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The Challenges of Consent:

Policy Recommendations for Maintaining Host State Consent for United Nations Peacekeeping Missions

Spring 2011
Diplomacy and World Affairs
Occidental College
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Acronyms

AMIS	African Union Mission in the Sudan
AU	African Union
CAR	Central African Republic
DIS	*Détachment Intégré de Securité*
DPKO	Department of Peacekeeping Operations
EUFOR	European Union Military Force
GoC	Government of Chad
GoS	Government of the Sudan
IDP	Internally Displaced Person
IOT	Integrated Operational Team
UNHQ	United Nations Headquarters (New York, New York)
MINURCAT	United Nations Mission in the Central African Republic and Chad
OAU	Organization of African Unity
PBC	Peacebuilding Commission
PKO	Peacekeeping Operation
UNAMID	African Union/United Nations Hybrid Mission in Darfur
UNEF I	First United Nations Emergency Force
UNMEE	United Nations Mission in Ethiopia and Eritrea

Executive Summary

The United Nations Department of Peacekeeping Operations (DPKO) has begun to face increasingly serious challenges to its missions in the form of withdrawn host state consent. As these situations bring to light the weaknesses and vulnerabilities of the UN's peacekeeping structure, it has become apparent that the Department must enact changes in its policies in order to prevent withdrawal of host state consent in future missions.

Host state challenges to consent not only threaten the lives of UN peacekeepers and jeopardize the investment that Member States have chosen to make in the host state, but they also fundamentally endanger the legitimacy of United Nations peacekeeping as a security tool of the international community; without host state consent, UN missions would be engaging in peace enforcement rather than peacekeeping. This policy brief sets out the primary challenges faced in acquiring and maintaining host state consent. It is essential that the following issues be addressed by DPKO policies in order to avoid crises of consent in United Nations peacekeeping missions:

- The failure to translate states' official agreements into action on the ground due to a disconnect between the UN's operational and strategic levels of interaction with the host state government;
- A decrease in UN influence over the host country government as the peacekeeping operation (PKO) progresses in its mandate;
- The sacrifice of key aspects of UN PKOs in order to acquire consent in instances of humanitarian necessity; and
- The political nature of the mission's interaction with the host state government and the subordinate position of the PKO to the host state in consent-based peacekeeping.

The above-stated obstacles are exhibited in three recent consent-based crises in the Sudan, Chad, and Eritrea. With these case studies in mind, this brief outlines the following policy recommendations that would strengthen DPKO's capabilities for maintaining host state consent:

- Explicitly stated incentives for host states' cooperation and consent;
- Supportive diplomatic structures to maintain the engagement and coordination of relevant actors and provide a unified front from which to demand continued consent; and
- Detailed, realistic contingency planning for situations where consent-based issues are likely to occur.

The United Nations and its Member States have an interest in ensuring that peacekeeping operations are not placed at the mercy of host state governments. As such DPKO must work towards ensuring that it has a range of strategies for situations where the withdrawal of host state consent is an obstacle to the successful continuation of a peacekeeping mission.

Introduction

In recent years the United Nations Department of Peacekeeping Operations (DPKO) has experienced increasingly serious difficulties when it comes to sustaining the consent of the host state government for the mandate of a peacekeeping operation. Without changes in UN peacekeeping policies that seek to address the growing problem of withdrawn consent, UN peacekeeping operations (PKOs) will continue to face situations where peacekeepers are placed in harm's way and missions are harassed, controlled, or expelled by uncooperative governments and thus fail to fulfill their mandates.

This policy memo will lay out the following sections to explore the issue of host state consent for peacekeeping missions:

- Section I: Necessary background information for understanding host state consent for peacekeeping missions;
- Section II: Major obstacles faced by peacekeeping operations in gaining and maintaining consent for the mission;
- Section III: Case studies of missions in the Sudan, Chad, and Eritrea to underline the importance of addressing primary challenges to maintaining consent; and
- Section IV: Policy recommendations for the Department of Peacekeeping Operations to address challenges to consent and increase the Department's range of strategies for dealing with situations of withdrawn host state consent.

The problem of withdrawn consent for peacekeeping missions poses difficulties not only for UN personnel on the ground, but also for United Nations peacekeeping as a player in the

international security arena. In light of recent consent-based withdrawals of peacekeeping missions, it has become clear that changes in UN peacekeeping policy must be made to ensure that the support and consent of the host state is maintained at an operational as well as a rhetorical level. The obstacles to consent that are exhibited by this paper's case studies show the need for policies that will incentivize cooperation and connect the Security Council's authority to the reality in the field.

Section I: Background

United Nations peacekeeping operations are based on three basic principles: consent of the parties, impartiality, and the non-use of force except in self-defense or defense of the mandate. However, as peacekeeping missions are placed in more complex situations, the definitions of these principles have begun to be questioned and expanded. Within the issue of consent of the parties, the following concepts are crucial for a complete understanding of host state consent and the role it plays in UN peacekeeping missions:

- Differences between the strategic, operational, and tactical levels of consent;
- The importance of host state consent as a tenet of UN peacekeeping operations and its crucial place in the functioning of peacekeeping missions on the ground; and
- Recent shifts in the conceptualization of consent within DPKO that change how consent must be viewed in the formulation of missions and the analysis of past consent-based problems.

Levels of Consent

Consent for UN peacekeeping operations goes beyond a simple agreement with a host state that a mission can come onto their territory. There are typically three acknowledged levels of consent: the tactical level, the operational level, and the strategic level. This brief and its policy recommendations will address the two highest of these levels of consent, strategic and operational.

The lowest level of consent, the tactical level, involves a local understanding of consent that takes into account population acceptance and the consent of important local actors.[1] It is at

[1] Neil Fenton. *Understanding the UN Security Council*. (Aldershot: Ashgate, 2004). 31.

this level that the consent of opposition groups or spoilers must be managed; the tactical level of consent moves beyond the traditional understanding of the state and takes into account real, tangible consent for ground-level peacekeeping forces. Policies and guidelines have been assembled to instruct the individual commander in the field on ways to gain and maintain consent in the general population, but the mission itself must take primary action when it comes to managing tactical consent as many groups who affect tactical consent do not have access to state-level structures.[2] The DPKO's 2008 document outlining the Department's principles and guidelines, the "Capstone Doctrine," addresses tactical consent by calling for "political and analytical skills, the operational resources, and the will to manage situations where there is an absence or breakdown of local consent."[3] This reflects the view of the Department that tactical consent is best dealt with at the ground level.

A slightly higher level, the operational level, concerns the ability of the mission to plan and carry out its objectives within the area in which it has been placed.[4] This involves the choices of the higher levels of leadership in the field and often involves coordination or cooperation with the host state itself at the mission level. Restrictions of operational consent may take the form of visa restrictions on UN staff, illegal taxation of the mission, or physical restrictions of the mission's movement on the ground. This type of consent is differentiated from tactical consent both by the interaction of the mission with the host state government and by the effect that restrictions at this level have on the overall ability of the mission to carry out its mandate.

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[2] D. Stuart Gordon and F. H. Toase. Introduction. *Aspects of Peacekeeping*. (London: Frank Cass, 2001). xxv.
[3] United Nations Department of Peacekeeping Operations, Division of Policy, Evaluation, and Training, Peacekeeping Best Practices Section. "United Nations Peacekeeping Principles and Guidelines." (United Nations: New York, 2008). 33.
[4] Ibid., 31.

