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The role of UN peace operations in security sector reform and the relationship with the protection of civilians

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Abstract

Security sector reform and the protection of civilians are regular features within United Nations (UN) peace operations. However, the two areas are often distinct from one another in the mandates of missions. What then is the relationship between Security Sector Reform (SSR) and Protection of Civilians (PoC) in contemporary missions and how does SSR impact PoC? This article aims to draw out the relationship by conducting a comparative case study analysis based on three missions that all combine a SSR and PoC mandate: the United Nations Multidimensional Integrated Stabilization Missions in Mali (MINUSMA), the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA) and the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO). The case studies provide a variety of examples which demonstrate elements of both convergence and divergence in the implementation of SSR and PoC. With SSR often taking place in a context of armed conflict, the current focus on human rights training and accountability is insufficient as the missions fail to achieve long-term SSR goals and instead must prioritise PoC due to the actions of the host states.

Keywords

Peacekeeping – security sector reform – protection of civilians – MINUSMA – MINUSCA – MONUSCO

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1   Introduction

Past research on the effectiveness of the protection of civilians has mainly focused on capacity-building in relation to improving human security and the state's ability to use force, while the link between Security Sector Reform (SSR) and the Protection of Civilians (PoC) has remained relatively overlooked. [1] Current assessments of United Nations (UN) peace operations increasingly acknowledge the effect of SSR on the mandates' objectives, including the protection of civilians. In order to explore the relationship between PoC and SSR in more detail, we first define SSR, after which we briefly review how the UN has incorporated SSR in its peacekeeping missions. We subsequently discuss the relationship between PoC and SSR, focusing on the convergence and divergence between the two concepts. We then conduct a comparative case study analysis based on three missions that all combine a SSR and PoC mandate: the United Nations Multidimensional Integrated Stabilization Missions in Mali (MINUSMA), the Central African Republic (MINUSCA) and the Democratic Republic of the Congo (MONUSCO).

The case studies provide a variety of examples which demonstrate elements of both convergence and divergence in the implementation of SSR and PoC. SSR activities, if successful, establish a more long-term, sustainable response to insecurity, whilst PoC often only presents a short-term remedy to insecurity which lasts for the lifespan of the peacekeeping mission. Based on the case studies, we suggest that SSR and PoC result in a cyclic relationship where short-term PoC goals are prioritised while long-term SSR goals remain unrealised. The inability or unwillingness of the host state to fulfil long-term tasks to achieve SSR and progressive responsibility for PoC results in the continued prioritisation of short-term PoC objectives while joint operations continue without the realisation of longer-term SSR. Consequently, the missions act as both security provider (for PoC) and security reformer (for SSR) but struggle to achieve the strategic goals of both agendas. To act as security reformer necessitates a continuing relationship with the host state despite abuses being committed by the host state's security forces. However, this creates the situation where the mission must prioritise short-term PoC due to the host state failing to implement long-term security sector reforms. Where the state does not make progress on SSR, the missions must act as security

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[1] Fairlie Chappuis and Aditi Gorur, 'Reconciling Security Sector Reform and the Protection of Civilians in Peacekeeping Contexts' (Civilians in Conflict Issue Brief No.3, January 2015) https://www.files.ethz.ch/isn/188838/CIC-No3-web.pdf, accessed 15 December 2021.

provider to realise the missions' PoC goals and consequently cannot move past short-term PoC.

2 Defining SSR

As there is no universally applicable definition of security sector reform, SSR is best viewed as a flexible concept that may be interpreted or applied differently within each individual context. Despite this, several attempts have been made to develop a uniform approach or definition for SSR. Hendrickson and Karkoszka define the security sector as comprising of government armed forces, those civilians mandated to manage the security forces and carry out oversight, law enforcement and justice institutions and unofficial security forces such as militias and private security actors.[2] The UN, however, defines the security sector as 'the structures, institutions and personnel responsible for the management, provision and oversight of security in a country'.[3] This includes, among others, defence, law enforcement, corrections, intelligence services, and the judicial sector.[4] Noteworthy in comparing the two definitions is that the UN definition does not include non-state security actors, which may be important in working towards effective SSR, as will be discussed below.

For others, SSR is best viewed as a '[s]et of policies, plans, programs and activities that a government undertakes to improve the way it provides safety, security and justice'.[5] These policies come with different objectives, including, for example, professionalising the security forces and nurturing human rights protection. Rather than defining SSR as merely an objective, the UN conceptualises SSR as 'a *process* of assessment, review and implementation', which is monitored and evaluated by national authorities and is aimed at enhancing 'effective and accountable security for the State and its peoples without discrimination and with full respect for human rights and the rule of law'.[6] Alternatively, some authors, such as Chappuis and Gorur, view SSR as a policy agenda 'by which states apply the principles of good governance

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[2] Dylan Hendrickson and Andrzej Karkoszka, 'The Challenges of Security Sector Reform', *SIPRI Yearbook. Armaments, Disarmament and International Security,* 2002, p. 179.
[3] A/62/659–S/2008/39 (2008), para 14.
[4] *Ibid.*
[5] Jason C Howk, 'A Case Study in Security Sector Reform: Learning From Security Sector Reform/Building in Afghanistan', Strategic Studies Institute, US Army War College, 2009, p. V. For another broad definition see Selver B Sahin, 'The Rhetoric and Practice of the "Ownership" of Security Sector Reform Processes in Fragile Countries: The Case of Kosovo', International Peacekeeping, vol. 24, no.3, 2017, pp. 461–462.
[6] A/62/659- S/2008/39 (2008), para 17.

to their security sectors in the interests of improving both state and human security'.[7] Despite the varying definitions, however, there remains a common thread in the focus on effectiveness in or improving the way a state provides security and justice, with an emphasis on accountability and human rights.

SSR is thus both a technical and political process that aims to make state security sectors more effective and more accountable, within a framework of civilian democratic governance, rule of law and respect for human rights.[8] The main principles supporting this process are so-called principles of good governance, often defined as at least including 'accountability, transparency, rule of law, participation, responsiveness, effectiveness and efficiency'.[9] For the purposes of our analysis of SSR in peace operations the definition of Almeida Cravo, which provides a good summary of all these elements, will be used: 'reforms should aim to (re)build a security system which is effective and efficient in its delivery of security to a state's citizens, while simultaneously democratic and consistent with good governance and the rule of law'.[10]

2.1 SSR and Peacekeeping

The discourse regarding post-conflict peacekeeping and peacebuilding initiatives includes similar but distinct terms: capacity building, stabilization, and SSR. The UN considers SSR to be part of the stabilization process because the host state is unable to govern its security sector, which means that the chances of long-term stability are minimal.[11] SSR has also been directly linked to human security as its aim to create a safer environment, by reducing opportunities for crimes and insecurity to occur, is derived from the 'freedom from fear' concept underlying the human security doctrine.[12]

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[7] Chappuis and Gorur, 'Reconciling Security Sector Reform and the Protection of Civilians in Peacekeeping Contexts', p. 6.

[8] Ibid.

[9] Ibid; Meharg and Arnusch, 'Security Sector Reform : A Case Study Approach To Transition and Capacity Building', p. 7. See also: Nina Wilén, 'Examining the Links between Security Sector Reform and Peacekeeping Troop Contribution in Post-Conflict States', *Journal of Intervention and Statebuilding*, vol. 12, no.1, 2018, p. 69; Eirin Mobekk, 'Security Sector Reform and the UN Mission in the Democratic Republic of Congo: Protecting Civilians in the East', *International Peacekeeping*, vol. 16, no.2, 2009, p. 274.

[10] Teresa Almeida Cravo, 'Linking Peacebuilding, Rule of Law and Security Sector Reform: The European Union's Experience', *Asia Europe Journal*, vol. 14, no. 1, 2016, p. 113.

[11] Howk, 'A Case Study in Security Sector Reform: Learning From Security Sector Reform/Building in Afghanistan', p. 9.; see also Security Sector Reform, UN Peacekeeping, https://peacekeeping.un.org/en/security-sector-reform, accessed 15 December 2021.

[12] United Nations Development Programme (UNDP), *Human Development Report* (Oxford University Press, 1994), http://hdr.undp.org/sites/default/files/reports/255/hdr_1994_en_complete_nostats.pdf, accessed 13 December 2021.

