peacekeeping mission is deployed, in the initial months after its deployment, and after consent begins to deteriorate.

Managing Consent Before Deployment

Before a peacekeeping mission is authorized, there are a number of ways that the Security Council and the Secretariat can lay the groundwork to avoid future conflicts over consent. In their initial consultations with the host-state government, the Security Council and the Secretariat should have clear conversations with host-country stakeholders about what strategic consent means and what the government's responsibilities under the SOFA will be.

During these initial consultations, the Security Council and the Secretariat should assess how strongly the government appears to support a peacekeeping operation prior to the deployment of a mission and should provide a detailed analysis of this support vis-à-vis the mission, the mandate, and the broader political process. This assessment should include consideration of potential scenarios of risk and opportunity associated

with strengthening or deteriorating consent, as well as implications for the safety and security of personnel and the implementation of the mandate. This analysis should be shared and discussed with potential troop- and police-contributing countries during early discussions of mission commitments.

After consent is established, the Security Council and the host-state government should sign a compact as recommended by the HIPPO Report (see page 16). This compact should capture the shared political vision of the government and the Security Council, and detail the respective roles and responsibilities of the government and the mission in achieving that shared vision. The compact should also identify mutually agreed priorities for the reform of state institutions (e.g., security sector reform, promotion of rule of law, or constitutional reform), since these are particularly sensitive issues and misunderstandings are likely to lead to a deterioration of consent. The agreed priorities identified in the compact can then be used by mission leadership (and the donor community) as entry points for cooperation with the government when the mission deploys. Where possible, the compact should be signed prior to the mission's deployment.

While weak consent is challenging for missions to work with, missions like UNAMID have demonstrated that compromised consent creates far greater risks to the success of a peacekeeping mission. The Security Council and the Secretariat should therefore be careful to avoid a situation in which a host-state government attempts to impose conditions on its consent. They should emphasize the need for U.N. good offices and involvement in the political process, and should respond as firmly as possible (e.g., by explaining that consent does not extend to operational considerations such as troop nationality, and that this is a non-negotiable principle). In these situations, the Secretariat should analyze the host-state government's "pressure points" and reasons for wanting a U.N. peacekeeping mission, and the Security Council should use these to push back against attempts to negotiate a compromised consent.¹¹⁶ (In scenarios of urgent humanitarian need and when the host state is reluctant to accept a peacekeeping mission, the Council should consider, if at all possible, the use of mechanisms that do not require host-state consent, as described on pages 40-41.)

One challenge on this front is that many host-state governments have in the past successfully injected operational demands into mandate negotiations. This precedent makes it difficult for the Security Council to push back against future attempts by host-state governments to use operational conditions as a means to secure compromised consent. The Special Committee on Peacekeeping Operations, also referred to as the C34, should include language in its next report highlighting the safety and security risks created when host-state governments violate SOFAs. Such risks can be created when host-state governments obstruct the entry of personnel or equipment (e.g., preventing medical supplies or food rations from entering the country) or when they impede freedom of movement within the country (e.g., delaying casualty evacuation services from reaching injured peacekeepers). The report should clarify that host-state governments have a responsibility to abide by the provisions of their SOFAs. The C34 is a conservative body, which means that its language on this issue could send a strong message. A C34 report to this effect may be helpful as an advocacy tool for use by the Secretariat or the Security Council to push back against host-state government attempts to assert operational demands that may imperil peacekeepers' safety.

As part of the pre-mandate consultation process, the Security Council should ideally visit the country in question to meet with all major parties (either separately or together, depending on the fragility of the diplomatic process). Failing that, the Council should invite the major parties and civil society representatives (or, at minimum, a senior representative of the host-state government) to provide a briefing in New York. Direct engagement by the Security Council with the host-state government (as opposed to involvement by individual members not claiming to represent the Council, which is sometimes the case currently) would help to reduce misunderstandings and clarify expectations, as well as to remind the host-state government that the U.N. mission is backed by the political weight of the Security Council. This would also provide

Council members with a deeper understanding of the political dynamics at play as well as a sense of responsibility and investment in the mission beyond the adoption of the mandate.

After deployment, the Security Council should remain abreast of developments affecting the relationship between the mission and the host-state government through quarterly reports and strategic reviews prepared by the Secretary-General, and should request follow-up briefings by the Secretary General when further information and response options are needed.

The Secretariat should generate advice on consent as part of a broader political strategy tool kit for mission leadership. The tool kit should include guidance on how to navigate the relationship with host-state governments, outlining different consent scenarios facing peacekeepers following deployment, response options, and other relevant matters such as the sequencing of mandated tasks, maintaining political commitment of parties to the peace agreement, dealing with spoilers, etc. The guidance should also specify a set of criteria for identifying serious deterioration of consent, which, when met, would encourage the Secretariat to bring the issue to the Security Council for consideration and/or further action.

Mission-specific SOFAs are best suited to define the rights and responsibilities of peacekeeping operations, but peacekeepers are often deployed while SOFA negotiations are ongoing. As a result, missions may operate in complex environments with a template SOFA that has not been fully assimilated by the relevant authorities and is not fully suited to the context during the critical start-up mission phase. The Secretariat should charge relevant mission personnel at different levels with communicating and explaining the contents of the SOFA to their counterparts in government. For example, mission leadership should communicate with senior political figures in the executive and legislative branches, individual police officers and military advisors should engage with their security sector counterparts, and the mission's legal team should sensitize relevant officials from justice and law enforcement agencies. This communication should put an emphasis on mission and host-state rights and responsibilities, and the implications associated with violations of the agreement. While it is the responsibility of the host state to ensure that the different levels of government are informed of the SOFA, the mission should engage and communicate with relevant authorities.

The mission-specific SOFA should also clearly state that freedom-of-movement restrictions, attacks on U.N. personnel and property, failure to protect peacekeepers, and other operational impediments constitute serious violations of the agreement, and should identify mechanisms designed to address such violations. The SOFA could, for example, provide for the creation of a mechanism by which both the government and the mission regularly meet to discuss SOFA-related issues, with recourse to the Security Council when serious violations are systematic and remain unaddressed. Importantly, the SOFA should explain the mission's responsibilities with respect to the *people* of the country, and not just with respect to the state.