The strategic, or formal, level is the highest level of consent for peacekeeping missions. At this level the Security Council decides on a mission's mandate and takes into account "'macro' factors affecting consent."[5] These may include the overall objectives of the mission, the roles played by outside actors, and the limits of the mission's mandate. At the strategic level the host state expresses its rhetorical support for the force by agreeing to the deployment of a mission on its territory and Member State or UN diplomats may negotiate the mandate of the mission with host state government officials. It is these two highest levels, the operational and the strategic, where the intentions and restrictions of the host state are typically expressed.

For the purposes of United Nations departmental policy, it is important to understand which actors have primary responsibility for consent at each level in order to focus policy change on aspects over which DPKO has real influence. While the management of tactical consent is vital for the work of a peacekeeping mission, it is also the level of consent at which the Security Council, Member States, and in many cases the host state itself, have little control. In some situations the host state may not have full territorial control, and consent must be managed directly with the population or with opposition or rebel groups. For this reason, expressions of host state dissatisfaction with a peacekeeping mission are rarely articulated, or at least are far harder to distinguish, at the tactical level. Conversely, opposition groups and local populations have no control over decision-making at the strategic level, the negotiation for which takes place in New York between Security Council members, Member State governments, and the Secretariat. The operational level of consent bridges the gap between the strategic and the tactical, but also tends to be state-dominated; operational difficulties are most often freedom of movement issues due to the host government's restrictions on the activities of the mission rather than constraints imposed by a population or rebel group. The operational level, for the purposes

[5] Op. cit., Fenton, 32.

of this paper, is also identifiable by the relationship the mission on the ground maintains with the entity that negotiates at the strategic level. Operational consent will be understood to refer to the power of the state to follow up on or violate the agreements it makes at the strategic level, regardless of its territorial or political control within its own country.

Importance of Consent in UN Peacekeeping

The Brahimi Report of 2000 reinforced the importance of peacekeeping's three principles in the aftermath of some of the most infamous failures and declared that "consent of the parties, impartiality, and non-use of force except in self-defense should remain the bedrock principles of peacekeeping."[6] Consent has implications for nearly all aspects of UN peacekeeping missions. Member States view their investment in peacekeeping missions as consent-based, host states view consent as the key to protection of their sovereignty, and when consent is withdrawn, it can be extremely dangerous for UN peacekeeping personnel to work within a nonconsensual environment. The necessity of state consent is the main identifier of a UN peacekeeping mission; without the consent of the host state, the UN would be participating in enforcement activity rather than peacekeeping.[7] The DPKO "Capstone Doctrine" of 2008 is clear on the importance of this aspect of peacekeeping:

> The complete withdrawal of consent by one or more of the main parties challenges the rationale for the United Nations peacekeeping operation and will likely alter the core assumptions and parameters underpinning the international community's strategy to support the peace process.[8]

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[6] United Nations General Assembly. United Nations Security Council. *Report of the Panel on United Nations Peacekeeping Operations*. A/55/305. S/2000/809. 21 August 2000. Heretofore referred to as "The Brahimi Report." ix.
[7] Op. cit., "United Nations Peacekeeping Principles and Guidelines." 34.
[8] Op. cit., "United Nations Peacekeeping Principles and Guidelines." 32.

It is the understanding of consent as the primary source of peacekeeping's legitimacy that gives it its importance and has reinforced the organizational respect for this concept, even as the implications of its primacy, and indeed its very definition, may have changed over time.

Early interpretations of consent appeared to have been based purely on the official expression of support for the mission at the highest levels of state authority. The first peacekeeping mission in history, the first United Nations Emergency Force (UNEF I) was terminated based on the host state's withdrawal of support, but this mission did not experience the level of sustained operational restrictions that recent missions have encountered.[9] UNEF I left Egypt after facing the withdrawal of strategic level consent and the movement of the Egyptian military into the UN's observation posts; simultaneous withdrawal of both the strategic and the operational levels of consent by the state shows an interpretation of the two as intimately connected, a inclination that has not continued in DPKO's most recent experiences of withdrawn consent. The above-quoted position of the Department seems to refer to the earlier understanding of consent; yet this recently published official position does not address the consequences for a mission's credibility when consent is partially withdrawn, rather than part of a "complete withdrawal."

Changing Conceptualizations of Host State Consent within DPKO

The conceptualization of host state consent has changed over the years not only seemingly from the point of view of the states themselves, but from within the Department of Peacekeeping Operations as well. Although it is considered one of the tenets of United Nations peacekeeping, "consent of the parties" is by no means a static concept, and DPKO's official

[9] United Nations Department of Peacekeeping. "First United Nations Emergency Force (UNEF I): Background." http://www.un.org/en/peacekeeping/missions/past/unef1backgr2.html.

policy has begun to evolve in the aftermath of challenging missions like the ones that will be discussed later in this paper.

The newest and most significant change in the conceptualization of consent for peacekeeping missions came out of the "Capstone Doctrine," which sought to expand the understanding of consent beyond a rhetorical agreement to the physical presence of peacekeeping troops.[10] While the Brahimi Report stressed the importance of peacekeeping as a supplement to a political process in 2000, DPKO has recently expanded that understanding to have implications for consent.[11] The Department has come to understand consent for a peacekeeping mission to include not just an allowance of freedom of movement for the mission, but also the creation of political space for a PKO to act within the country.[12] Therefore, DPKO has come to define consent in political as well as physical terms, establishing that host state consent can be withdrawn or fail to be given through either physical or political means. This view has been continued in the "New Horizon" non-paper, which stresses the importance of maintaining political support for the mission, not just in the general UN community, but also in the host country itself.[13]

In "Managing Consent—the New Variable?" Ian Johnstone takes a largely state-oriented view of consent, as this paper will do, focusing more on the strategic and operational levels of consent and less on the tactical level, which the host state has more limited direct control over. Johnstone chooses to analyze consent from the viewpoint of relational contract theory, which is helpful in understanding the changing nature of consent, even if it may fall short in explaining

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[10] As noted in Ian Johnstone, "Managing Consent- The New Variable?" *Beyond the 'New Horizon'* Proc. of UN Peacekeeping Future Challenges Seminar, Geneva. Ed. Cedric De Coning, Andreas Oien Stensland, and Thierry Tardy. 24 June 2010. 28-29.

[11] "The Brahimi Report," 5., as well as United Nations Department of Peacekeeping Operations, Division of Policy, Evaluation, and Training, Peacekeeping Best Practices Section. "A New Partnership Agenda: Charting a New Horizon for Peacekeeping." (United Nations: New York, 2009). 9.

[12] Op. cit., "United Nations Peacekeeping Principles and Guidelines." 32.