In 2014, the UNSC agreed on a framework for SSR in UNSC Resolution 2151.[13] This was the result of a process that started in 2008, when the Office of Rule of Law and Security Institutions in the UN Department of Peacekeeping Operations set up the SSR Unit and the SSR Task Force. Together, these two UN bodies support UN missions in the implementation of SSR. With the further institutionalisation of SSR in the UN framework, SSR also became easier to operationalise in a UN context. The UN now refers to SSR as consisting of the following activities:

> the promotion of national dialogue, enhancing civilian oversight and public financial management, security sector governance, police reform, prison reform, defense sector reform, capacity building, establishment of national security coordination mechanisms to more context-specific areas such as border management or maritime security as well as cross-cutting issues, such as gender mainstreaming in the security sector.[14]

However, for SSR in peacekeeping, Chappuis and Gorur stress that it is operationalised by the 'idea of good governance of the security sector, which means effective and accountable security provision, management and oversight set within a framework of democratic civilian control'.[15] The state-centric focus on democratic accountability and civilian oversight can be criticised, however, for being typical for 'international security governance' but not for security sectors in post-conflict states.[16] Indeed, whether these external approaches work in a domestic context has not yet been sufficiently explored.[17] The social-economic make-up of many post-conflict states, and the fact that there is no democratic governance system but instead a patronage-clientele system in place, means that the 'desired' end-state is far removed from the situation most of these states find themselves in.[18] It is therefore not surprising that SSR has

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[13] S/RES/2151 (2014).

[14] Security Sector Reform, UN Peacekeeping,https://peacekeeping.un.org/en/security-sector-reform, accessed 15 December 2021.

[15] Chappuis and Gorur, 'Reconciling Security Sector Reform and the Protection of Civilians in Peacekeeping Contexts', p. 8.

[16] Ursula C Schroeder, Fairlie Chappuis and Deniz Kocak, 'Security Sector Reform and the Emergence of Hybrid Security Governance', *International Peacekeeping*, vol. 21, no.2, 2014, p. 215; Arthur Boutellis, 'From Crisis to Reform: Peacekeeping Strategies for the Protection of Civilians in the Democratic Republic of the Congo', *Stability,* vol. 2, no.3, 2013, p. 1.

[17] Ursula C Schroeder and Fairlie Chappuis, 'New Perspectives on Security Sector Reform: The Role of Local Agency and Domestic Politics', *International Peacekeeping*, vol. 21, no.2, 2014, p. 135.

[18] Schroeder, Chappuis and Kocak, 'Security Sector Reform and the Emergence of Hybrid Security Governance', p. 215.

struggled for success in many countries in which a peacekeeping operation is deployed.

2.2 SSR and PoC

In its 2012 toolkit on PoC coordination, the UN recognised that SSR, like the rule of law and Disarmament, Demobilization and Reintegration (DDR) among others, is of 'added value' for 'PoC implementation'.[19] The UN later explicitly recognised the interlinkage between SSR and other areas of peacekeeping, including PoC, in UNSC Resolution 2151.[20] While most mandates separate SSR and PoC, some mandates place both under the heading of 'creating a stable and secure environment'.[21] Although the two peacekeeping activities are interlinked, PoC and SSR do not share the same definition and have different objectives. Understanding the two concepts is therefore important for both clarifying the aims or purpose of the two and for ascertaining their mutually reinforcing effect. This, in turn, could then prove beneficial for the fulfilment of the peace operation's mandate.

The definition of PoC in the context of UN peacekeeping is broad, with PoC broken up into three tiers: (1) protection through political process, (2) physical protection, and (3) establishing a protective environment.[22] The third tier represents the broad definition and includes all activities that a mission undertakes to create a protective environment. This also includes activities not carried out by peacekeepers alone, but also by the host state or civil society actors with support of UN personnel. SSR therefore falls within this category, as strengthening and integrating good governance standards in the local security sector should ultimately contribute to an environment in which violence is less likely to be the norm.

Whilst the UN categorises SSR support in peace operations under the third tier of PoC, it recognises that activities under this tier 'are generally planned for independently of the PoC

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[19] DPKO/DFS Comparative Study and Toolkit, 'Protection Of Civilians Coordination Mechanisms in UN Peacekeeping Missions', New York 2012, pp. 55-56.
[20] S/RES/2151 (2014).
[21] S/RES/1542 (2004); see also: Fairlie Chappuis and Aditi Gorur, 'Conflicting means, converging goals: Civilian protection and SSR' in Adedeji Ebo and Heiner Hänggi (eds), *The United Nations and Security Sector Reform*, (Lit Verlag, 2020) p. 196.
[22] UN Department of Peacekeeping Operations/Department of Field Support, 'The Protection of Civilians in United Nations Peacekeeping' (2015) http://dag.un.org/bitstream/handle/11176/400960/14%20November%202019%20(Protection%20of%20Civilians)%202015.07%20Policy%20on%20PoC%20in%20Peacekeeping%20Operations.pdf?sequence=69&isAllowed=y, accessed 15 December 2021.

mandate'.[23] The mandates thus mainly refer to the narrow definition of PoC. This narrow definition of PoC is limited to peacekeepers physically protecting civilians in response to imminent threats, which is distinct from what SSR aims to achieve.[24] The mandates therefore make a distinction between SSR on the one hand and PoC in the narrow sense on the other. As such, the overlap between PoC and SSR is limited. The support provided to the host state government on SSR in the context of UN peace operations includes 'activities carried out by UN peacekeepers that reduce the level of violence perpetrated by security forces', such as training on human rights and international humanitarian law, vetting security forces and advocating to remove abusive elements from these forces.[25] On the other hand, PoC activities carried out by UN peacekeepers aim to 'improve security forces' capabilities to complement peacekeepers' efforts to protect civilians from physical violence in the immediate context'.[26] This includes training and equipping state security forces to become more effective in joint operations with peacekeeping operations in order to 'boost peacekeepers' capacity to protect civilians from physical violence'.[27]

Both SSR and PoC activities undertaken by UN peacekeepers therefore share a common focus on training, capacity-building, human rights and human security. As Chappuis and Gorur note, SSR is inherently linked to PoC because of its aim of improving human security and the overarching contribution it aspires to make to state security.[28] Similarly, both concepts have a 'shared normative consensus on the importance of human rights', evidenced in SSR's focus on creating accountability and PoC's aim to prevent or end human rights abuses.[29] Further commonalities can also be drawn between SSR and PoC's relationship with the state. That is, both concepts perceive the state as a potential security threat, whilst also expecting a relationship of mutual support and cooperation between the host state and the mission.[30] There is therefore a complex duality within this relationship, with the state deemed to be simultaneously both a potential threat and a potential ally in establishing peace and security.

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[23] *Ibid.* pp. 8-9.

[24] Chappuis and Gorur, 'Reconciling Security Sector Reform and the Protection of Civilians in Peacekeeping Contexts', p. 10. See also Chappuis and Gorur, 'Conflicting means, converging goals: Civilian protection and SSR', pp. 195 ff.

[25] Chappuis and Gorur, 'Reconciling Security Sector Reform and the Protection of Civilians in Peacekeeping Contexts', p. 10.

[26] *Ibid*. p. 10.

[27] *Ibid*.

[28] *Ibid.* p. 7.

[29] *Ibid*. p. 8.

[30] *Ibid.* p. 8.

This is particularly the case for PoC activities which require joint operations between the missions and host state forces.

Where SSR and PoC differ is in the strategic role of the two concepts and their approach or relationship to the state. Whilst SSR is, by definition, a national process in which international actors are not responsible for local security or civilian protection, this *is* an expectation underlying PoC in peacekeeping operations.[31] As Chappuis and Gorur note, this creates tensions, as 'a PoC focus encourages peacekeepers to take action themselves, whilst an SSR agenda prioritises encouraging and facilitating national security forces to respond to the situation themselves'.[32] In this sense, SSR activities, if successful, establish a more long-term, sustainable response to insecurity, whilst PoC often only presents a short-term remedy to insecurity which lasts for the lifespan of the peacekeeping mission. Furthermore, for both concepts the relationship with the state raises further issues where human rights abuses are committed by state forces. This is particularly problematic when peacekeepers conduct joint operations with the host state. As such, accountability and prevention measures are essential in order to both limit these abuses and ensure the peacekeeping mission retains its impartiality.