Finally, the Secretariat should send experienced start-up teams and select the first leaders deployed to a new mission using criteria that include their ability to manage the challenging issue of host-state consent. Induction training for these and subsequent mission leaders should include a briefing on sensitive issues that arose during the mandate consultation process and since deployment (if relevant), scenarios that are likely to trigger deterioration of consent, and an outline of response options. Induction training should also highlight the importance of the SOFA, and how to identify and respond to different types of SOFA violations.

Protecting Consent After Deployment

In situations where consent is strong, the first few months of a peacekeeping mission generally offer a window of opportunity in which relations between peacekeepers and the host-state government are at their best, whereas in situations of weak or compromised consent, the mission's capacity to promote certain

agendas is constrained from the start. Where consent is weak or compromised, host-state governments will use the first few months of a peacekeeping mission to test the boundaries of what peacekeepers will be willing to tolerate. In either case, the initial period after a peacekeeping mission deploys can offer a critical opportunity to protect consent from later deterioration or to promote cooperation in those cases where initial consent is already eroded.

Some personnel within the U.N. system have identified a central dilemma in how they approach this initial window of opportunity. On one hand, peacekeeping missions often have the greatest scope to act on sensitive issues related to the reform of state institutions in the initial months after deployment. On the other hand, acting on sensitive issues at the start of deployment can create frustrations within the host-state government and may themselves trigger a deterioration of consent.

In contexts with weak or compromised consent, missions should navigate this dilemma by prioritizing issues for which the mission's and host-state government's priorities overlap in order to demonstrate early on to host-state governments the value that the mission can bring. For example, MONUSCO was able to make progress on addressing the use of child soldiers as well as impunity for sexual violence within the Congolese armed forces, even at a time when relations between the mission and the government were so strained that coordinated military operations had been suspended.¹¹⁷ The mission recognized that it was in the government's interests to show progress on these two (traditionally highly sensitive) agendas — on child soldiers, because the government wanted to be removed from the U.S. list of countries implicated in the use of child soldiers, and on sexual violence because of the international stigma created when the Democratic Republic of Congo was dubbed the “rape capital of the world.”¹¹⁸ The mission was then able to prioritize these two agendas and mobilize political and financial support to address them.¹¹⁹

In contexts with strong consent, the mission should take a different approach — by prioritizing potentially sensitive mandated tasks (especially those related to poor governance or human rights violations by the government) that the government may not immediately consider to be in its own interest. The mission should then work in the initial months of its deployment to persuade the government to cooperate on tackling that agenda. For example, soon after its deployment, UNMISS convinced the South Sudanese government to cooperate on an initiative to reduce prolonged and arbitrary detention. The government was initially reluctant to draw attention to the problem. However, the mission was able to persuade them that, since it was a problem that affected a large number of families in the country's interior, addressing the problem would help bring popularity and legitimacy to a new government trying to prove itself. This type of approach can help to set a precedent for cooperation on sensitive issues.

Beyond the initial window of opportunity, the mission should conduct three regular activities to protect consent after deployment. First, it should regularly monitor consent in order to identify any signs of deterioration, and should analyze patterns of obstruction if consent has already been eroded. Second, it should identify interlocutors within the government and set up coordination structures to minimize misunderstandings, particularly on issues that commonly trigger a deterioration of consent. Third, the mission should systematically and thoroughly document any early SOFA violations and respond firmly to any sign of obstruction. Initial signs of deteriorating consent can be hard to spot, and it can often be hard to tell whether the government is committing SOFA violations deliberately or they are being committed accidentally or out of ignorance. Nevertheless, it is critical for missions to send a strong, early message to host-state governments that SOFA violations are unacceptable. The response should be firm even if the SOFA violations are relatively minor, and even if peacekeepers are not certain that they were deliberate or ill-intentioned. This early action can help protect the mission against more serious violations later on.

In contexts with strong consent, the most strategic response will likely be to engage the government using private diplomacy — for example, to explain that the government’s actions violate the SOFA and remind them of their respective responsibilities under this agreement. To send a strong message about the gravity of SOFA violations, missions should consider using high-level meetings — for example, between the heads of the mission and the government, as well as other relevant officials — in response to early SOFA violations.

In contexts with weak or compromised consent, and particularly when there is an established autocratic government in power, it may be necessary to send a stronger message on SOFA violations. If the mission tries private diplomacy and this proves ineffective, the mission should consider the “sticks” at its disposal. Governments consenting weakly to the presence of peacekeeping missions often depend on the security and logistics assistance that missions provide, so missions can consider options such as refusing to provide fuel, refusing access to U.N. flights, or suspending joint military operations until SOFA violations have stopped.

In either case, all SOFA violations (including ambiguous cases) should be documented clearly and systematically. The Under-Secretary-General for Peacekeeping Operations should issue a directive requiring heads of mission to send monthly reports on all SOFA violations to the Secretariat so that regular reporting becomes an integral and routinized part of mission activities. Senior mission leadership should make sure that mission personnel, especially troops who are most likely to experience restrictions on movements, clearly understand the SOFA and their responsibility to report SOFA violations. The Secretariat should include a section on SOFA violations in mission quarterly reports, whenever relevant, and devote a section of each mission’s strategic review to an analysis of the status of consent (which goes beyond merely reporting SOFA violations and encompasses an analysis of the strength of the host-state government’s political commitment to the mission’s mandate and to any relevant political processes supported by the mission), including potential response options when Security Council action may be required.

Systematic documentation of SOFA violations from the outset of a mission is critical for three reasons. First, it enables the mission to track and analyze the status of host-state consent, understand the pattern of violations, and adjust course if necessary. Second, it is a very important tool for mission advocacy with the host-state government. Host-state governments find it harder to deny that the problem exists or to dismiss it as a minor issue if systematic documentation exists. Moreover, if the SOFA violation is motivated by local opportunism rather than directed from the top, the documentation can help the government sensitize the relevant parties about their responsibilities under the SOFA. Third, documentation can be extremely helpful if and when mission leadership decide to escalate requests to the Security Council. In particular, rigorous documentation of the SOFA violations themselves, as well as how the mission has already attempted to address them, can be very helpful in convincing member states like China and Russia, who traditionally point to the principle of host-state sovereignty as a reason for the Council not to get involved, to engage on these issues.