[13] Op. cit., "A New Partnership Agenda: Charting a New Horizon for Peacekeeping." 12.

aspects of the connection between host state governments and the United Nations. Under relational contract theory, rather than a "one-off transaction," Johnstone argues that the peace agreement forming the basis of consent is part of an ongoing relationship between the major actors and as such is subject to change and reinterpretation over time. This theory is founded on several assumptions: first, it assumes that both actors have a desire to continue the relationship; second, it sees the contract as a framework within which the terms of the agreement may change rather than a set list of unchanging expectations; third, it implicates other players beyond the two parties in the contract; and fourth, the entirety of the relationship between the actors must be understood to play a role in consent, taking into account power relations and changing circumstances.[14]

Although Johnstone does not draw out the potential effects that consent through this framework may have on one's interpretation of the Department's changing view of consent, there are nevertheless important implications to be explored within this theory. The recent changes in the UN's understanding of consent could reasonably be argued to be the result of changes in the terms of the agreement over the course of successive peacekeeping missions in many different countries. In the context of multiple peacekeeping "contracts," the Department's understanding of what host state consent looks like over time may have been shifted. A fundamental fact of these contracts which relational contract theory fails to account for in the relationship between the host state and the UN is that one of the parties remains constant over the course of many newly developed contracts; while the terms of each individual contract may change over time, it must also be recognized that the beginning terms of all contracts over time may also change as a result of lessons learned by the constant actor, in this case the UN and the Department of Peacekeeping Operations. This is an important point in examining the most recent

[14] Op. cit. Johnstone. 29-30.

peacekeeping missions where consent-based issues have occurred. The change in the Department's view of consent over time may have contributed to the rise of consent-based obstacles in UN peacekeeping missions.

Section II: Challenges to Maintaining Consent

In order to propose policies that can effectively address the challenges of maintaining host state consent at both the operational and the strategic levels, it is first crucial to understand the major issues faced by missions. This section seeks to propose primary obstacles to consent with the aim of identifying the principal areas of concern for consent-based peacekeeping, as well as to expand and reframe some of the challenges that Johnstone discusses in his article "Managing Consent- the New Variable?" The challenges addressed in this paper include the following:

1. Political and authoritative separation between the operational and the strategic levels of consent;
2. The UN's weakening authority and influence in the face of obsolescing will;
3. Difficulty of consent-based peacekeeping in the context of complex humanitarian emergencies; and
4. The highly political nature of the relationship between the host government and the mission on the ground.

1.) Separation Between the Operational and Strategic Levels of Consent

Often in UN peacekeeping there is a failure to translate official agreement at the strategic level into concrete action on the ground. This appears to be due to a disconnect between these two levels. Although the actors remain the same at the strategic and the operational levels, it is misleading to believe that the relationship between the host state and the United Nations also remains the same. Johnstone's relational contract theory fails to expand to the strategic and operational levels unless these two levels are combined into one understanding of the relationship between the host state and the United Nations. But this view misses a crucial point,

which is that the relationship that the host state shares with the United Nations at the strategic level is very different from that which it experiences at the operational level. Relational contract theory takes into account "the context of the overall relationship (including the power dynamics)" in order to understand the nature of its consent.[15] This provides a good model for understanding consent given at the strategic level, but falls short by losing sight of the distinctly different dynamics at the operational level and the play between the two. At the strategic level, the host state may be pressured diplomatically from many sides and find itself functioning within the normative structure of UNHQ with few allies who are willing to assist in asserting its sovereignty. The power dynamic in this instance is very much in favor of the Security Council, its individual Member States, and the Secretariat. In the field at the operational level, however, this power dynamic changes drastically. The mission on the ground is at the mercy of the host government when it comes to basic essentials like delivery of supplies and granting of visas. The issue becomes considerably more complex in situations where the host state government is unhappy about giving its consent at the strategic level and sees its relative power the operational level as its outlet for frustration. As the study of UNMEE in Eritrea will show, the operational level of activity leaves the mission very much at the mercy of the host state, regardless of the power dynamic at play in New York.

The disconnect between the operational and the strategic and the drastic difference in power dynamics between the two allows for cases where the host state promises one thing under the watchful gaze of the Security Council in New York and then proceeds to act completely in opposition to that promise to the Security Council's peacekeeping mission on its territory. Though this may seem a straightforward problem, the failure of the Security Council's authority to influence the host state's actions on the ground is a major obstacle to maintaining overall

[15] Op. cit., Johnstone, 30.

consent, especially if consent was unwillingly given at the strategic level. The "Capstone Doctrine" asserts that "consent, particularly if given grudgingly under international pressure, may be withdrawn in a variety of ways when a party is not fully committed to the peace process."[16] Inevitably, the withdrawal in these cases happens at the operational level with few consequences at the strategic level. Though the mission has the full backing of the Security Council, it is difficult for it to assert this over a more powerful host state.

2.) UN Influence In the Face of "Obsolescing Will"[17]

United Nations peacekeeping missions are most often placed in situations where a government is weak and needs international support in order to sustain its peace process, its grip on the security situation, or the development of its institutional structure. If a peacekeeping mission is successful at its aims, the result will be a stronger and more capable state. In this context, Johnstone discusses the phenomenon of what he terms "obsolescing will." He sees peacekeeping as a "bargain" between the elites of a country and the United Nations.[18] Early on, the government desperately needs the support of the United Nations, and the resources and credibility that it can bring to early stages of the peace process are highly desirable. As the process progresses, however, the comparative strength of the government increases and the influence of the UN decreases. This leads to an "obsolescing will," as the government begins to see less of a role for the UN and is able to assert itself more strongly in its own internal matters.[19]

The main effect of obsolescing will is that incentives for cooperation and consent lose their power over time. As the UN helps build the capacity of the state, it simultaneously reduces

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[16] "Principles and Guidelines." 32.
[17] Op. cit., Johnstone, 32.
[18] Ibid., 31.
[19] Ibid., 31-32.

its own leverage and its own welcome within that state.[20] The bottom line for this phenomenon is that strong states are less likely to be tolerant of UN peacekeeping missions on their territory whereas weaker states do not have the capacity to object to a UN presence, much less handle their own security or development problems. An understanding of this bottom line is crucial when developing policies for maintaining consent, as the beginning strength of the state will determine whether consent-related issues are likely to be an early factor. States which start out strong even before a peacekeeping operation is in place are more likely to challenge the mission early and assertively. The UN must have a way to address this obstacle by establishing strategies for maintaining its leverage over the host state even in cases where consent-based issues arise early in the mission's lifetime.[21]

3.) Consent-Based Peacekeeping in Humanitarian Emergencies

While consent is one of the central tenets of peacekeeping, the dogged pursuit of host state agreement can compromise the nature of the entire mission, if not challenge the credibility of the whole of UN peacekeeping.[22] In cases where there is the perception of a moral imperative, UN peacekeeping may be asked to sacrifice vital aspects of the operation, including operational control or a meaningful role in political processes, in order to secure the consent of the host state. However, in light of DPKO's relatively new understanding of consent as being both political and physical, missions under these circumstances call into question whether a peacekeeping mission can be considered to have been given consent at the strategic level if the UN is cut out of the political process. It becomes important that the nature of the mission be understood in relation to the consent that has been given in order to determine whether the mission is carrying out a true

[20] Op. cit. Johnstone, 32.
[21] Ibid., 33.
[22] Ibid., 35.

peacekeeping operation or is merely a vehicle to respond to a humanitarian emergency. The example of Darfur will showcase this point clearly.