The UN Human Rights Due Diligence Policy (HRDDP) is a helpful tool introduced to ensure that the mission does not contribute to human rights abuses through the support offered to host state security forces.[33] The HRDDP requires that UN assistance can only be given to non-UN security forces upon their respect for human rights, humanitarian law, and refugee law. Importantly the policy allows 'the UN to distance itself from a host state that is violating international laws and show communities that the UN is not synonymous with the host state'"[34] Similarly, establishing and improving accountability mechanisms contributes to preventing such human rights abuses by state and non-state security forces, which is essential to improve security in both the short and long term. With the state being a potential source of insecurity, SSR places a strong focus on ending impunity of human rights abuses performed by state security forces. At the same time, the SSR agenda prioritises capacity-building for state security forces to increase their effectiveness in protecting human rights. Improving accountability and

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[31] *Ibid*.

[32] *Ibid.* p. 14.

[33] A/67/775–S/2013/110 (2013). See e.g. Helmut Philipp Aust, 'The UN Human Rights Due Diligence Policy: An Effective Mechanism against Complicity of Peacekeeping Forces?', *Journal of Conflict and Security Law,* vol. 20, 2015, 61–73.

[34] Alexander Gilder, *Stabilization and Human Security in UN Peace Operations* (Routledge, 2022) p.154.

effectiveness of security forces at the same time is thus crucial.[35] After all, strengthening the capacity of state security providers also comes with the risk that security actors misuse the capacity rather than use it to protect the population. For this reason, a strong accountability mechanism is important to mitigate the risk of security actors using their capacity at the expense of civilians or sanctioning them if they do.[36]

Legal accountability for human rights violations is created by restoring rule of law institutions and law enforcement mechanisms. The UN decided from an early stage that a functioning criminal justice system is '[a]n essential element for the restoration of security and public order'.[37] This has led to the rule of law and ending impunity being linked to the overarching security and human rights related purposes of current UN peace operations.[38] Mobekk also points to the interlinkage between SSR and PoC here by arguing that the 'objective is a security sector that is accountable, legitimate and transparent in the provision of internal and external security and rule of law to its population and ensuring protection of its civilians'.[39] In particular, Mobekk stresses that '[a]ccountability through institutional reform is a necessity or civilians will continue to suffer'.[40]

In addition, the relationship of support between the mission and the host state government comes with the risk of jeopardising the mission's legitimacy vis-à-vis the civilians. Government forces may end up in situations where violence against local armed groups also causes serious harm among the civilian population. This would reflect negatively on the mission's impartiality considering the support it offers to the host state forces.[41] This would also compromise the mission's ability to protect civilians, as was the case in South Sudan.[42] Chappuis and Gorur point at the risk of conflicting responsibilities where international troops, e.g. UN police, are assigned 'both security provision and security reform tasks'.[43] UN police

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[35] A/67/775–S/2013/110 (2013) p. 12.
[36] *Ibid.* p. 12.
[37] Nina Lahoud, 'Rule of Law Strategies for Peace Operations' in Jessica Howard, Bruce Oswald CSC, *The Rule of Law on Peace Operations* (Kluwer, 2002) p.128.
[38] Alexander Gilder, 'UN Peace Operations and the Role of the Local in (Re)Building the Rule of Law', *Utrecht Law Review,* vol. 17, no. 2, 2021, p.73.
[39] Eirin Mobekk, 'Security Sector Reform and the UN Mission in the Democratic Republic of Congo: Protecting Civilians in the East', *International Peacekeeping,* vol. 16, no.2, 2009, p. 274.
[40] *Ibid.* p. 284.
[41] Gilder, *Stabilization and Human Security in UN Peace Operations,* p. 151.
[42] Chappuis and Gorur, 'Reconciling Security Sector Reform and the Protection of Civilians in Peacekeeping Contexts', pp. 13-14.
[43] *Ibid.* p. 14.

officers may cooperate with the national police in performing law enforcement tasks, while being confronted with abuse by local law enforcement officials. This would require intervention by UN police, but there are no clear operational instructions on how to act in such situations where the role of 'security provider' (PoC) and 'security reformer' (SSR) are in conflict.[44] Similarly, whilst the HRDDP assists in maintaining the mission's impartiality, it is questionable how effective this tool may be, particularly when states refuse to comply with UN ultimatums.[45] Consequently, there are 'lingering concerns' about close cooperation with other actors under the HRDDP.[46]

SSR and PoC's shared characteristics therefore establish a relationship of mutual support between the mission and the host state, with human rights training and capacity-building of the state as important features. Both activities rely on cooperation between the host state and the mission, which is crucial in strengthening the host state's capacity to independently take on both SSR and PoC. However, the case studies below suggest SSR and PoC result in a cyclic relationship where short-term PoC goals are prioritised while long-term SSR gains are undermined by the host state. The missions continue to undertake joint operations and other collaborations with the host state in pursuit of SSR, but due to continued human rights abuses the missions must ultimately prioritise PoC.

3   SSR in MINUSMA, MINUSCA and MONUSCO

An examination of three of the UN's largest peacekeeping missions, MINUSMA, MINUSCA and MONUSCO, which all focus on SSR and PoC, provide further insight into the relationship between the two concepts. In particular, these cases highlight how there is significant convergence in regard to human rights protections and accountability mechanisms. However, the missions must undertake dual roles as security reformer and security provider. To act as security reformer necessitates a continuing relationship with the host state despite abuses being committed. This creates the situation where the mission must prioritise short-term PoC due to the host state failing to implement long-term security sector reforms. Where the state does not

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[44] *Ibid.*

[45] 'DR Congo Rejects UN Ultimatum to Sack Tainted Generals', *The East African*, 6 February 2015, https://www.theeastafrican.co.ke/news/ea/DR-Congo-rejects-UN-ultimatum-to-sack-tainted-generals/4552908-2615116-j6p131/index.html, accessed 16 December 2021.

[46] John Karlsrud, 'From Liberal Peacebuilding to Stabilization and Counterterrorism', *International Peacekeeping,* vol. 26, no. 1*,* 2019, p. 9.

make progress on SSR, the missions must act as security provider to realise the missions' PoC goals and consequently cannot move past short-term PoC.

The case studies have been selected based on their shared focus on both SSR and PoC, and because they share similarly complex contexts: the DRC, Mali and the CAR all face recurring cycles of violence despite mid- to long term involvement of the UN. Of the three missions, MONUSCO has the most extensive history of peacekeeping and SSR. Initially deployed as MONUC in 1999,[47] the operation followed the traditional model of peacekeeping, overseeing the Lusaka Ceasefire Agreement – an endeavour to end 'Africa's World War'[48] and one of the earliest attempts at SSR in the DRC.[49] With the Global and All-Inclusive Agreement in 2002, which included provisions on the formation of an integrated national army inclusive of the main rebel groups, SSR became a central aim within the DRC, with MONUC supporting the Congolese government in the implementation of the Agreement.[50] PoC and SSR have since become priority tasks for MONUSCO,[51] the latter of which falls under the second priority task of 'support to stabilisation and the strengthening of State institutions'.[52]

For MINUSMA, its initial mandate in 2013 included rebuilding the Malian security sector by capacity building, providing technical assistance, mentoring programmes, and to concurrently assist with rebuilding the justice sector.[53] After the Agreement for Peace and Reconciliation in Mali (the Bamako Agreement) was signed in May and June 2015, rebuilding the Malian security sector was supported as part of the implementation of the Agreement.[54] In 2019, UN reporting on MINUSMA began to include a section on SSR, with the Secretary-General proposing the development of comprehensive plans for the redeployment of the Malian Defense and Security Forces (MDSF) as part of broader national SSR plans.[55]

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[47] S/RES/1279 (1999).

[48] See: Gerard Prunier, *Africa's World War: Congo, the Rwandan Genocide, and the Making of a Continental Catastrophe* (Oxford University Press, 2011).

[49] S/1999/815 (1999). The Lukasa Ceasefire Agreement sought to curtail the power of armed groups, including through the provision of DDR, but ultimately proved ineffective as conflict persisted.

[50] Global and Inclusive Agreement on Transition in the Democratic Republic of Congo ('The Pretoria Agreement') (2002) Chapter VII and Annex V. An increase in troop size was authorised in: S/RES/1621 (2005); S/RES/1635 (2005); S/RES/1736 (2006).