Finally, missions should work to ensure that their activities do not contribute to an authoritarian system of government, under which it is easy for a head of state to control mission activities using the threat of withdrawal of consent. Some mission leaders have tended to prioritize their relationships with heads of state and the executive branch of governments, because they are the most obvious counterparts and because the consent of the government ultimately rests with the head of state. However, focusing on the executive branch (led by one party) rather than on the broader institutions of the state or other local levels of government can help to concentrate power in one individual, and eventually make the mission vulnerable to the behavior of that one individual.

For example, in South Sudan, UNMISS did not push back strongly in 2013 when President Salva Kiir began to dismiss state governors — a move seen by many as unconstitutional — because it wanted to maintain its relationship with the president.¹²⁰ In the Democratic Republic of Congo, President Joseph Kabila altered the constitution to ensure his easy electoral victory in 2011,¹²¹ co-opted the Republican Guard for personal gain,¹²² and divided the country's 11 provinces into 26 in the run-up to the 2016 electoral season to consolidate ruling party power throughout the country.¹²³ The mission has generally responded tepidly to Kabila's abuses of power. Senior mission personnel, particularly those based in Kinshasa, have expressed concern that public criticism of the president would lead Kabila to withdraw consent.¹²⁴ These examples demonstrate that if missions do not actively work to support and empower the parts of government that can serve as a check on heads of state, they may create the conditions for their own obsolescence. Mission leaders should be trained and encouraged to engage substantively with a broad range of state institutions, including representatives of the legislature and opposition parties, and to consistently monitor and support good governance structures.

Responding to Deteriorating Consent

One of the greatest vulnerabilities for a peacekeeping mission is the deterioration of relations to the point where the government is willing to threaten to revoke its consent. At that point, the mission loses leverage to push back against government abuses or to influence political settlements and conflict dynamics. As one former head of a U.N. peacekeeping mission noted, “The only weapon they have is to withdraw ... consent or make it so fragile that you'll bend backward to keep it ... When you reach that zone where consent is conditional, if you're not careful, it can paralyze you.”¹²⁵

There are limited steps that a mission can take on its own under these conditions. A mission can continue to systematically document SOFA violations and share those violations with the government and the Secretariat. It can continue to use diplomatic channels, operational coordination fora, and other mechanisms to engage in dialogue with the host-state government in an effort to reduce misunderstandings. It can adapt its communications strategy, resisting efforts by the government to frame the issue as one of sovereignty, and framing it instead as a failure by the host-state government to honor its contract with the Security Council and the international community. This communications strategy should include a renewed emphasis on public messaging to secure as much popular consent as it can as a bulwark against deteriorating government consent. Nurturing popular consent from the start of the mission is thus essential so that it can be leveraged at this stage. Finally, the mission can provide political analysis to help the broader international community take more effective action — for example, an analysis of regional powers that may have leverage and the different centers of power and motivations within the government, opposition parties, and civil society.

When a serious deterioration of consent has occurred, the Secretariat can support the mission by making use of the Secretary-General's good offices and by engaging in mission visits to raise the issue of SOFA violations with host-state authorities. The U.N. Secretary-General or Deputy-Secretary-General can also make strong statements during these visits and meet with other influential governments or organizations. The Secretariat can also help by bringing the issue to the attention of the Security Council through “situational awareness” briefings, an informal exchange intended to provide the Council with information on issues of immediate concern (these briefings were championed by the New Zealand government, and the Secretary-General initiated them in September 2016).¹²⁶ Efforts to present information in a strategic, cohesive, and actionable manner should be emphasized so that Security Council members can better understand the range of possible actions at their disposal and are encouraged to act.¹²⁷ In order to make the best of these

strategic exchanges, both the mission and the Secretariat should engage representatives of member states that are generally not consulted (including Russia and China), identify potential member-state champions, and raise consent issues informally with them even before formally bringing the issues before the Security Council. The Secretary-General can also bring serious concerns about host-state consent to the Council's attention under the rubric of "any other business" following consultations.¹²⁸

Given how few options mission leaders and the Secretariat have at their disposal, primary responsibility for responding to openly hostile host-state governments must fall to the greater international community, with the assistance or at the request of the Secretary-General. This includes not only the Security Council, but also any other entity that might sway the host-state government — relevant Groups of Friends, troop- and police-contributing countries, influential neighbors or regional organizations, trading partners, and donors — with support and advice from the Secretariat. Reliance on entities outside the Security Council will be particularly relevant in situations where the Council is divided.

In cases of urgent necessity, when SOFA violations require immediate response by the Security Council, and when preceding actions by the Secretary-General have been ineffective, the Secretary-General should provide recommendations for action to the Security Council by making use of his/her good offices, making public statements, or by formally invoking Article 99 of the Charter of the United Nations, whereby the Secretary-General may bring to the attention of the Security Council any matter that may threaten international peace and security.¹²⁹ If addressing the Council in public is politically sensitive, the Secretary-General should prompt Council action by approaching its members behind the scenes or through informal gatherings.

When prompted to act, the Council and any influential parties can coordinate action, offering incentives or disincentives for the government to stop obstructing the mission, and following through if SOFA violations and open hostility toward the mission continue.

The Security Council can also request regular updates from the Secretariat on the status of SOFA violations, advocate forcefully and publicly around particularly urgent issues (e.g., the kidnapping of U.N. personnel), and conduct visits to the mission to engage in direct high-level dialogue with the host-state government. Field visits serve to inform Council members of the challenges facing peacekeeping missions,¹³⁰ but members need to be more effective in delivering a unified message so that divisions are not exploited by the host-state government.¹³¹ When members of the Security Council visited South Sudan in September 2016 to demand that the government accept the deployment of the U.N. regional protection force, President Kiir signed a communiqué promising to accept the force but later withdrew his acceptance. Some believe that this was the result of vanishing political unity following the visit and the lack of follow-up by the Security Council. The Council instead entrusted follow-up activities to U.N. officials on the ground, who hold less political leverage than Council members.¹³²

Smaller missions involving a few Council members could also be deployed more quickly and "engage more easily in the type of face-to-face preventive diplomacy."¹³³ While in the country, Council members should place greater emphasis on engaging with the public, both to bolster popular confidence in the mission and counter harmful messages from the government. The Security Council could also conduct visits to other influential actors — for example, the African Union Peace and Security Council — to encourage them to take action¹³⁴ or deliver diplomatic *démarches* by their field representatives to protest the most serious SOFA violations.