From Johnstone's point of view, this issue could be placed under the heading of what he terms as "uncertainty about the core business of peacekeeping."[23] He argues that the role of peacekeepers is both too ambitious and too unclear; PKOs are asked to do everything from "rule of law" to "security," while it remains unclear whether or not the capacity exists for completing any of these lofty goals.[24] This "ambitious vision for peacekeeping"[25] appears to be at play in negotiations for peacekeepers in humanitarian emergencies. The sacrifice of vital aspects of control of the mission's structure in order to solidify consent speaks to the belief that the simple existence of peacekeepers achieves something significant and transformative to the environment in which it is placed. But to temper this conviction could produce ramifications for peacekeeping missions, as Johnstone observes:

> The implications for managing consent are profound, and in fact cut both ways. On the one hand, it is easier to sustain genuine consent for minimal goals. Fewer interlocutors need to be engaged and the leverage of outsiders can be targeted. On the other hand, consent to a minimalist intervention may not provide sufficient reassurance to all stakeholders.[26]

In other words, some of the power of peacekeeping missions, especially in the case of humanitarian emergencies, is the symbolic support it provides to the other parties involved. However, counting on this fact to produce concrete results in the face of a restrictive government is not an effective long-term strategy. Ultimately, each peacekeeping operation is individually negotiated with the host state; humanitarian emergencies place pressure on the structure of consent-based peacekeeping because they may build in structures that challenge the

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[23] Op. cit. Johnstone, 30.
[24] Ibid., 30.
[25] Ibid., 31.
[26] Ibid., 31.

independence of the mission and allow consent to be used as a tool of the government. The case of Darfur will showcase this issue clearly.

4.) Political Involvement of the Mission on the Ground

The nature of consent-based peacekeeping is such that UN PKOs must maintain a careful balance in their interactions with the host governments. Although PKOs must cooperate with the government of the host state and at times need to placate it in order to maintain consent for the mission, they must also maintain distance from the government so that they are not too deeply influenced by its needs or desires. Johnstone pinpoints the difficulties faced by missions that become too closely aligned with the government. He argues that the mission becomes subject to "obstructionism" on the part of the host state if it becomes too involved.[27] By reducing its independence from the government, the mission may be pressured to give into state demands or to reinterpret its mandate in such a way as to benefit the host government. To directly oppose the government, however, is to risk consent that may have been unwillingly given in the first place.[28] If the mission is confrontational or unwilling to compromise to government demands, they may endanger the mandate—at the end of the day, the host government has the power to withdraw its consent.

The nature of a mission's involvement on the ground also has implications for the understanding of consent-based peacekeeping. The "Capstone Doctrine" makes it clear that its own understanding of consent reflects not just a state's acceptance of a peacekeeping mission's physical deployment on its territory, but also that the mission is allowed a meaningful and

[27] Op. cit., Johnstone, 35.
[28] Ibid., 35.

legitimate role in the political process.[29] This understanding could lead us to conclude that in cases where a viable political process is not in order, consent for a peacekeeping mission has not or indeed cannot be given. Realistically, however, the Security Council does not always take this aspect of consent into account and missions are placed in situations where political involvement is minimal or heavily restricted. The cases of Chad and Darfur will highlight the need for practical strategies even in situations where the Department's full definition of consent is not met.

[29] Op. cit., *"United Nations Peacekeeping Principles and Guidelines."* 32.

Section III: Case Studies

The restrictive nature of the above-stated challenges is best understood in the context of real-life situations faced by missions in the field. The following case studies show the complexity of maintaining the consent of the host state once a mission is on the ground and the host state has control over its operational freedoms. This section will explore three case studies that highlight challenges faced by PKOs:

- **African Union/United Nations Hybrid Mission in Darfur (UNAMID)-** In a rush to attend to the humanitarian catastrophe occurring in Darfur, the UN was forced to accept the terms set by the Sudanese government despite the drastic changes to the nature of the peacekeeping mission. The hybrid formation of the Mission reduced the UN's control over its own operational choices on the ground, thus setting a precedent for control by the Government of the Sudan and reducing its ability to advocate for operational freedoms. The political space for UNAMID was limited at best and continues to be less than meaningful. At the strategic level, relations have been complicated by the Government's denial of the scale of the humanitarian disaster on its territory.
- **United Nations Mission to the Central African Republic and Chad (MINURCAT)-** The power relationship between the host state and the United Nations differed sharply from the strategic to the operational level; this led to a strict assertion of control by the host state at the operational level. The Mission's close relationship with the Chadian government at the ground level restricted its ability to advocate for its own freedom of movement and compromised the set-up and mandate of the Mission. This operation's experience could be considered as a worst-case scenario, as the Mission was restricted politically to the extent that it was unable to make any meaningful change in the security

situation of eastern Chad before it was explicitly asked to leave by the host government at the strategic level.

- **United Nations Mission in Ethiopia and Eritrea (UNMEE)-** The slow and steady restriction of the operational freedom of the Mission by the Eritrean government led to its eventual withdrawal and termination, even in the face of government insistence that the restrictions on the Mission were a "technical issue." The inability of the UN to turn strategic-level discussions into concrete improvements for the Mission's freedom of movement at the operational level ended in what many in DPKO refer to as "death by a thousand cuts" for UNMEE and the ultimate failure of the operation. This case highlights the importance of operational consent and the sometimes-meaningless effect of strategic-level rhetoric.

Case Study 1: Darfur and UNAMID

Background

The violence in Darfur, Sudan garnered high-profile media attention and a worldwide outcry for action beginning in 2004. The Government of the Sudan (GoS) and its *Janjaweed* militia were carrying out attacks in the western part of the country, targeting whole villages of people in what appeared to be, but for some time was not labeled as, a genocidal campaign.[30] The UN first began exploring the possibility of establishing some kind of UN operation in Darfur in early 2004.[31] This was followed by a Security Council resolution supporting the deployment

[30] Prunier, Gerard. "The Politics of Death in Darfur." *Current History*. 15.691 (2006). https://files.pbworks.com/download/a5ja9enKTu/mshanson/21866635/The%20Politics%20of%20Death%20in%20Darfur.pdf. 137.
[31] United Nations Security Council. *Report of the Secretary-General on the Sudan pursuant to paragraphs 6, 13 and 16 of Security Council resolution 1556 (2004), paragraph 15 of Security Council resolution 1564 (2004) and paragraph 17 of Security Council resolution 1574 (2004).* S/2004/453. (3 June 2004). 1.

of an African Union protection force in July 2004 and the African Union's decision to take primary responsibility for the international community's diplomatic action in Darfur[32] during the UN's preparations for a peacekeeping mission between North and South Sudan.[33] The AU force in Darfur, also know as the African Union Mission in the Sudan (AMIS), began to be intentionally targeted not long after it had established itself on the ground as the parties to the new peace agreement, most notably the Government of Sudan, failed to live up to the promises made in the agreement.[34]

The agreement that would lead to the establishment of UNAMID, the African Union/United Nations Hybrid operation in Darfur, was completed in 2007 after extensive negotiations with the GoS and three years of struggle for AMIS. From the beginning, President al-Bashir insisted, "in strong terms," that a transition from an AU-led to a UN-led mission was unacceptable.[35] His disapproval of outside forces was felt by AMIS:

> In addition to the obstruction of its activities by the parties [to the Darfur Peace Agreement], including the imposition of a crippling curfew and other restrictions by the Government and active hostility on the part of some rebel groups, AMIS has been grappling with major challenges, including insufficient mobility, communications, and public information capabilities.[36]

The inability of AMIS to effect change or enforce a peace agreement if one were agreed to seemed for the GoS to make it a more acceptable alternative to a UN mission, though it still suffered from the operational constraints that would ultimately plague UNAMID as well. Despite early refusal of consent for a hybrid mission, further high-level meetings with the permanent members of the Security Council, the Secretary-General, the European Union and the League of

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[32] United Nations Security Council. *Resolution 1556 (2004).* S/RES/1556 (30 July 2004). 3.
[33] Op. cit., S/2004/453. 3.
[34] United Nations Security Council. *Report of the Secretary-General on the situation in Darfur.* S/2005/68, 11.
[35] United Nations Security Council. *Report of the Secretary-General on Darfur.* S/2006/591. (28 July 2006). 5
[36] Ibid., 8.