[51] S/RES/2256 (2015), paras 24 and 29.

[52] S/RES/2556 (2020), para 29 (ii).

[53] S/RES/2100 (2013), para 16(a)(iii).

[54] S/RES/2227 (2015), para 14(b)(ii); For further information on the Algiers Process that led to the Bamako Agreement see: Arthur Boutellis and Marie-Joëlle Zahar, 'A Process in Search of Peace: Lessons from the Inter-Malian Agreement', International Peace Institute, June 2017, pp. 12-21, https://www.ipinst.org/2017/06/lessons-from-inter-malian-peace-agreement, accessed 15 December 2021.

[55] S/2019/207 (2019), p. 9; S/2019/454 (2019), para 43.

Finally, MINUSCA was mandated in 2014 to *inter alia* protect civilians, support the implementation of the transition process and promote and protect human rights.[56] In 2016, SSR was also temporarily considered to be a priority task under the strategic objective 'to support the creation of conditions conducive to the sustainable reduction of the presence of, and threat posed by, armed groups through a comprehensive approach and a proactive and robust posture without prejudice to the basic principles of peacekeeping'.[57] However, UNSC Resolution 2552 (2020) no longer considers SSR to be a priority task with PoC being one of the prioritized tasks for the mission. Both MINUSCA's SSR and PoC mandate put strong emphasis however on the support offered to the host government.[58] The mission's most recent SSR mandate consists of the provision of strategic and technical advice to authorities on the national SSR strategy and defence plan, and supporting the government in developing an approach to vetting of defence and security elements, including human rights vetting, 'in particular to fight impunity for violations of international and domestic law'.[59] The CAR reached a milestone in the history of the conflict when the CAR government and 14 armed groups signed a political agreement in February 2019 in which they committed to an effective and peaceful solution to the conflict.[60]

Despite the positive achievement of signed peace agreements, the security situations in the DRC, CAR and Mali have been far from stable. For instance, in the DRC poor infrastructure,[61] high levels of corruption (particularly within the government or political elite)[62] and cyclical violence have all persisted, particularly within the East of the country where there are numerous armed groups and substantial natural resources.[63] In Mali, a recent coup d'état resulted in the detention of President Keita and Prime Minister Boubou Cisse, amongst others, in August

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[56] S/RES/2149 (2014), para 30 (a), (b) and (e).
[57] S/RES/2301 (2016), para 34.
[58] S/RES/2552 (2020), paras 31 (a) and 32 (b).
[59] S/RES/2605 (2021), para 35 (d) i and ii.
[60] United Nations Security Sector Reform Unit, 'SSR in CAR Security Sector Reform In The CAR: Challenges And Priorities', 2016, https://peacekeeping.un.org/sites/default/files/security_sector_reform_in_the_central_african_republic_challenges_and_priorities.pdf, accessed 15 December 2021, p. 10.
[61] Vivien Foster and Daniel Alberto Benitez, *The Democratic Republic of Congo's Infrastructure – A Continental Perspective* (The World Bank, 2011).
[62] Stephanie Matti, 'Resources and Rent Seeking in the Democratic Republic of the Congo', *Third World Quarterly*, vol. 31, no. 3, 2010; Nicole Henze, François Grünewald and Sharanjeet Parmar, *Operational Review of Exposure to Corrupt Practices in Humanitarian Aid Implementation Mechanisms in the DRC* (DFID, July 2020).
[63] International Crisis Group, 'Averting Proxy Wars in the Eastern DR Congo and Great Lakes' *Crisis Group Africa,* Briefing No. 150, January 2020, pp. 1-16.

2020.[64] The coup, carried out by military officers who called themselves the Comité national pour le salut du people (CNSP), gave rise to serious concerns within the UN Security Council regarding Mali's security and humanitarian situation, with Council members calling for 'stronger ownership of restoring State presence in conflict-affected areas and resolve the fragile security situation'.[65] In the CAR, the December 2020 elections diminished any progress that had been made in improving the overall security situation.[66] In particular, the establishment of the Coalition of Patriots for Change (CPC) resulted in an increase of violent attacks in the north-west and south-east of the country, which had a detrimental effect on state security.[67] Both SSR and PoC have therefore been difficult to achieve within the DRC, CAR and Mali.

3.1 A shared focus on human rights and accountability

The three missions under review show how a human rights focus is central to both PoC and SSR, in particular visible in human rights training. This confirms the notion that this is an element of convergence between the two peacekeeping activities. As also discussed above, establishing accountability mechanisms is key to ending the cycles of violence that characterise the three cases, which underlines the idea that any progress made in this respect strengthens both SSR and PoC.

3.1.1   Human rights training

All three missions support human rights in relation to both SSR and PoC through the provision of training to host state security forces,[68] including police, gendarmerie, national guard and civil protection personnel.[69] For example, prior to MONUSCO, MONUC supported the

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[64] S/2020/952 (2020).

[65] SC/14549 (15 June 2021), https://www.un.org/press/en/2021/sc14549.doc.htm, accessed 16 December 2021.

[66] S/2020/994 (2020), para 30; see also S/2021/146 (2021).

[67] S/2021/146 (2021), paras 3-4, 25.

[68] S/2013/582 (2013), para 40; S/2018/611 (2018), para 41; International Peace Institute, Stimson Centre and Security Council Report, 'Prioritizing and Sequencing Peacekeeping Mandates: The Case of MINUSCA', October 2018, p. 3. Note that MINUSCA, with the EUTM, has mostly been involved in training FACA, while its support to police and gendarmerie has been criticised, see also p. 3 of the same IPI report; Patryk I. Labuda, 'With or Against the State? Reconciling the Protection of Civilians and Host-State Support in UN Peacekeeping', International Peace Institute, May 2020, pp. 5-10.

[69] S/2013/582 (2013), para 40; OHCHR in Central African Republic, https://www.ohchr.org/EN/Countries/AfricaRegion/Pages/CARSummary20162017.aspx, September 2020, accessed 1 December 2021; S/2021/146 (2021), para 78; S/2021/571 (2021) para 52; MONUSCO, *UN Trains Congolese Troops in Human Rights for a Better Protection of Civilians* (17 March 2020) https://monusco.unmissions.org/en/un-trains-congolese-troops-human-rights-better-protection-civilians, accessed 1 December 2021; MONUSCO, *UN Training For Congolese Police* (21 November 2019), https://monusco.unmissions.org/en/united-nations-currently-holding-training-congolese-police-personnel-about-securing-refugees', accessed 1 December 2021.

'integration of national defence and internal security forces' and the training and monitoring of the police to ensure they were 'democratic and fully respect human rights and fundamental freedoms'.[70] Similarly, MINUSCA supported national authorities in improving discipline of the gendarmerie.[71] The missions were also involved in sensitisation of armed forces personnel on human rights, humanitarian law and the UN human rights due diligence policy,[72] training the police on community-oriented policing[73] and how to respond to organised crime and terrorism,[74] and specific training was provided to the MDSF on protecting human rights while countering terrorism.[75] Part of these tasks are carried out or supported by the missions' Human Rights Components, for example, where it concerns support in vetting national security forces and applying the HRDDP[76] or delivering human rights training and sensitization campaigns.[77]

Beyond the general human rights training of state forces, the missions have also focused on specific human rights issues. In particular, all missions have focused on eradicating sexual exploitation and abuse, thereby supporting both PoC and SSR.[78] For MINUSMA, working on ending sexual violence is part of its broader protection of civilians strategy as sexual violence was used as a 'tool of war' from the beginning of the conflict.[79] MINUSMA trained armed forces on how to prevent and respond to sexual violence, and trained its own staff on conflict-related sexual violence, while also working with the host state government on preventative

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[70] S/RES/1565 (2004) para 7(b).

[71] S/2021/571 (2021) para 52.

[72] S/2017/811 (2017), para 47; S/2017/1105 (2017), para 49; S/2018/922 para 22; OHCHR in Central African Republic, https://www.ohchr.org/EN/Countries/AfricaRegion/Pages/CARSummary20162017.aspx, September 2020, accessed 1 December 2021; S/RES/2556 (2020), p. 3; CIVIC, 'Enabling Support by Mitigating Risk: MONUSCO's Implementation of the HRDDP in the DRC'
https://civiliansinconflict.org/publications/policy/enabling-support-by-mitigating-risk/ June 2020, accessed 1 December 2021.