The Security Council has several other options to influence host-state government behavior. In a presidential statement, the Council could also request that the Secretary-General present a report on the subject, offering a detailed analysis of different ways in which the host-state government may impact the mission's

ability to implement the mandate through consent, and including proposals for action.¹³⁵ Other presidential statements could be drafted to muster support for specific missions and increase diplomatic pressure on host-state governments that are obstructing peacekeeping missions. The Security Council could also meet with representatives of host-state governments and other nonmembers of the Council in informal interactive dialogues in order to hold off-the-record, candid discussions about consent issues that may arise during the lifespan of a peacekeeping operation.¹³⁶

Influential member states could consider imposing or lifting sanctions as a means to exert pressure or provide incentives for the government to change course, stop the most serious and egregious SOFA violations, and promote cooperation with the mission. The organization Security Council Report has proposed that more incentives should be built into the design of sanction regimes, “for example by making aid conditional on compliance or by easing sanctions as behavior improves.”¹³⁷ This approach was applied recently by the U.S. government, which announced in January 2017 that it would lift U.S. sanctions against Sudan (including a trade embargo) in July¹³⁸ provided that the Sudanese government met several conditions, including some criteria that affected UNAMID’s ability to carry out its mandate (such as ending hostilities in the South Kordofan and Blue Nile areas and improving humanitarian access).¹³⁹ U.N. sources reported that during the intervening period, there was a noticeable improvement in relations between UNAMID and the host-state government, and the mission was able to access some parts of the country to which the government had previously blocked access. However, the longer-term impact is difficult to gauge. As a U.N. representative noted, the Sudanese government came to the realization that making concessions would help them in the long run, “but the lives of the IDPs [internally displaced people] have not improved and the root causes of the conflict have not been addressed.”¹⁴⁰ Nonetheless, while the lifting of sanctions was not a silver bullet, it may have helped to improve the mission’s negotiating position.

The U.S. government also recently applied a creative approach to sanctions with respect to the Democratic Republic of Congo, when it sanctioned not only François Olenga, head of the Republican Guard (which has been co-opted as a personal protection force for President Kabila) but also the Safari Beach resort, which Olenga owns.¹⁴¹ The U.S. and the European Union also recently sanctioned several other senior officials in the Congolese government, including close associates of President Kabila.¹⁴² The U.S. Treasury Department announced that the U.S. was “prepared to apply additional sanctions against those who undermine the country’s democratic or electoral processes.”¹⁴³ It is too soon to tell what the effect of these sanctions will be, but they send a strong signal that the international community supports MONUSCO’s efforts toward ensuring that elections are held. Pursuing business interests of individuals in government responsible for grave human rights violations, undermining democratic processes, or otherwise seriously obstructing the mandate of a U.N. peacekeeping mission could be useful avenues to pursue.

In a similar vein, under some circumstances international financial institutions and member-state donors could consider imposing conditions on aid related to a government’s willingness to lift obstructions on mission activities. Neighboring countries and regional organizations can also exert significant leverage when the Security Council is unable to act effectively. The African Union, for example, sent a strong message in Burkina Faso following the military coup in September 2015, only a few weeks before the first democratic elections in decades. The African Union suspended Burkina Faso from the organization and gave coup leaders four days to hand power to civilians or face travel bans and asset freezes.¹⁴⁴ While it is difficult to ascertain the impact the sanctions had, the transitional government was ultimately reinstated one week after the coup.

In extreme situations — particularly where the host-state is perpetrating widespread violence against civilians — the Security Council must consider whether to authorize and support interventions or mechanisms

that do not require the consent of the host-state government, either to replace or to work alongside the mission. For example, the African Union Assembly can authorize interventions into its own member states without their consent in situations involving war crimes, genocide, or crimes against humanity.¹⁴⁵ Coalition interventions authorized by the Security Council pursuant to the responsibility-to-protect principle in situations involving genocide, ethnic cleansing, war crimes, or crimes against humanity (such as the 2011 intervention in Libya) also do not require the consent of the host-state government.¹⁴⁶

The deployment of such nonconsensual missions, or a credible proposal to deploy them, could put pressure on host-state governments that U.N. peacekeeping missions cannot (though they come with their own set of risks, which are outside the scope of this paper to address). For example, in 2017, the Economic Community of West African States successfully used the threat of a regional military intervention to persuade Gambian president Yahya Jammeh to step down after losing the presidential election in December 2016. This demonstrates that regional or coalition interventions can be an effective tool to influence host-state governments that have proven unreceptive to other forms of international pressure. The Security Council should be willing to consider this option when the absence of meaningful host-state consent has rendered peacekeeping missions toothless.

**The Security Council
must play a **more
active role** prior to the
deployment of a mission.**



CONCLUSION

Peacekeeping missions face very serious risks when they operate without strong host-state consent. These risks include an inability to implement key parts of the mandate, the unmooring of a peacekeeping deployment from any political process, the endangering of peacekeepers' safety and security, and the inability to execute a sustainable and strategic exit. But if the U.N. Security Council, other influential member states, the U.N. Secretariat, and mission leaders are willing to act decisively, strategically, and early, there are many actions they can take to protect and strengthen host-state consent.

The experiences of current and past peacekeeping missions offer important lessons for how the Secretariat and mission leaders can mitigate these risks and promote stronger host-state consent going forward. The Secretariat should produce guidance and offer induction training for mission leaders to help them understand the political sensitivities and priorities of host-state governments, common triggers of deteriorating consent, and potential strategies for response. The Secretariat should also routinize reporting from missions on the status of host-state consent to ensure that the Security Council is adequately informed and that reports do not become politically contentious. Mission leaders should be vigilant about monitoring and responding firmly to SOFA violations; ensure that the mission's political strategy is informed by an analysis of whether consent is strong, weak, or compromised; set up mechanisms for coordination with the host-state government to reduce misunderstandings; and request diplomatic support to address consent challenges when necessary.

Ultimately, however, the greatest change must come from U.N. member states. Without a significant change in norms, behaviors, and expectations within the Security Council and among member states more broadly, peacekeeping missions will not receive the political support necessary for them to maintain strong consent. The Security Council must play a more active role prior to the deployment of a mission, ensuring that it has minimized the risks of misunderstandings and mismatched expectations. Once a mission is deployed, the Council must remain actively abreast of the mission's political progress, including the status of host-state consent. If host-state consent begins to deteriorate, Council members and other influential member states must step in decisively to engage diplomatically with the host-state government and protect peacekeepers' ability to operate safely on the ground and implement their mandates.