Arab States, among others, finally led to the GoS's consent for a hybrid mission in Darfur.[37] The formulation of the mission, however, had changed within the negotiations. Rather than establishing a United Nations mission in place of AMIS, which it knew would be far more effective, the GoS insisted on splitting the difference and creating a hybrid mission.

Despite the new and improved nature of the international mission, UNAMID did not enter Darfur with fewer operational restrictions than AMIS had faced. In fact, the extent of the GoS's operational constraints only increased with UNAMID's deployment. The requirement for the Mission to have "a predominantly African character"[38] was especially problematic. The initial deployments of troops were delayed because, "the Government…expressed reservations about certain non-African units in the force, including the infantry battalion from Thailand, the force reserve/special forces and sector reserve companies from Nepal and the Nordic engineering company."[39] The GoS was explicit about its use of consent in order to secure material gains from the United Nations. It agreed to allow night flying, "on the condition that the United Nations would upgrade its airports in Darfur."[40] The operational restrictions placed on UNAMID continued, including limitations on patrols, delays by the GoS in moving UN equipment through customs, and intentionally-slow visa granting for UN personnel.[41] Mission constraints have not yet ceased as UNAMID heads into its fourth year on the ground. The latest Secretary-General's report of 18 January 2011 details these now-typical restrictions:

> Government restriction on the movement of UNAMID constrained the mission's response to the affected population in the first days of the [most recent] crisis. Air

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[37] United Nations Security Council. *Letter dated 5 June 2007 from the Secretary-General to the President of the Security Council.* S/2007/301/Rev.1. (5 June 2007). 4.
[38] United Nations Security Council. *Resolution 1769*. S/RES/1769 (2007). (31 July 2007). 2.
[39] United Nations Security Council. *Report of the Secretary-General on the deployment of the African Union-United Nations Hybrid Operation in Darfur*. S/2007/759. (24 December 2007). 4.
[40] Ibid., 4-5.
[41] United Nations Security Council. *Report of the Secretary-General on the deployment of the African Union-United Nations Hybrid Operation in Darfur*. S/2009/352. (13 July 2009). 4-7.

> and land restrictions were in force in Khor Abeche, Shaeria, Muhajeria, Labado, Marla, Shangil Tobaya and Dar al Salam. The Government lifted some restrictions on 27 December, but continued to limit the mission's movement... The mission's freedom of movement was impeded on 26 occasions during the reporting period, bringing the total for the year to 123. Of the incidents during the reporting period, 23 restrictions were imposed by Government of the Sudan authorities.[42]

For UNAMID, constraints on its movement and other operational activities have become the norm. Although it still manages to function, it is questionable how effective the Mission is able to be when fundamental aspects of its functionality, like area patrol, can be blocked at the Government's whim.

Analysis of Consent in Darfur

UNAMID, as the only still-active mission discussed here, has clearly not yet hit its limit for operational restriction as this paper will discuss for another mission before it. And the operational constraints placed on UNAMID have not been so extreme as to drive the Mission from Darfur. Within the context of the humanitarian emergency that is Darfur, there is little doubt that the Mission is able to accomplish enough, in spite of constraint, to change the quality of life for many in the area by facilitating humanitarian aid and contributing, however little it can, to stability in the region. But regardless of its ability to carry out the basics of its operational plan, the consistent and long-standing restrictions that have been placed on UNAMID set a dangerous precedent. The high-profile nature of the violence in Darfur exerted pressure on the UN to be seen as an actor in attempting to stop it. The need for some kind of humanitarian response over and above that provided by AMIS appeared to trump many of the other needs of a peacekeeping mission and forced the UN to agree to the deployment of a mission that was deeply

[42] United Nations Security Council. *Report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur*. S/2011/22. (18 January 2011). 4-7.

flawed. Despite the AU's early action in Darfur, a hybrid mission was not the best-case scenario for the situation in Darfur, and the GoS appeared to know this from the start. The use of the AU's leading role as a rationale for calling for a predominantly African mission allowed the GoS to tie its consent to and control some of the most basic aspects of the Mission, such as the deployment of individual battalions of soldiers. In this case, the GoS was able to use the UN's need for consent and its deep desire for a humanitarian response as leverage to challenge the formulation of UNAMID. Had the UN been slightly less eager to establish a new mission to deal with Darfur's humanitarian situation, it might not have been put in a position that allowed the GoS to exert such power over its operations.

In contrast to many governments that the UN deals with in negotiating peacekeeping operations, the GoS was a strong and assertive presence as well as being both the cause of and solution to the violence in Darfur. Johnstone discusses the UN's loss of influence with the host state over time and asserts that "as the government becomes stronger, it becomes less tolerant of international tutelage – content to accept a small peacebuilding presence if that means greater economic aid, but less interested in a military presence and governance advice."[43] Unlike many host state governments, the GoS was not suffering from a lack of territorial control or influence within its country; indeed, the nature of the conflict in Darfur was a testament to the ability of officials in Khartoum to extend their support to militias far from the capital. Because of the strength of the GoS from the beginning of this, the "obsolescence of will" in the Sudan began before the UN had placed even one soldier on the ground in Darfur. It was apparent far ahead of time that support for international assistance was low and UN influence over the Government would be minimal. In light of the GoS's tactics prior to the deployment of UNAMID and during

[43] Op. cit., Johnstone. 32.

the deployment of AMIS, DPKO should have been able to anticipate and prepare for the problems it began to face once the Mission was established. Though the GoS has not yet expressed a desire for UN withdrawal at the strategic level, it is hard to argue that the Mission has been given either political consent or the operational space needed to fulfill its mandate.

A continuation of UNAMID under these conditions has significant implications not only for the ongoing crisis in Darfur, but also for the way that other host states view consent and their own power over the operational aspects of UN peacekeeping missions. Darfur is a classic example of a state asserting itself at the operational level just enough to restrict the efficacy of the mission but not enough to receive punishment or censure at the strategic level. It should be of major concern that other states could find this to be a consent-based success story and seek to emulate the Sudan's tactics on other UN missions.

Case Study 2: Chad and MINURCAT

Background

MINURCAT was established in the context of the crisis in Darfur and the media frenzy that led also to the establishment of UNAMID. Refugee flows from Darfur into Chad and the Central African Republic (CAR) were reaching overwhelming numbers and the humanitarian situations in those areas had become dire. However, the situation in Darfur only partially explained the crisis that had developed in eastern Chad. Not only did the Chadian government maintain an ongoing armed conflict with rebel groups in its territory, but at the time of MINURCAT's creation Chad was also in regular conflict with the Sudan.[44] Both Chad and the Sudan were sponsoring each other's opposition groups, who often then found shelter (as well as

[44] United Nations Security Council. *Report of the Secretary-General on Chad and the Central African Republic.* S/2007/97*. (23 February 2007). 2.

recruits) in the refugee camps along the Chad-Sudan border. Combined with the refugee flows from Darfur and Chad's own internally displaced persons (IDPs), this made for a serious humanitarian and security problem.[45]

MINURCAT's mandate was problematic from the beginning. DPKO was firm that the conditions for a peacekeeping mission did not exist in Chad, yet the Council continued to push until the Department was forced to develop a limited plan for providing security to the refugee and IDP camps. The Chadian government agreed to and was in support of the deployment of an international presence but was uncomfortable agreeing to a true military presence on its territory.[46] Persistent diplomacy by the French, however, secured an agreement with the Chadians about a European military presence within the mission rather than a fully UN-led operation.[47] A subsequent agreement replaced the European Union military forces (EUFOR) with a United Nations military force after one year.[48] The Government of Chad (GoC) was unhappy with the subsequent turnover to UN military forces and remained vocal about its displeasure up until the moment it asked MINURCAT to leave.