[73] S/2021/146 (2021), para 78; S/2017/478 (2017), para 28.

[74] S/2017/478 (2017), para 28.

[75] S/2018/273 (2018), para 22.

[76] OHCHR in Central African Republic,
https://www.ohchr.org/EN/Countries/AfricaRegion/Pages/CARSummary20162017.aspx, September 2020, accessed 15 December 2021; OHCHR in Democratic Republic of Congo,
https://www.ohchr.org/EN/Countries/AfricaRegion/Pages/UN-Human-Rights-in-DRC.aspx, accessed 16 December 2021; Office of Internal Oversight Services (OIOS), 'Evaluation of the effectiveness of human rights monitoring, reporting and follow-up in the United Nations multi-dimensional peacekeeping operations', 8 March 2019, para 33.

[77] OCHR, UN Human rights in Mali, https://www.ohchr.org/EN/Countries/AfricaRegion/Pages/UN-Human-Rights-in-Mali.aspx, accessed 16 December 2021.

[78] S/RES/2556 (2020), p. 3; Labuda, 'With or Against the State? Reconciling the Protection of Civilians and Host-State Support in UN Peacekeeping', pp. 8-9; OIOS, 'Evaluation of the effectiveness of human rights monitoring, reporting and follow-up in the United Nations multi-dimensional peacekeeping operations', pp. 7, 14-15.

[79] S/PV.6905 (2013), p. 5 as per Mr. Feltman; S/2013/338 (2013), para 43; S/PV.7095 (2014), p.4 as per Mr. Koenders.

measures that can be implemented.[80] MINUSCA police units offered support to the Mixed Unit for Rapid Intervention and Suppression of Sexual Violence against Women and Children (UMIRR),[81] e.g. by investigating allegations of sexual violence or abuse.[82] In the DRC, the United Nations Joint Human Rights Office (UNJHRO) helped local authorities develop a comprehensive action plan against conflict-related sexual violence, and also established the 'Access to Justice' program which supports victims of sexual violence.[83] The UNJHRO also set up a UN Comprehensive Strategy against Sexual Violence in Conflict which ultimately became part of the DRC's National Strategy against Gender Based Violence.[84] MONUSCO's Sexual Violence Unit furthermore supports the DRC government in implementing the UN Comprehensive strategy.[85] This type of support contributes to PoC as it will strengthen the host states' ability to protect women and children in combined operations with the mission. At the same time, it builds the capacity of local actors to take on this role after the UN's involvement in the host state comes to an end. Interestingly, MINUSCA's mandate also considers that Disarmament, Demobilization, Rehabilitation, and Reintegration (DDRR) and SSR processes should take the protection of children and their human rights into account, in order to 'end and prevent violations and abuses against children',[86] once again showing the strong interlinkage between PoC and SSR.

3.1.2 Accountability

Another important facet of the shared human rights focus of SSR and PoC is accountability. After all, where abuses have been committed by state forces and other groups, there must be effective justice institutions in place to investigate and prosecute the wrongdoing and change future behaviour to realise PoC objectives. The three missions under review have all contributed to establishing more effective accountability mechanisms and creating a functional justice system by improving internal and democratic oversight mechanisms of the security institutions, for example by providing training, equipment, and technical advice.[87] This also

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[80] S/2013/582 (2013), para 44; S/2016/682 (2016), p.3; S/2016/1137 (2016), para 37.
[81] S/2020/994 (2020), paras 67-69; S/RES/2552 (2020), para 24.
[82] S/2019/147 (2019), para 55.
[83] OHCHR in Democratic Republic of Congo, https://www.ohchr.org/EN/Countries/AfricaRegion/Pages/UN-Human-Rights-in-DRC.aspx, accessed 16 December 2021.
[84] *Ibid*.; https://monusco.unmissions.org/en/comprehensive-strategy, accessed 17 December 2021.
[85] https://monusco.unmissions.org/en/comprehensive-strategy, accessed 17 December 2021.
[86] S/RES/2499 (2019), para 43.
[87] S/2018/541 (2018), para 20; S/2021/844 (2021), para 36; Adedeji Ebo, Christophe Pradier, and Christopher Sedgwick, 'UN support to SSR in peacekeeping contexts: A case study of the Central African Republic', in: Adedeji Ebo and Heiner Hänggi (eds), *The United Nations And Security Sector Reform: Policy And Practice* (Lit Verlag, 2020) pp. 119-123, 127-128.

includes justice and prison reforms and efforts to fight impunity. In this area, there is again overlap between SSR and PoC, as demonstrated by MONUSCO's mandate to support the reform of the justice systems, including military justice and the 'criminal justice chain'. Initially, this initiative was listed under MONUSCO's provision of protection of civilians,[88] but is now mandated under the provision of SSR.[89] This re-positioning of MONUSCO's support for justice reform demonstrates the convergence between the two concepts of SSR and PoC.

Another important contribution to establishing accountability has been the reporting and documenting of human rights violations,[90] as well as the support offered to investigating such crimes.[91] Again, this is another area where there is convergence as whilst it is considered to be a PoC task, the monitoring of human rights violations also contributes to accountability and re-establishing the rule of law, which is part of SSR. In all missions, the support has also extended to assistance with the prosecution of persons suspected of killing civilians,[92] and technical assistance regarding investigations, arrest and detention,[93] but also the examination of evidence in the UN's forensic laboratory.[94] The recruitment and selection of court personnel and providing training on court management and record keeping are among the wide range of supporting activities carried out by the missions.[95] At times, the missions' support is also particularly focused on strengthening the capacity of local actors in the justice chain, for example by developing a civilian justice system in the DRC.[96] In addition, the internal accountability of security institutions is a focus point in SSR.[97] Considerable efforts have been made by the missions to create such internal accountability mechanisms. Examples are the

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[88] S/RES/1925 (2010), para 12(d), (m), (o).

[89] S/RES/2556 (2020), para 29(ii)(f).

[90] S/2019/147 (2019) para 50; S/2020/545 (2020) para 67; S/2020/994, para 65.

[91] S/2018/1006 (2018), para 31; S/2019/262 (2019), para 46; S/2019/454 (2019), para 30; S/2020/994 (2020), para 62.

[92] S/2019/262 (2019), para 46; Ebo and others, 'UN support to SSR in peacekeeping contexts: A case study of the Central African Republic', p. 126.

[93] S/2020/994 (2020), para 62.

[94] S/2018/866 (2018), para 28; S/2019/782 (2019), para 22; ; Ebo and others, 'UN support to SSR in peacekeeping contexts: A case study of the Central African Republic', p. 126.

[95] S/2020/994 (2020), para 62; S/2014/403 para 28; S/PV.7864 p.9 as per Mr. Diop; S/2014/692 para 24; S/2017/811 para 59.

[96] Leila Zerrougui, *Strengthening the Rule of Law and Protection of Civilians in the Democratic Republic of the Congo,* https://www.un.org/en/chronicle/article/strengthening-rule-law-and-protection-civilians-democratic-republic-congo, accessed 15 December 2021.

[97] United Nations Security Sector Reform Unit, 'SSR in CAR Security Sector Reform in the CAR: Challenges And Priorities', 2016, p. 37, https://peacekeeping.un.org/sites/default/files/security_sector_reform_in_the_central_african_republic_challenges_and_priorities.pdf, accessed 15 December 2021.

drafting and adoption of the Military justice code in March 2017 in the CAR,[98] and the establishment of the Commission on Truth, Justice, Reparation and Reconciliation for the CAR in February 2020.[99] Similarly, MINUSMA actively supports the Truth, Justice and Reconciliation Commission of Mali that was originally established in 2014.[100] Alongside this, comes material support to the inspectors of the defence and security forces in order for these forces to increase the effectiveness of their internal justice system.[101]

The aforementioned activities show a combined focus on strengthening host state capacity to end impunity by establishing mechanisms that create accountability and transparency regarding human rights violations.[102] At the same time, the support offered can involve recommendations for prosecutorial strategies and protective elements where the missions ensure that judicial personnel can perform their duties securely and offer physical protection to witnesses appearing before the courts.[103] Although the main focus lies with improving the host states' capacity to punish the commission of crimes, this cannot be separated from the missions' protective role as the overall security situation is often still too fragile. Without the protection offered by the missions, those cooperating in criminal justice processes would otherwise be at great risk of being subjected to serious human rights violations. Therefore, accountability contributes to both short-term PoC and longer-term SSR objectives.