This report's publication comes at a moment when the U.N. system is grappling seriously and along many fronts with the question of how to make U.N. peacekeeping fit for purpose. The fundamental issue of how peacekeeping missions navigate host-state consent and operate in environments of weak or compromised consent must be part of this discussion. With an honest examination of the challenge, and some decisive action, U.N. stakeholders can promote stronger cooperation between peacekeeping missions and host-state governments, and can ensure that missions have the political support they need to succeed.

ACKNOWLEDGEMENTS

This report is based on desk research as well as open-ended interviews with current and former representatives from the U.N. Secretariat and U.N. agencies in New York in 2017 and 2018, and with representatives from U.N. peacekeeping missions, U.N. agencies, national governments, NGOs, and civil society in the Democratic Republic of Congo, South Sudan, the Central African Republic, and Mali between 2013 and 2017. The authors are grateful to the interviewees who generously shared their time, and to the reviewers, including Adam Day, Victoria K. Holt, Ian Johnstone, Paul Romita, and Lisa Sharland, who offered their input on the report. The authors are also grateful to Madeline Velturo and Jesse Marks for their research assistance.

ENDNOTES

1. Consent is likely to play out differently in peacekeeping missions with executive mandates under which the United Nations is responsible for fulfilling certain state competencies, such as law and order, for a limited period of time, until the state develops the capacity to take over such responsibilities. Those cases fall outside the scope of this report.
2. Panel on U.N. Peace Operations, *Report of the Panel on United Nations Peace Operations* (known as the Brahimi Report), A/55/305, S/2000/809, August 21, 2000, para. 55.
3. U.N. Department of Peacekeeping Operations and U.N. Department of Field Support, *United Nations Peacekeeping Operations: Principles and Guidelines* (known as the Capstone Doctrine), 2008, http://www.un.org/en/peacekeeping/documents/capstone_eng.pdf, 31. Also see Ian Johnstone, “Managing Consent in Contemporary Peacekeeping Operations,” *International Peacekeeping* 18, no. 2 (2011): 168-182.
4. Capstone Doctrine, 32.
5. Ibid.
6. Ibid., 32-33.
7. High-Level Independent Panel on U.N. Peace Operations (HIPPO), *Uniting Our Strengths for Peace: Politics, Partnership and People* (known as the HIPPO Report), A/70/95-S/2015/446, June 17, 2015, para. 106.
8. Capstone Doctrine, 22.
9. HIPPO, *Uniting Our Strengths for Peace*, para. 121.
10. Ibid., para. 122.
11. Ibid., para. 124.
12. Ibid.
13. Ian Johnstone, “Managing Consent.”
14. Giulia Piccolino and John Karlsrud, “Withering Consent, but Mutual Dependency: U.N. Peace Operations and African Assertiveness,” *Conflict, Security, and Development* 11, no. 4 (2011): 447-471.
15. Adam Day, “To Build Consent in Peace Operations, Turn Mandates Upside Down,” United Nations University Centre for Policy Research, March 2017, <https://cpr.unu.edu/to-build-consent-in-peace-operations-turn-mandates-upside-down.html>.
16. Also see Leanne Smith, “Between Coercion, Compromise and Complicity: Partial Consent in Current Peace Operations.” (Background paper produced for a workshop organized by the Center for International Peace Operations, Berlin, February 2017. The workshop convened personnel from peacekeeping missions and U.N. headquarters to discuss issues related to host-state consent. More information available at <http://www.zif-berlin.org/en/about-zif/news/detail/article/zif-workshop-partial-consent-in-current-peace-operations-vom-7-bis-8-februar-2017-in-berlin.html>). On file with authors.
17. In Burundi, the government initially consented to the deployment of a U.N. police component in July 2016, but ultimately opposed the deployment following the adoption of Resolution 2303. The resolution authorized the deployment of a total of 228 individual police officers that were tasked with monitoring the security situation and supporting the Office of the High Commissioner for Human Rights in monitoring human rights violations and abuses (see U.N. Security Council, *Resolution 2303*, S/RES/2303, July 26, 2016).
18. Alexandra Novosseloff and Richard Gowan, *Security Council Working Methods and U.N. Peace Operations: The Case of Chad and the Central African Republic, 2006–2010*, Center on International Cooperation, 2012, 14.
19. Interviews with U.N. representatives, New York, March 2017.
20. U.N. Security Council, 7754th Meeting, S/PV.7754, August 12, 2016, 12.
21. U.N. News, “South Sudan: Deployment of U.N.-Mandated Regional Protection Force Begins,” August 8, 2017, <http://www.un.org/apps/news/story.asp?NewsID=57323#.Wk-0-7enG70>.
22. Interview with U.N. representatives, New York, January 2018. SOFAs are exclusively negotiated in missions that have a military contingent, while Status of Mission Agreements (SOMAs) are negotiated in missions that are entirely civilian in nature.
23. Peacekeeping operations may be deployed without a mission-specific SOFA in exceptional cases. Croatia, for example, never

finalized a SOFA for the U.N. Protection Force. In Darfur, the SOFA was signed in February 2008 following months of negotiations. See Christine Gray, “Host-State Consent and United Nations Peacekeeping in Yugoslavia,” *Duke Journal of Comparative & International Law* 7, no. 1 (1996); and David Lanz, “African Union-United Nations Hybrid Operation in Darfur (UNAMID),” in *The Oxford Handbook of United Nations Peacekeeping Operations*, ed. Joachim Koops, Norrie MacQueen, Thierry Tardy, and Paul D. Williams (Oxford: Oxford University Press, 2015).

24. See Scott Sheeran et al., *U.N. Peacekeeping and the Model Status of Forces Agreement*, United Nations Peacekeeping Law Reform Project, University of Essex, 2010.

25. Gray, “Host-State Consent and United Nations Peacekeeping in Yugoslavia,” 253.

26. U.N. General Assembly, *Comprehensive Review of the Whole Question of Peacekeeping Operations in all Their Aspects*, A/45/594, October 9, 1990.

27. Revising the 1990 Model SOFA would be difficult. This template was endorsed by the General Assembly, reinforcing its legitimacy. If the Secretary-General revised the language of the SOFA template, it is unclear whether the General Assembly would support the changes, potentially undermining the negotiation of future mission-specific SOFAs based on that template, and possibly undermining the legal status of missions on the ground (interview with U.N. representatives, New York, January 2018).