A major aspect of the mission in Chad was the formulation of a new police force, the *Détachment Intégré de Securité* (DIS). This GoC-led initiative intended to put together a Chadian police force to provide security for the refugee camps and surrounding areas in place of a United Nations police force but trained and overseen by UN personnel.[49] In context, the end result of the DIS on the security situation was positive. However, the ultimate control of DIS

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[45] Ibid., 2-3.
[46] United Nations Security Council. *Report of the Secretary-General on Chad and the Central African Republic.* S/2007/488. (10 August 2007). 2.
[47] Ibid., 4.
[48] United Nations Security Council. *Report of the Secretary-General on Chad and the Central African Republic pursuant to paragraphs 9 (d) and 13 of Security Council resolution 1706 (2006).* S/2006/1019. (22 December 2006). 3-4.
[49] United Nations Security Council. *Report of the Secretary-General on the United Nations Mission in the Central African Republic and Chad.* S/2008/601. (12 September 2008). 3.

remained with the Chadians rather than the Mission itself. Payment for DIS equipment, vehicles, and other needs came from a specially developed trust fund, rather than from the Mission's own budget. This fund allowed the DIS to demand equipment over and above what would be necessary to a police force, to the point that it was requiring $17.3 million in operating costs just for the year 2010—for a total force of less than 1,000 officers.[50]

The GoC's operational limitations of the Mission were subtle and largely unreported. Not only did it impose illegal taxes on MINURCAT,[51] but it also restricted its ability to build up its military force through air movement restrictions at the main airport.[52] However, due to the close relationship between high-level leadership in the Mission and the GoC, many of the restrictions imposed by the Government were unreported to UNHQ and are not reflected in official documentation of the Mission. Not long after the transfer of authority from EUFOR to the UN, the GoC requested at the strategic level that MINURCAT withdraw.

The Mission, established in 2007, was asked to leave Chad in January 2010 and after negotiations with the GoC agreed to withdraw by December 31, 2010, enabling the mission to finish out the year.[53] The GoC agreed to allow the extension beyond its original March 31st request for withdrawal in exchange for several material gains, namely the construction of airfield and road projects by the UN that would then be handed over to the Government upon the Mission's departure. MINURCAT withdrew on time and was terminated.

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[50] United Nations Security Council. *Report of the Secretary-General on the United Nations Mission in the Central African Republic and Chad.* S/2010/529. (14 October 2010). 5.
[51] United Nations Security Council. *Report of the Secretary-General on the United Nations Mission in the Central African Republic and Chad.* S/2009/535. (14 October 2009). 10-11.
[52] United Nations Security Council. *Report of the Secretary-General on the United Nations Mission in the Central African Republic and Chad.* S/2009/199. (14 April 2009). 7.
[53] United Nations Security Council. *Resolution 1923 (2010)*. S/RES/1923 (2010). (25 May 2010).

Analysis of Consent in Chad

One of the identifying factors of the mission in Chad was the disturbingly close relationship between high-level Mission leadership and officials in the Chadian government. These close ties restricted the ability of the Mission to accomplish goals that were at all unpalatable to the Chadians, and this not only compromised many aspects of MINURCAT's mandate, but also led to a breakdown in communication between the Mission and UNHQ as leadership in MINURCAT attempted to conceal the restrictive and coercive actions of the GoC from New York officials. This breakdown played a part in furthering the disconnect between the strategic and operational levels; not only had there been an initial miscommunication on the formulation of the mission, with the Chadians believing that they were requesting a purely civilian, not military, force,[54] but there was also a clear break in the information held by operational-level Mission personnel and strategic-level personnel once MINURCAT began operating on the ground.

While freedom of movement restrictions may have been intermittent or manageable issues, the ultimate constraint placed on the mission was that of its political sterility. MINURCAT had no political mandate and this led it to grasp at any possible opportunity to work with the GoC. Though there was an excess of frozen political processes contributing to the instability of Eastern Chad, the Mission was unable to participate in any of them; negotiations with the Sudanese government, peace talks in Darfur, and internal Chadian peace processes were all off limits for MINURCAT while having significant implications for the security situation it was mandated to stabilize. This led to a desire by the Mission to please the Government in order to be included in any process. Sadly, this close relationship ended in little more than Chad's

[54] Op. cit., S/2007/488. 4.

withdrawn consent and a general recognition, especially in UNHQ, that MINURCAT was ultimately a failure.

The United Nations' ability to extract an extension of the Mission's mandate in 2010 even after the Government of Chad's explicit withdrawal of consent has been seen by some as a success story of UN leverage on an unfriendly host state government in order to retain and extend consent.[55] However, in this context the agreement to trade consent for airline hangars represented the last in a long line of concessions made by the Mission in order to placate the Chadian Government and avoid further negative feelings towards MINURCAT and the United Nations. The close relationship between the high-level Mission leadership and the Chadian Government suggests that the UN's "leverage" in this instance may have been the result of Chadian pressure and control on the Mission rather than the other way around. Instead of offering benefits like infrastructure projects and airport aprons as incentives for sustained cooperation and consent, these features of the Mission were neglected[56] until they had to be offered up as bribes when the GoC began to request the removal of MINURCAT. The UN was caught in a classic trap: rather than reinforcing cooperation, it was instead caught rewarding the Chadians' bad behavior and unwillingness to work with the Mission with no additional freedoms in return, and was finally kicked out with little to show for its efforts and time.

Case Study 3: Eritrea and UNMEE

Background

While the peacekeeping operations in Chad and Darfur were multidimensional peacekeeping missions with complex mandates in the context of complicated internal conflicts,

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[55] Op. cit., Johnstone, 38.
[56] United Nations Security Council. *Report of the Secretary-General on the United Nations Mission in the Central African Republic and Chad.* S/2010/217. (29 April 2010). 10.

the mission in Ethiopia and Eritrea was not intended to be much beyond a traditional peacekeeping mission. Fighting broke out in May 1998 over a contested border following increased tensions between the two countries for several years.[57] The border, vaguely demarcated by Italian colonizers in the late 1800s, was never fully established when Eritrea gained independence in 1993, a fact which aggravated the Eritrean government progressively more as time went on.[58] In concert with the Organization of African Unity (OAU), the United Nations pursued an agreement to end what was becoming "an extremely bloody campaign"[59] between Ethiopian and Eritrean forces and signed on to the establishment of a peacekeeping mission to separate the two sides, demarcate a border, and oversee an Eritrean withdrawal in the contested areas.[60]

In light of the failures of the 1990s, UNMEE was seen as a return to the "good old days" of peacekeeping. Early reviews of the mission contrasted it with peacekeeping failures in Somalia, describing UNMEE enthusiastically as "a model of traditional 'Hammarskjöldian' interposition,"[61] despite recognizing that interstate conflict had become an increasingly rare style of conflict.[62] Consent for the mission appeared to be uniform; in fact, the government of Eritrea was said to prefer UN involvement over that of the OAU,[63] an ironic point in view of what was to come for UNMEE.