3.2 Complex relationships between the mission and the host state

We have argued thus far that SSR and PoC indeed show convergence because of their shared focus on human rights and accountability. We will now explore in more detail how a relationship of dependency between the missions and the host states for both PoC and SSR appears to exist, which is partly the result of the context of armed conflict in which the missions take place. The following sections demonstrate how the complex relationship between the

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[98] Ebo and others, 'UN support to SSR in peacekeeping contexts: A case study of the Central African Republic', p.128.
[99] 'High-level Interactive Dialogue on human Rights situation in the Central African Republic' by Deputy High Commissioner, Ms. Nada Al-Nashif, 18 June 2020,
https://www.ohchr.org/FR/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=25983&LangID=F , accessed 15 December 2021.
[100] S/2021/844 (2021), para 73; Daniel Ozoukou, 'Transitional justice in Mali: opportunities and challenges', Peace Insight, 22 May 2015, https://www.peaceinsight.org/en/authors/daniel-ozoukou/, accessed 17 December 2021.
[101] S/2020/545 (2020), para 56.
[102] Ibid. para 69.
[103] Ibid; S/2019/454 (2019), para 34.

missions and the host states affect both SSR and PoC. This complex relationship between state and mission becomes problematic when members of host state security forces become involved in the use of violence that has ramifications for civilians. This creates a cyclic relationship – where short-term PoC goals are prioritised while long-term SSR gains are undermined by the host state. The missions continue to undertake joint operations and other collaborations with the host state but due to continued human rights abuses, the missions must ultimately prioritise PoC. Below, several examples are given that show how SSR and PoC interact when the UN and host state cooperate on, for instance, joint operations and counterterrorism.

3.2.1 Support provided to the host state

The three missions provide varying degrees of support to the host state forces, because the host state security forces can often be unable 'to ensure the safety and security of the population'.[104] For example, the UN Secretary-General observed with regards to Mali that 'the Malian defence and security institutions are fractured, insufficiently equipped and lack training, all of which combines with a history of political interference'.[105] MINUSMA therefore contributed to SSR with the ultimate goal of helping 'the Malian State regain its legitimacy and re-establish its authority across the entire territory'.[106] In 2014, the Panel of Experts on the Central African Republic stated that '[t]he challenge for international actors consists in establishing security in the absence of a national army while helping the transitional authorities to build one'.[107]

In the DRC, the joint operations undertaken by the Congolese armed forces (FARDC) and MONUSCO are illustrative of how the relationship between the host state and UN mission can impact progress on SSR and PoC.[108] The long-term presence of armed groups in the Congo, particularly within the East of the country, is one of the greatest challenges to peace and stability within the DRC,[109] particularly as they inflict violence on civilians and threaten state

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[104] S/2013/189 (2013), para 57.
[105] *Ibid.*
[106] *Ibid.* para 64.
[107] S/2014/452 (2014), para 33.
[108] S/RES/1291 (2000), para 6. See also: Lauren Spink, 'From Mandate to Mission: Mitigating Civilian Harm in UN Peacekeeping Operations in the DRC' (Center for Civilians in Conflict (CIVIC), 2016).
[109] See: Kivu Security Tracker, 'The Landscape of Armed Groups in Eastern Congo' (CRG, NYU, February 2021) https://kivusecurity.nyc3.digitaloceanspaces.com/reports/39/2021%20KST%20report%20EN.pdf, accessed 15 December 2021.

power and political settlement.[110] As a result, both SSR and PoC activities have focused on curtailing armed groups, including through multiple 'phases' of DDR and joint military operations between MONUSCO and the FARDC.[111] Through the latter, a unique and unprecedented Force Intervention Brigade (FIB) was deployed within MONUSCO in 2013, designed to undertake 'targeted offensive operations' to 'neutralise', disarm and prevent the expansion of armed groups.[112] More specifically, the FIB was deployed to target the Mouvement du 23 Mars (M23), an armed group which had emerged out of former CNDP rebels who had been recruited into the FARDC, but later mutinied.[113]

Additionally, the Congolese government 'ha[s] generally failed to take ownership of the SSR process' and, in some instances, has 'directly attempted to undermine the reforms of the security services'.[114] Whilst there does appear to have been a slight shift in this willingness to take ownership, with President Tshisekedi carrying out a cautious reshuffling of the armed forces to remove an Inspector General who had been placed under sanctions since 2016, this has not been followed up by an investigation into the General's alleged involvement in the murder of human rights activists.[115] Thus, violations by the FARDC and impunity remain prevalent and undermine PoC. This, in turn, raises questions about the role of MONUSCO and the UN's HRDDP in developing accountability frameworks in the DRC[116] and the ability of the state to both undertake SSR activities and protect civilians.

This complex relationship between the UN peace operation and the host state hinders the fulfilment of PoC objectives and exemplifies the dual role, which Chappuis and Gorur identify, of peacekeepers as both security reformers and security providers. That is, whilst supporting capacity building, PoC in the DRC has largely been undertaken by MONUSCO. This has presented two problems. Firstly, when MONUSCO has seemingly failed to protect civilians, it

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[110] Judith Verweijen, 'Stable Instability: Political Settlements and Armed Groups in the Congo' (Rift Valley Institute, 2016) https://www.refworld.org/pdfid/57e92e4d4.pdf, accessed 14 December 2021.
[111] Koen Vlassenroot, 'South Kivu: Identity, Territory and Power in the Eastern Congo', Usalama Project Report: Understanding Congolese Armed Groups (Rift Valley Institute, 2013).
[112] S/RES/2098 (2013).
[113] S/2012/355 (2012).
[114] Effectiveness of Peace Operations Network (EPON), 'Assessing the Effectiveness of the UN Mission in the DRC' (NUPI, 2019) p. 97.
[115] Human Rights Watch, 'DR Congo: Reopen Inquiry into Prominent Activist's Murder', 11 February 2021, https://www.hrw.org/node/377849/printable/print, accessed 8 July 2021.
[116] See: Gisela Hirschmann, 'Cooperating with Evil? Accountability in Peace Operations and the Evolution of the United Nations Human Rights Due Diligence Policy', *Cooperation and Conflict*, vol. 55, no. 1, 2019.

has led some to argue that MONUSCO has provided a false sense of security,[117] evidenced in the numerous anti-MONUSCO demonstrations protesting the perceived failure of MONUSCO to protect civilians from rebel attacks.[118] Secondly, this expectation or view of the mission as the primary protector of civilians creates a reliance on the peacekeeping operation and detracts from the role of the state. Indeed, MONUSCO's approach to PoC has been critiqued for pursuing 'an out-focused mission-driven protection strategy', focusing on perfecting its own system, resulting in a diminishing of the primary role of State authorities in assuming their PoC obligations.[119] As such, whilst MONUSCO's internal PoC systems have been strengthened, there has been 'little success in terms of national ownership and buy-in'.[120] The inability or unwillingness of the host state to fulfil long-term tasks to achieve SSR and progressive responsibility for PoC results in the continued prioritisation of short-term PoC objectives while joint operations continue without the realisation of longer-term SSR.

Another situation where the host state engages in activities that exemplify the relationship between SSR and PoC exists in MINUSMA. MINUSMA is the only mission under review that is actively involved in counterterrorism. The mission expressly provides support for Malian participation in the G-5 Sahel's Joint Force (FC-G5S) which is offensively combatting terrorism.[121] The French, the G-5 Sahel, and the UN have coordinated a division of labour where the French and FC-G5S fight a war to allow space for MINUSMA to build peace and carry out conflict resolution.[122] One could therefore argue that this is part of 'stabilizing' the overall security situation in Mali. In addition, the UN clearly sees the FC-G5S as 'part of a

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[117] Human Rights Watch, 'DR Congo: Reopen Inquiry into Prominent Activist's Murder' (see: n**Error! Bookmark not defined.**).

[118] Al Jazeera, 'Protests Spread in East DRC as Fury Against UN Peacekeepers Rises', 27 November 2019, https://www.aljazeera.com/news/2019/11/protests-spread-east-drc-fury-peacekeepers-rises-191127074511102.html, accessed 10 December 2021.

[119] UNSC, 'Transitioning from Stabilization to Peace: An Independent Strategic Review of MONUSCO' ("Strategic Review") (25 October 2019) UN Doc S/2019/842, para 77.