28. See U.N. Security Council, *The Future of United Nations Peace Operations: Implementation of the Recommendations of the High-Level Independent Panel on Peace Operations: Report of the Secretary-General*, S/2015/682, September 2, 2015.

29. Interview with U.N. representative, New York, March 2017.

30. Interviews with U.N. representatives, New York, March 2017.

31. Even when the government displays positive attitudes toward the mission, it may push back in sensitive areas. For example, following President Laurent Gbagbo’s demise, relations between U.N. Operations in Côte d’Ivoire and the government remained delicate in the area of human rights. (Interview with U.N. representative, New York, March 2017.)

32. Interviews with MINUSCA representatives, Bangui, Central African Republic, August 2016.

33. Interview with U.N. representative, New York, March 2017.

34. As the Capstone Doctrine contends, when consent is given “grudgingly under international pressure, [it] may be withdrawn in a variety of ways” (p. 32).

35. Giulia Piccolino, “The Dilemmas of State Consent in United Nations Peace Operations: The Case of the United Nations Operation in Côte d’Ivoire,” in *Peacekeeping in Africa*, ed. Marco Wyss and Thierry Tardy (Abingdon: Routledge, 2014), 226-44.

36. Piccolino and Karlsrud, “Withering Consent”; and Giulia Piccolino, “David against Goliath in Côte d’Ivoire? Laurent Gbagbo’s War against Global Governance,” in *African Affairs* 111/142 (2012): 1-23.

37. See Piccolino, “David against Goliath.”

38. John Karlsrud, “United Nations Mission in the Central African Republic and Chad I and II (MINURCAT I and II),” in *Oxford Handbook of United Nations Peacekeeping Operations*, ed. Koops et al., 791-799; and John Karlsrud and Diana Felix da Costa, “Invitation Withdrawn: Humanitarian Action, United Nations Peacekeeping, and State Sovereignty in Chad,” *Disasters* 37, no. 2 (2013): 171-187.

39. Novosseloff and Gowan, *Security Council Working Methods*.

40. Karlsrud, “United Nations Mission in the Central African Republic and Chad.”

41. *Ibid.*, 799.

42. Interview with U.N. representative, New York, March 2017.

43. It is important to note that at the time there was widespread concern about a government-sponsored genocide in Darfur. This encouraged the Security Council to take action to stop the killing, but the Iraqi war undermined the appetite for a peace enforcement operation. Peacekeepers were ultimately deployed in a situation that lacked both the political and operational conditions needed for success.

44. Colum Lynch, “We Will Kill You,” *Foreign Policy*, April 8, 2014.

45. Jean-Marie Guéhenno, *The Fog of Peace: A Memoir of International Peacekeeping in the 21st Century* (Washington, DC: Brookings Institution Press, 2015), 200.

46. Consent is best monitored/analyzed at three different stages: prior to the deployment of a peacekeeping mission, during the lifespan of a peacekeeping mission, and as part of its exit strategy. This report focuses on the first two. Further research is needed to investigate how consent may shape the exit strategy and the mission's longer-term impact on the ground.
47. Note that even when relations with the host-state government are deteriorating or at their worst, host-state authorities may still cooperate with the mission in certain areas. In Sudan, for example, the government has been very supportive on projects that target vulnerable areas and at-risk youth as a means of extending state authority. In the Democratic Republic of Congo, a U.N. representative noted, "working relations with the Congolese National Police always remained relatively good, even when [the mission was] getting shut down on the military side." (Roundtable with U.N. representatives, New York, March 2017.)
48. Piccolino and Karlsrud, "Withering Consent."
49. U.N. Security Council, *Report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur*, S/2017/250, March 23, 2017.
50. U.N. Security Council, *Report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur*, S/2016/510, June 8, 2016.
51. U.N. Security Council, *Report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur*, S/2017/250, March 23, 2017.
52. Roundtable with U.N. representatives, New York, March 2017.
53. Agence-France Presse, "Delays, Dispute Hamper Plans for U.N. Regional Force for South Sudan," News 24, January 17, 2017, <https://www.news24.com/Africa/News/delays-dispute-hamper-plans-for-un-regional-force-for-south-sudan-20170117>.
54. U.N. Security Council, *Report of the Secretary-General on South Sudan*, S/2016/138, February 9, 2016.
55. Interviews with U.N. representatives, South Sudan, August 2015.
56. See Human Rights Watch, *Mass Rape in North Darfur: Sudanese Army Attacks against Civilians in Tabit*, February 11, 2015, <https://www.hrw.org/report/2015/02/11/mass-rape-north-darfur/sudanese-army-attacks-against-civilians-tabit>.
57. U.N. Security Council, *Report of the Secretary-General on South Sudan*, S/2015/655, August 21, 2015, para. 65.
58. See Robert F. Kennedy Human Rights et al., "Report on the Kingdom of Morocco's Violations of the International Covenant on Economic, Social, and Cultural Rights in the Western Sahara: On the Occasion of the Kingdom of Morocco's Fourth Periodic Report to the Committee on Economic, Social and Cultural Rights," August 2015, http://tbinternet.ohchr.org/Treaties/CESCR/Shared%20Documents/MAR/INT_CESCR_CSS_MAR_21582_E.pdf.
59. Following an agreement with Morocco to restore MINURSO to full functionality, the mission's ability to interact with local interlocutors has remained constrained by Moroccan authorities. See U.N. Security Council, *Report of the Secretary-General on the Situation Concerning Western Sahara*, S/2017/307, April 10, 2017, para. 55.
60. The government may also use messaging as a tool against the mission by making critical public remarks (accusations of partiality or loss of sovereignty are common elements of this strategy). In South Sudan, President Kiir has accused UNMISS of acting as a parallel government, resulting in demonstrations against the mission in different parts of the country. See U.N. Security Council, *Report of the Secretary-General on South Sudan*, S/2014/158, March 6, 2014.
61. Office of the Spokesman for the Secretary-General, "Secretary-General Demands Immediate End to 'Orchestrated Violence' in Côte d'Ivoire," January 17, 2006, <http://www.un.org/press/en/2006/sgsm10306.doc.htm>.
62. Amnesty International, *Côte d'Ivoire: Clashes between Peacekeeping Forces and Civilians: Lessons for the Future*, September 19, 2006, 36, <https://www.amnesty.org/en/documents/afr31/005/2006/en/>.
63. Johnstone, "Managing Consent."
64. Piccolino and Karlsrud, "Withering Consent," 457.
65. Interview with U.N. representative, New York, March 2017.
66. Interview with U.N. representative, New York, March 2017.
67. The International Working Group was created in October 2005 by the Peace and Security Council of the African Union to closely monitor the implementation of the peace process.
68. U.N. Security Council, *Report of the Secretary-General on Côte d'Ivoire*, S/2006/222, April 11, 2006.