Despite the early optimism, UNMEE began encountering problems before it could even establish an area of operations. The mandate wasn't a year old before Eritrea had refused to fully withdraw its forces from the UN-created Temporary Security Zone, leaving an "authority

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[57] Norrie MacQueen. *United Nations Peacekeeping in Africa since 1960.* (London: Longman, 2002.) 227.
[58] Ibid., 226.
[59] Ibid., 227.
[60] Pearce, Justin. "Analysis: What the Peace Deal Means." *BBC World News Africa*. <http://cdnedge.bbc.co.uk/1/hi/world/africa/787888.stm>. (18 June 2000).
[61] Op. cit., MacQueen, 221.
[62] Ibid., 231.
[63] Ibid., 231.

vacuum" in the area and endangering the peace- and confidence-building processes.[64] UNMEE was struggling with freedom of movement difficulties from the beginning as well; this became a theme as the Mission progressed. In January of 2008, six months before the eventual termination of UNMEE, the Secretary-General's Report counted 45 different "permanent" restrictions on the Mission's freedom of movement that ranged from ending night patrols to expelling UN workers who were nationals of Western countries.[65] The most serious of these restrictions began in late 2005, when Eritrea restricted UNMEE from flying its helicopters, creating serious problems not only for patrol and oversight, but also for the Mission's basic medical evacuation capabilities.[66] This process of constraint progressed to include curtailment of fuel shipments to the Mission, eventually leading to a complete cessation of fuel from Eritrean sources in late 2007.[67]

The fuel stoppage was the final nail in UNMEE's coffin, but not the last word from the Eritreans. As UNMEE attempted to withdraw itself from the Eritrean side of the Temporary Security Zone into Ethiopia, the Eritrean Defense Force blocked UN trucks, claiming that the movement across the border was a "unilateral decision" by the UN and as such had not been approved.[68] At this point, shipments of food to the Mission were also halted though some contingents of peacekeepers had only two days of rations.[69] Not long afterwards, the Mission was terminated completely for being unable to make any meaningful operational progress towards fulfilling the mandate in the face of the Government's interference.

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[64] United Nations Security Council. *Report of the Secretary-General on Ethiopia and Eritrea.* S/2001/202. (7 March 2001). 2.
[65] United Nations Security Council. *Report of the Secretary-General on Ethiopia and Eritrea.* S/2008/40. (23 January 2008). 3.
[66] United Nations Security Council. *Report of the Secretary-General on Ethiopia and Eritrea.* S/2006/749. (19 September 2006). 2.
[67] Op. cit., S/2008/40. 3.
[68] United Nations Security Council. *Report of the Secretary-Gerneral on Ethiopia and Eritrea.* S/2008/145. (3 March 2008). 4.
[69] Ibid., 4.

Analysis of Consent in Eritrea

The Eritrean Government never formally withdrew its consent for the Mission. Even in the face of fuel and food stoppages, the Eritreans insisted that it was simply a bureaucratic issue that had yet to be resolved.[70] This is the most clear-cut case of what DPKO refers to as "death by a thousand cuts" that the United Nations has ever seen, and it proves that consent-based issues are not a product only of multidimensional missions such as those previously discussed. Operational consent for UNMEE was slowly and methodically withdrawn while the Government insisted on its strategic support for the Mission and maintained that it was cooperating. Despite the Government's rhetorical support, UNMEE and the Security Council were forced to accept the practical lack of consent on the part of the Eritrean Government, and the Mission's mandate was terminated without success.

In its entirety, Eritrea's withdrawal of operational consent showcases the disconnect between the strategic and operational levels of consent and the utter lack of consequence for increasing, small-scale restrictions of the Mission. Simple activities such as conducting patrols were limited by the Government with no reproof from the Mission. These issues could not be addressed because there was little tie between the rhetorical and the operational levels of consent. The Eritrean government found that it could hold off the UN and still restrict the Mission simply by calling the years-long constraints "a technical matter."[71] Their rhetoric at the strategic level was matched by equally meaningless rhetoric in the Security Council as it "reiterat[ed] its demands" that Eritrea cooperate with the Mission and cease its trifling in mission operability.[72]

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[70] Ibid., 1.
[71] Op. cit., S/2008/145, 1.
[72] United Nations Security Council. *Resolution 1798.* S/RES/1798. (30 January 2008). 2.

At a basic level, UNMEE's experiences highlight the power of the host state over the most elementary requirements of a mission. It is difficult to identify similarities between the power dynamic at UNHQ and in the field when a host state has nearly complete control over such basic resources as the mission's food supply. This may simply be a fact of peacekeeping missions that is unlikely to change, but it highlights the separation between the strategic and the operational levels of consent and stresses the need for strategies to deal with these issues.

Section IV: Policy Recommendations

It is a reality of United Nations peacekeeping that missions will not always be placed in situations where genuine consent exists. With this fact in mind, the policies to be adopted by DPKO for maintaining consent for a peacekeeping mission must recognize two essential facts:

- First, peacekeeping policies must apply to the worst- as well as the best-case scenarios for state consent. That is, the Department must have strategies not only for avoiding situations where consent is likely to be withdrawn, but also for managing a mission that is operating in sub-optimal circumstances.
- Second, policies must recognize that consent-based issues have appeared to react to precedent; issues regarding consent have appeared fairly recently after high-profile cases of successful strong-arming of peacekeeping missions. This means that DPKO must be able to apply its polices in a uniform manner to avoid allowing exceptions that could be copied by host states of future missions.

The following policy recommendations attempt to address the primary obstacles to genuine consent as evinced by the discussed case studies by suggesting strategies that would enable the UN to assert leverage over the host state government and allow for an activism on the part of DPKO that has been missing to date:

- Recommendation 1: The Department of Peacekeeping Operations must present explicit incentives for cooperation and consent rather than approach the host state with these options once it has already placed restrictions on the mission. This will enable the UN to reward the host state for good behavior and have a list of desirable projects that it can cut as a disincentive for restrictive behavior.

- Recommendation 2: The Department must institutionalize its use of groups of interested actors to exert pressure on host state governments and decrease the effects of obsolescing will. Ongoing diplomacy throughout the lifetime of the mission will keep important players involved and restrict the ability of the host state to take advantage of communication or knowledge gaps between outside actors.[73]
- Recommendation 3: The Department must engage in contingency planning for consent-based crises, especially in situations where host state consent is likely to be an issue. Not only will this prepare DPKO for dealing with restrictive circumstances, but it will move consent-based issues to the front of preparatory discussions, thus making the host state aware of the UN's preparedness and deterring attempts to constrain operational activities.

Policy Recommendation 1- Explicit Incentives for Cooperation and Consent

The Department of Peacekeeping Operations must present explicit incentives for cooperation and consent rather than approach the host state with these options once it has already placed restrictions on the mission. In order to create an environment of positive reinforcement for cooperative behaviors rather than uncooperative ones, DPKO needs to compile a list of quick-impact projects, infrastructural work, and additional development projects that a mission would be capable of accomplishing over the course of its time on the ground. This list of potential improvements could then be presented to a country alongside a benchmarked timetable prior to mission deployment. As improvements in the security and political situation were made and the cooperation of the host state was maintained over time, these projects could be implemented to encourage continued consent for the mission and enable consistent progress towards the success of the mission. Among other things, this strategy would work towards

[73] Op. cit., Johnstone, 39.

addressing the challenge of obsolescing will, as the state would continue to receive material gains for its cooperation with the PKO over time and see the value of sustained UN involvement.