[120] *Ibid.*

[121] Alexander Gilder, 'The effect of 'stabilization' in the mandates and practice of UN peace operations' *Netherlands International Law Review*, vol. 66, no. 1, 2019, pp. 59-64; S/PV.7665 (2016), p. 2 as per Mr. Ladsous; John Karlsrud, 'Towards UN counter-terrorism operations?' *Third World Quarterly,* vol. 38, no. 6, 2017; John Karlsrud, 'For the greater good?: 'Good states' turning UN peacekeeping towards counterterrorism', *International Journal* , vol. 74, no.1, 2019; John Karlsrud, 'From Liberal Peacebuilding to Stabilization and Counterterrorism', *International Peacekeeping*, vol. 26, no.1, 2019. Note that the FC-G5S is a regional operation 'entirely dedicated to combatting terrorist groups and organized crime', see also Moda Dieng, 'The Multi-National Joint Task Force and the G5 Sahel Joint Force: The limits of military capacity-building efforts', *Contemporary Security Policy*, vol. 40, no.4, 2019, p. 482.

[122] Bruno Charbonneau, 'Intervention as counter-insurgency politics', *Conflict, Security & Development*, vol. 19, no.3, 2019, p. 311.

multitude of efforts to strengthen security sector reform'.[123] However, as part of the Malian counterterror operations, Malian forces have carried out extrajudicial executions and other serious human rights violations.[124] These actions clearly undermine PoC as civilian harm continues at the hands of the host state, despite the UN's clear agenda of SSR. MINUSMA's support for the counter-terrorism agenda in Mali further exemplifies how support provided to the host state can create conflict between SSR and PoC. Militarized action is supported by MINUSMA in order for civilians to be protected by the host state, but in the course of military action continued human rights violations and abuses are committed by the very security sector undergoing UN-supported reform. This exemplifies short-term PoC remains the focus while little progress is made on long-term SSR, particularly while the host state continues to engage in armed conflict.

In the CAR, the mission faced similar issues where the mission had to fall back on short-term PoC objectives due to host state failures in SSR. Elections held in the CAR in December 2020 caused a significant increase of the use of violence,[125] which has deteriorated the overall security situation and complicates the cooperation between government forces and MINUSCA. In particular, the united front established by six rebel groups, CPC, led to an upsurge in violence in the north-west and south-east of the country, with that actively undermining state security.[126] As a result, the responsibility for the protection of civilians has been placed more heavily on MINUSCA, as national security forces have dealt with high numbers of defections and desertions.[127] This also led to little progress being made in operationalising the mixed security (the Unités Spéciales Mixtes de Sécurité (USMS)) units, as 'many elements reportedly deserted or defected, often with weapons. Lack of internal cohesion, command and control, and insufficient sustainment, as well as interpersonal tensions, also plagued these units'.[128] As a result, the CAR suffered 'serious setbacks to extending state authority'.[129] This is also caused by the fact that national armed and internal security forces were involved in recent violations

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[123] S/2019/371 (2019), para 37.
[124] S/2019/868 (2019), para 29; S/2018/541 (2018), para 37.
[125] S/2020/994 (2020), para 30; see also S/2021/146 (2021).
[126] S/2021/146 (2021), paras 3-4, 25.
[127] *Ibid.* paras 25, 35.
[128] *Ibid.* para 23. Note that operationalising the USMS was one of the most promising steps included in the 2019 Political agreement, as these units would consist of both government forces and soldiers from rebel groups, see also Aaron Pangburn, 'One Year After CAR Peace Agreement, Looming Elections Distract from Current Dangers', The Global Observatory, 2 March 2021, https://theglobalobservatory.org/2020/03/one-year-after-car-peace-agreement-elections-distract-from-current-dangers/, accessed 13 December 2021.
[129] S/2021/146 (2021), para 26.

of the political agreement targeted at civilians,[130] in actions against members of the opposition,[131] and in numerous human rights violations,[132] sometimes resulting in civilian deaths.[133] The UNSG furthermore confirmed that 'state agents have conducted several arbitrary arrests, and their enforcement of a nationwide curfew resulted in cases of disproportionate and excessive use of force'.[134] In addition, recent concerns raised regarding the cooperation between Russian private military contractors, the FACA and MINUSCA have cast even more doubt regarding the legitimacy of CAR's security actors, which also affects the mission due to its involvement in the fight against the CPC.[135]

While MINUSCA fulfilled a position as a security provider, this role is compromised by the involvement of members of the FACA, ISF and private military contractors in violence committed against the civilian population, while the mission cooperates with these actors in pursuit of both SSR and PoC. MINUSCA even assumed 'a greater share of the burden than envisaged' as it prevented 'armed groups from advancing towards Bangui, while also protecting civilians and State authorities in many locations across the country'.[136] The concerted action against the CPC, while also protecting civilians, demonstrates how this support results in MINUSCA being associated with the offensive use of force as FACA and ISF carry out operations they have the capacity to undertake due to SSR. Due to insufficient long-term SSR success we see the cyclic relationship in action where the mission remains the default provider of protection while institutions that are undergoing UN-sponsored SSR continue to commit human rights abuses against civilians and long-term SSR goals remain unachieved.

3.2.2 Compliance with the HRDDP

In order to avoid the support offered by UN troops contributing to serious human rights violations or violations of international humanitarian law, any assistance given to a state,

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[130] *Ibid.* paras 27 and 30.
[131] *Ibid.* para 48.
[132] *Ibid.*
[133] *Ibid.* para 34
[134] *Ibid.* para 57.
[135] United Nations Human Rights Office of the High Commissioner, 'CAR: Experts alarmed by government's use of "Russian trainers", close contacts with UN peacekeepers', 31 March 2021, https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26961&LangID=E, accessed 8 July 2021.
[136] *Ibid.* para 100; see also para 44.

regional or international force must comply with the HRDDP.[137] MINUSMA, MONUSCO and MINUSCA have all indicated that the support offered complies with the UN's HRDDP.[138] Activities such as drawing up a plan for the redeployment of Malian forces to the north of Mali were said to be 'fully in line with the human rights due diligence policy of the Organization'.[139] The Security Council also confirmed that 'any support provided to non-United Nations security forces, including the MDSF, is provided in strict compliance with the Human Rights Due Diligence Policy'.[140]

However, the implementation of the HRDDP in the Congo, for example, has proved to be challenging, thereby undermining both SSR and PoC initiatives. For example, in the case of the 'Red Generals', when MONUSCO refused to support a joint operation with the FARDC unless two Generals with poor human rights records were removed, the Congolese government refused to accede.[141] Instead, the government ignored the UN's ultimatum and unilaterally announced it would launch the operation without MONUSCO, with the two Generals leading the offensive.[142] This instance therefore typifies one of the fundamental problems which MONUSCO has faced when attempting both SSR and PoC – SSR requires both close cooperation with the state and a willingness from the state to effect change while reluctance to do so results in the undermining of PoC. Similarly, MINUSCA's compliance with the HRDDP has been criticised, in particular for carrying out joint operations with host state forces without properly vetting the host state's armed forces.[143] Following the HRDDP procedures has been difficult 'primarily due to internal dysfunction, rivalries within the mission, and a lack of clarity on the policy's aims'.[144]

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[137] A/67/775–S/2013/110 (2013).

[138] S/2021/867 (2021), para 57; S/2021/571 (2021), para 67; S/2021/146 (2021), para 61; S/2021/807 (2021), para 32; S/2021/587 (2021), para 43; S/2021/844 (2021), para 74; S/2021/519 (2021), para 42.

[139] S/PV.7784 (2016), p.3 as per Mr. Ladsous.

[140] S/RES/2364 (2017), para 26.

[141] S/2015/797 (2015).

[142] 'DR Congo Rejects UN Ultimatum to Sack Tainted Generals', *The East African*, 6 February 2015, https://www.theeastafrican.co.ke/news/ea/DR-Congo-rejects-UN-ultimatum-to-sack-tainted-generals/4552908-2615116-j6p131/index.html, accessed 8 July 2021.

[143] OIOS, 'Audit of the Human Rights Programme in the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic', Assignment no. AP2017/637/03, 29 March 2018, para 36; Labuda, 'With or Against the State? Reconciling the Protection of Civilians and Host-State Support in UN Peacekeeping', pp. 15-16.