69. Oliver Richmond, *Liberal Peace Transitions: Between Statebuilding and Peacebuilding* (Edinburgh: Edinburgh University Press, 2009).
70. Roundtable with U.N. representatives, New York, March 2017.
71. Ibid.
72. Michael Doyle and Nicholas Sambanis, *Making War and Building Peace* (Princeton: Princeton University Press, 2006).
73. It is important to note that reform sequencing is often dictated by the context in which a peacekeeping mission is deployed. In conflict-management situations, when there is no peace agreement and fighting is ongoing, the mission may need to focus on securing a cease-fire or peace agreement rather than implementing governance reforms.
74. U.N. Department of Peacekeeping Operations and U.N. Department of Field Support, *Policy on the Protection of Civilians in United Nations Peacekeeping*, Ref. 2015.07, April 1, 2015.
75. Ibid.
76. Lanz, “African Union-United Nations Hybrid Operation in Darfur,” 787.
77. Interview with U.N. representative, New York, March 2017.
78. For example, see Colum Lynch, “Laurent Gbagbo’s Guide to Crippling a U.N. Peacekeeping Mission,” *Foreign Policy*, April 2, 2011.
79. Human Rights Watch, “Darfur: U.N. Should End Silence on Rights Abuses,” August 21, 2014; and Colum Lynch, “They Just Stood Watching,” *Foreign Policy*, April 7, 2014.
80. Guéhenno, *The Fog of Peace*, 121.
81. Interview with U.N. representative, New York, March 2017.
82. Ibid.
83. Political and military conditions also contributed to this. See Piccolino, “David against Goliath”; and Karlsrud and da Costa, “Invitation Withdrawn.”
84. Roundtable with U.N. representatives, New York, March 2017.
85. See U.N. Security Council, *Report of the Secretary-General on the Situation Concerning Western Sahara*, S/2017/307, 10 April 2017, para. 55.
86. Roundtable with U.N. representatives, New York, March 2017.
87. Which may result in what Johnstone has labeled fragile consent (in “Managing Consent”).
88. Interviews with U.N. representatives, New York, March and June 2017.
89. Reuters, “Martelli Wins Haiti Elections with 67.57 Percent: Official,” April 4, 2011, <https://www.reuters.com/article/us-haiti-election/martelli-wins-haiti-election-with-67-57-percent-official-idUSTRE7335O320110404>.
90. Maureen Taft-Morales, *Haiti under President Martelly: Current Conditions and Congressional Concerns*, Congressional Research Service, December 23, 2015, <https://fas.org/sgp/crs/row/R42559.pdf>.
91. Ibid.
92. Ibid.
93. See Security Council Report, “Haiti: Chronology of Events,” November 3, 2017, <http://www.securitycouncilreport.org/chronology/haiti.php>.
94. U.N. Security Council, 6939th Meeting, S/PV.6939, March 22, 2013, 3; U.N. Security Council, *Report of the Secretary-General on the United Nations Stabilization Mission in Haiti*, S/2013/139, March 8, 2013, para. 2.
95. See Lisa Sharland and Aditi Gorur, *Revising the U.N. Peacekeeping Mandate in South Sudan*, Stimson Center and Australian Strategic Policy Institute, 2015, 11-13, <https://www.stimson.org/sites/default/files/file-attachments/CIC-December-2015-FINAL-web.pdf>.
96. Panel of Experts on South Sudan, *Final Report of the Panel of Experts on South Sudan Established Pursuant to Security Council Resolution 2206 (2015)*, S/2016/70, January 22, 2016, para. 142.
97. Center for Civilians in Conflict, “Under Fire: The July 2016 Violence in Juba and U.N. Response,” October 5, 2016, <https://>

civiliansinconflict.org/wp-content/uploads/2017/09/civic-juba-violence-report-october-2016.pdf.

98. Interviews with UNMISS representatives, Juba, South Sudan, August 2015.
99. Missions have also started to record situations in which troops failed to follow procedures in order to encourage peacekeepers to push back against SOFA violations. (See Stimson Center, Better World Campaign, and Center for Civilians in Conflict, “Protection of Civilians by the U.N. Peacekeeping Mission in South Sudan,” August 27, 2015, <http://civiliansinconflict.org/resources/pub/protection-of-civilians-by-the-un-peacekeeping-mission-in-south-sudan>.)
100. Interview with U.N. representative, New York, March 2017.
101. Interview with UNMISS representative, Juba, South Sudan, August 2015.
102. Lanz, “African Union-United Nations Hybrid Operation in Darfur,” 787.
103. Interview with UNMISS representative, Juba, South Sudan, August 2015.
104. Hervé Ladsous, U.N. Under-Secretary-General for the Department of Peacekeeping Operations, as stated to *Foreign Policy*, February/March 2014, <https://www.scribd.com/document/216699755/Herves-Ladous-Statement>.
105. See U.N. Security Council, *Report of the Secretary-General, S/2014/708*, September 30, 2014.
106. Interview with U.N. representative, New York, March 2017.
107. Ibid.
108. Interview with U.N. representative, New York, March 2017.
109. Interview with U.N. representative, New York, March 2017.
110. Interview with UNMISS representative, Juba, South Sudan, August 2015.
111. Interview with UNMISS representative, Juba, South Sudan, August 2015.
112. Human Rights Watch, “Darfur.”
113. Interviews with U.N. representatives, New York, March 2017.
114. Interview with U.N. representative, New York, March 2017; and interview with MINUSCA representative, Bangui, Central African Republic, May 2017.
115. Interview with U.N. representative, New York, March 2017.
116. For example, in his address to the Security Council, the Secretary-General emphasized the need for “a surge in diplomacy for peace” and encouraged the Security Council’s commitment to securing the government’s cooperation (Antonio Guterres, “Remarks to the Security Council Thematic Debate Entitled Peacekeeping Operations Review,” April 6, 2017, <https://www.un.org/sg/en/content/sg/speeches/2017-04-06/secretary-generals-peacekeeping-operations-review-remarks>).
117. Interviews with MONUSCO representatives, Kinshasa and Goma, Democratic Republic of Congo, April-May 2016.
118. For examples, see Preethi Nallu, “Rape Is Being Used to Terrorize the Population, Says Gynecologist,” *The Guardian*, May 22, 2015, <https://www.theguardian.com/world/2015/may/22/rape-congo-doctor-denis-mukwege>.
119. Interviews with MONUSCO representatives, Kinshasa and Goma, Democratic Republic of Congo, April-May 2016.
120. Interview with former UNMISS representative, New York, March 2017.
121. Leonardo Baroncelli, “The Political Transition in the DRC between Achievements and Unending Process,” Italian Institute for International Political Studies, Analysis No. 195, August 2013, 9; and Jon Lunn, “In Brief: Elections in the Democratic Republic of Congo,” Library of the House of Commons, Standard Note SN/LA/6072, October 7, 2011.
122. Amnesty International, “DRC: Torture and Killings by State Security Agents Still Endemic,” October 2007.
123. U.S. Congressional Research Service, “Democratic Republic of Congo: Background and U.S. Relations,” September 6, 2016.
124. Interviews with MONUSCO representatives, Kinshasa, Democratic Republic of Congo, April-May 2016.
125. Interview with former head of a U.N. peacekeeping mission, New York, March 2017.
126. Members of the Office for the Coordination of Humanitarian Affairs, the Department of Political Affairs, the Department of Peacekeeping Operations, and the Office of the U.N. High Commissioner for Human Rights generally attend these meetings. See Richard Gowan, *Diplomacy in Action: Expanding the U.N. Security Council’s Role in Crisis and Conflict Prevention*, Center on

International Cooperation, May 2017, http://peaceoperationsreview.org/wp-content/uploads/2017/05/gowan_security_council_final.pdf.

127. See Security Council Report, “Can the Security Council Prevent Conflict?,” February 9, 2017, http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/research_report_conflict_prevention_2017.pdf.

128. In 2017, the Security Council had discussions or briefings under the “any other business” rubric on 39 occasions. See United Nations, “Highlights of Security Council Practice 2017,” <https://unite.un.org/sites/unite.un.org/files/app-schighlights-2017/index.html>.

129. Charter of the United Nations, art. 99, <http://legal.un.org/repertory/art99.shtml>.

130. See Gowan, *Diplomacy in Action*, 10.

131. Security Council Report, “Can the Security Council Prevent Conflict?”

132. See Gowan, *Diplomacy in Action*, and Security Council Report, “Can the Security Council Prevent Conflict?”

133. Security Council Report, “Can the Security Council Prevent Conflict?” 16; also see Gowan, *Diplomacy in Action*.

134. The African Union Peace and Security Council and the U.N. Security Council have long discussed Joint U.N. and African Union visiting missions in their joint annual meetings.

135. The Security Council has done this in the area of countering violence extremism. (Security Council Report, “Can the Security Council Prevent Conflict?,” 9.)

136. See Security Council Report, “U.N. Security Council Working Methods: Informal Interactive Dialogue,” July 11, 2016, <http://www.securitycouncilreport.org/un-security-council-working-methods/informal-interactive-dialogue.php>.

137. Security Council Report, “Can the Security Council Prevent Conflict?” 17.

138. Sanctions were ultimately lifted in October. See Katrina Manson, “Trump Delays Decision on Sudan Sanctions,” *Financial Times*, July 11, 2017, <https://www.ft.com/content/22042a4e-65ae-11e7-8526-7b38dcaef614>; and Gardiner Harris, “Trump Administration Formally Lifts Sanctions on Sudan,” *New York Times*, October 6, 2017, <https://www.nytimes.com/2017/10/06/us/politics/trump-sanctions-sudan.html>.

139. Jeffrey Gettleman, “United States to Lift Sudan Sanctions,” *New York Times*, January 13, 2017, <https://www.nytimes.com/2017/01/13/world/africa/sudan-sanctions.html>; and International Crisis Group, “Time to Repeal U.S. Sanctions on Sudan?” Briefing 127, June 22, 2017, <https://www.crisisgroup.org/africa/horn-africa/sudan/b127time-repeal-us-sanctions-sudan>.

140. Telephone interview with U.N. representative, Washington, DC, June 2017.

141. Human Rights Watch, “DR Congo: EU, U.S. Sanction Top Officials,” June 1, 2017, <https://www.hrw.org/news/2017/06/01/dr-congo-eu-us-sanction-top-officials/>.

142. *Ibid.*

143. U.S. Department of the Treasury, “Treasury Sanctions Senior Congolese Official for Leading Republican Guard in Undermining Democratic Processes,” June 1, 2017, <https://www.treasury.gov/press-center/press-releases/Pages/sm0100.aspx>.

144. See Reuters, “African Union Suspends Burkina Faso, Threatens Sanctions,” September 18, 2015, <https://www.reuters.com/article/us-burkina-army-au/african-union-suspends-burkina-faso-threatens-sanctions-idUSKCN0R12KA20150918>.

145. African Union, Constitutive Act of the African Union, Article 4(h), https://au.int/sites/default/files/pages/32020-file-constitutiveact_en.pdf.

146. See Alex Bellamy, *Responsibility to Protect: A Defense* (Oxford: Oxford University Press, 2014).

U.N. PEACEKEEPING & HOST-STATE CONSENT

A fundamental principle of United Nations (U.N.) peacekeeping is that missions deploy only with the consent of the main parties to a conflict, including the host-state government. In practice, however, the absence of genuine host-state consent represents one of the greatest threats to the success of modern peacekeeping missions.

Without the strong consent of the host-state government, peacekeeping missions will struggle to achieve their mandates, play a strong role in political negotiations, uphold the safety and security of peacekeepers, or plan a strategic exit. Yet if the right steps are taken by the U.N. Security Council, other influential member states, the U.N. Secretariat, and peacekeeping mission leaders, these serious risks can be contained.

This report explores how missions have navigated host-state consent in the past in order to draw lessons to better manage consent in the future. It offers recommendations for how U.N. stakeholders can act to promote strong host-state consent before the mission deploys, in the initial months following the mission's deployment, and after consent begins to deteriorate.

STIMSON