[144] Labuda, 'With or Against the State? Reconciling the Protection of Civilians and Host-State Support in UN Peacekeeping', p. 16.

With regards to MINUSMA, the Security Council simply states, "any support provided to non-United Nations security forces, including the MDSF, is provided in strict compliance with the Human Rights Due Diligence Policy."[145] Little detail is provided on the exact relationship the UN forces will have with the MDSF, leaving uncertainty for communities which have suffered abuses in the past. The UN does recognise that Mali's counter-terrorism activities have led to "repeated allegations of violations of international human rights law and international humanitarian law."[146] The allegations include executions, torture, enforced disappearances, and varying levels of ill-treatment and arbitrary arrests all of which bring into question the effective implementation of the HRDDP.[147] A recent review of MINUSMA recommended that clear parameters are established on the provision of services by the UN to non-UN entities.[148] Such parameters would serve to reinforce impartiality but also further show a commitment to the HRDDP.

In the CAR, Mali and the DRC, human rights abuses by state actors continue to be prevalent, which makes the continued support offered to the host states by the missions a concern, in particular if the missions do not comply with the HRDDP. The three examples from Mali, the CAR, and the DRC discussed above illustrate the problematic and cyclic relationship between SSR and PoC. In all three situations, the mission provides support to the host state and its forces which are undergoing SSR, but nevertheless progress is undermined by continuing human rights abuses and other violations of international law. Consequently, SSR suffers setbacks, and the missions must prioritise their role as security provider to realise short-term PoC while continuing to provide support to the host state as security reformer to rectify the situation. The host state does not realise its PoC obligations and, as demonstrated above, on occasion refuses to fully engage with SSR resulting in little long-term progress.

4   The elusive long-term SSR gains and prioritisation of PoC

In lieu of a conclusion, this section discusses the findings of the case studies and potential paths forward for achieving SSR and PoC. The case studies have shown that there is certainly conceptual convergence between SSR and PoC with overlapping priorities and activities

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[145] S/RES/2364 para 26.
[146] S/RES/2531 para 34.
[147] A/HRC/43/76 para 32.
[148] S/2018/541 para 71

serving dual purposes in the areas of human rights and accountability. However, several areas of concern have arisen where there is either conflict between SSR and PoC or prioritisation of one agenda over the other, leading to shortfalls in overall progress. Both activities rely on cooperation between the host state and the mission, which is crucial in strengthening the host state's capacity to independently take on both SSR and PoC. However, the case studies have suggested SSR and PoC result in a cyclic relationship where short-term PoC goals must be prioritised while long-term SSR gains are undermined by the host state. The missions then continue to undertake joint operations and other collaborations with the host state in pursuit of SSR, but due to continued human rights abuses the missions must ultimately prioritise PoC. Importantly, there is a lack of host state commitment to long-term SSR, which is exacerbated by a lack of political will and a focus on ongoing conflict.

Continuing to integrate human rights and accountability mechanisms is key to both SSR and PoC and can be seen in all three missions examined. The case studies have discussed numerous examples of how the UN has sought to improve adherence to human rights law and decrease human rights abuses committed by host state forces. However, conflicts continue in all three case studies and the UN has concurrently undertaken SSR alongside the host state and ultimately sought to build the capacity of the host state to be better able to protect civilians.

Nevertheless, in MONUSCO a 2019 strategic review of the mission found that there had been 'limited progress' on SSR, with state security agents responsible for 61% of documented human rights violations in 2018, including 'subcontract warfare', using local armed groups in their military components against foreign armed groups.[149] Soldiers and police officers were also found to not be paid enough to 'incentivise them to take the personal risk required to defend and protect the population'.[150] The review noted that the mission had 'worked to perfect its own system, strategies and tools' for PoC, which was essential to 'improve the response of peacekeepers to violations against local populations and save lives, but has tended to diminish the primary role of State authorities in assuming their protection responsibilities'.[151]

Similarly, MINUSMA has suffered from the prioritisation of a robust PoC mandate and

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[149] UNSC, 'Transitioning from Stabilization to Peace: An Independent Strategic Review of MONUSCO' (see: n**Error! Bookmark not defined.**) para 26.
[150] *Ibid.* para 27.
[151] *Ibid.* para 77.

trainings provided to Malian forces have failed to prevent human rights abuses. Malian counterterror operations have violated human rights law, 'which compounded the communities' feeling of marginalization from the peace process'.[152] Malian forces have carried out extrajudicial executions and other serious human rights violations.[153] By providing robust physical protection, the UN is supporting the host state in devoting resources to 'excessive militarisation'.[154] Despite numerous trainings on human rights and humanitarian law, abuses have continued and the UN has continued to support the Malian authorities in establishing their authority and legitimacy. The militarized actions of the host state are supported by MINUSMA with short-term PoC in mind but long-term SSR remains elusive while the host state continues to engage in an armed conflict against a variety of actors.

In MINUSCA we saw a similar trend. As discussed above, the UN continues to support FACA and ISF where necessary, although members of these forces continue to be involved in human rights abuses. In its most recent report, the UNSG indicated that human rights incidents involving national security forces and bilaterally deployed security personnel increased with 278.4 and 289 percent respectively since the previous reporting period.[155] MINUSCA's investigations found that 'most civilian deaths resulted from indiscriminate, disproportionate and excessive use of force by national defence forces and bilaterally deployed and other security personnel'.[156] This also reflects negatively on MINUSCA, and compromises the mission's ability to fulfil its PoC mandate.[157] The UNSG also reported that the number of conflict-related sexual violence incidents were five times higher in the period since 1 February 2021 than in the previous reporting period.[158] Overall, it is not surprising that Secretary-General Guterres expressed serious concern regarding the current security situation in the CAR, with the civilian population experiencing an 'unacceptably high level of violence'.[159]

Host state commitment to SSR, particularly long-term reform, has been limited in the case studies. One of the current flaws exemplified in the case studies is how the inability or unwillingness of the host state to fulfil long-term tasks to achieve SSR and progressive

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[152] S/2016/498 (2016), para 39.
[153] S/2019/868 (2019), para 29; S/2018/541 (2018), para 37.
[154] Dieng, 'The Multi-National Joint Task Force and the G5 Sahel Joint Force', p. 492.
[155] S/2021/571 (2021), para 65.
[156] *Ibid.* para 66.
[157] *Ibid.* paras 25, 44.
[158] *Ibid.* para 69.
[159] *Ibid.* para 98.

responsibility for PoC results in the continued prioritisation of short-term PoC objectives while joint operations continue without the realisation of longer-term SSR. The missions have seen little actual reforms of state institutions which would increase their legitimacy.[160] For success in both SSR and PoC, to realise both short-term and long-term objectives, more focus should thus be placed at the governance level with the political process being of critical importance. Tension between those in power and armed groups and opposition parties vying for space at the national level leads to incentives for the government to disregard long-term SSR objectives to maintain the exclusion of other groups. The UN needs to promote inclusiveness in the political process by including different actors in SSR processes to facilitate increased cooperation with the host state.

However, as long as the UN continues to collaborate closely with host states that continue to commit abuses, there is little to incentivise an inclusive political process to work towards long-term SSR. The HRDDP intends to ensure that missions do not unintentionally support human rights abuses by host state actors. But the fact that the HRDDP rarely results in the termination of cooperation presents a situation where the host state can continue abuses in the knowledge the mission will continue to provide support for extending state authority with little progress on long-term SSR. Long-term SSR goals cannot be realised as long as host states directly attempt to undermine the reforms of the security services or simply fail to implement reforms. This, in turn, creates the situation where the mission must prioritise short-term PoC. Where the state does not make progress on SSR the missions must act as security provider to realise the missions' PoC goals and consequently cannot move past short-term PoC. Going forward, the UN will need to carefully consider both implementation of the HRDDP and evaluate the relationship between tasks that pursue PoC and SSR to put in place strategies to counteract the cyclic relationship that can be seen in MINUSCA, MINUSMA, and MONUSCO. By highlighting this relationship, missions can recognise how SSR and PoC are intrinsically linked and can reformulate how they cooperate with the host state to incentivise long-term SSR and move past short-term PoC.

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[160] Chappuis and Gorur, 'Reconciling Security Sector Reform and the Protection of Civilians in Peacekeeping Contexts', pp. 12-13.