If UN incentives are going to be useful, they must be explicitly named long before a government begins to withdraw its consent. Once a government has already begun to constrain the mission operationally, applying leverage in the form of a "bonus" only reinforces the state's uncooperative behavior. Incentives for cooperation must be differentiated from bribes for rhetoric; if incentives do not promote operational as well as strategic consent, then the incentive is not only ineffective but also makes poor use of vital UN resources and finances. As this paper discussed in the case in Chad, the UN's proposal of various infrastructural projects to hold the consent of the Chadian government was only successful in maintaining strategic-level consent for the mission rather than encouraging operational consent and cooperation. In other words, the UN purchased the Chadians' rhetorical support at the cost of roads and an air hangar but wasn't allowed any additional freedoms that might have benefited it on the ground.

Johnstone recommends not only the use of quick-impact projects to sustain consent but also "peacebuilding assistance" for cooperative governments.[74] As the Peacebuilding Commission (PBC) gains in legitimacy and effectiveness, this option will become increasingly viable as an incentive for cooperation. Thus far Liberia has been the only country to be taken on by the PBC while a peacekeeping mission is still on the ground; this trial run could be the first step in progressing towards more coordination between peacekeeping missions and the PBC, thus strengthening the transition from peacekeeping to peacebuilding.

Though it may seem counter-productive or unfair to withhold development projects or peacebuilding assistance where countries are being uncooperative, this is a necessary step that the Department needs to be bold in taking. The support and cooperation of the host state is

[74] Op. cit., Johnstone, 38.

necessary for these projects not just to facilitate completion, but also to make any kind of meaningful contribution to the peace or growth process of the country. These projects are unlikely to have any sustainable, positive effect on the country without governmental support, or at the very least without governmental tolerance, and as such should only be attempted in consensual, supportive environments. It becomes increasingly difficult to rationalize development projects in instances where the state in question is likely at any point to interfere with the mission's activities or, as in Chad, expel the mission entirely.

In addition, by being firm about the necessity of genuine host state cooperation, DPKO reasserts the tie between the strategic and the operational levels of consent and strengthens not only its own influence over the host state government, but also that of the Security Council and the UN as a whole. By using these projects as incentives for cooperation, the UN reinforces its cohesiveness and ties concrete consequences to a state's operational restrictions of the mission. Fundamentally, DPKO needs to set a precedent for withholding assistance where states harass peacekeeping missions, not only to protect peacekeepers themselves, but also to assert the authority of the Security Council on the ground and safeguard the investment that Member States make in UN PKOs.

Policy Recommendation 2- "Active and Supportive Diplomacy"[75]

The development of incentives for cooperation does not need to lie only with the Department of Peacekeeping Operations, or even within the United Nations system. As one of its major recommendations for the reform process, "New Horizon" calls for a diplomatic support

[75] Op. cit., "A New Partnership Agenda: Charting a New Horizon for Peacekeeping." (United Nations: New York, 2009). 12.

structure to back up peacekeeping missions on the ground.[76] This is another key step in strengthening the connection between the strategic and the operational levels of consent, and it is apparent that these formal groups of interested parties could be useful for all peacekeeping missions, especially those where a strong central state makes it more likely that consent-based issues will be a concern. Johnstone argues that these "groups of friends" could play an important role in maximizing the leverage of the peacekeeping mission over time by "ensuring that 'difficult governments' do not play multiple mediators and other external actors off against each other" as well as "engaging systematically with neighbouring countries that have the ability to either support or disrupt a peace process."[77] "New Horizon" further expands on the benefits of these groups for maintaining consent and sustaining international support for the mission on the ground. It finds that these "informal coalitions" can play an important role in advocating for the mission and retaining political support and resources.[78]

In cases such as that in Eritrea, a group like this could possibly have reacted to the small-scale, consistent operational restrictions placed on UNMEE before they had become so extreme as to force the termination of the Mission. A group such as this, consisting of other governments, NGOs, and interested parties, might also have been able to assist in circumventing the Eritreans by making the Mission less dependent on Eritrean logistics and resources, thus reinforcing UNMEE through non-UN channels in addition to UN ones. Keeping outside actors involved over the course of a mission's lifetime reduces the host state's ability to harass a PKO if the eye of the international community begins to look in other directions. A state government will find it more difficult to express its obsolescing will operationally when the major actors are consistently

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[76] Ibid., 12.
[77] Op. cit. Johnstone, 39.
[78] Op. cit., "A New Partnership Agenda: Charting a New Horizon for Peacekeeping." (United Nations: New York, 2009). 12.

involved and communicating with each other as well as demanding the ongoing consent of the host state. While active, supportive diplomacy may not fully address a state's decreasing will to cooperate over time, it can certainly slow the process by sustaining interest in the outcome of the mission and reinforcing the international community's involvement.

Ongoing diplomacy will also address the political position of the PKO vis-à-vis the host government. In situations like Chad, where the mission was isolated from the political process and formed a close relationship with the host state government to maintain consent, outside groups of actors could work to create space between the mission and the government, thus allowing the mission some autonomy within the diplomatic structure of the international community's response and making it less beholden to the political whims of the government. In the context of peacekeeping missions, the lesson seems to be that isolation creates dependency, which is not a position that a PKO wants to find itself in. By keeping other actors involved and communicating, DPKO can ensure that the PKO on the ground is not the only voice heard by the host state, especially as the operation continues over time.

To temper this recommendation, however, it must be noted that the first and most powerful diplomatic structure in the formulation and implementation of a peacekeeping mission is, and must remain, the UN Security Council. In its recommendation for informal support groups, "New Horizon" stresses that "the Secretariat can assist, but cannot replace, the leadership of the Security Council in generating and maintaining such support [for peacekeeping missions]."[79] This is an important point for peacekeeping policy; DPKO cannot directly enforce the Security Council's authority but must instead develop policies that will support the mission on the ground even in the event of limited Security Council leadership. Diplomatic structures outside the Council must be available to DPKO to address the gap between the strategic and

[79] Ibid., 12.

operational levels of consent but this can never be seen as a sufficient replacement for the authority of the Security Council. Nevertheless, formal groups of interested parties can be a powerful tool for maintaining consent over times and ensuring the continued authority and freedom of the mission.

Policy Recommendation 3- Realistic, Consent-Centered Contingency Planning

The Department of Peacekeeping Operations must consistently engage in contingency planning for consent-based crises, especially in situations where host state consent is likely to be an issue. DPKO has fallen short when it comes to planning in many past missions, but improvement on this score has been identified as a key goal by "New Horizon"[80] and contingency planning for consent-based issues fits well into this department-wide objective. The principle that the issue of obsolescing will points to—that governments are better able to assert their decreasing will for UN presence as they become stronger—allows DPKO to predict which governments are more likely to raise operational challenges early on based on the initial strength of the government.

Regardless of whether the Department thinks about consent in these precise terms, it is rare that consent-based issues come as a surprise to peacekeeping missions on the ground or to the Integrated Operational Teams (IOTs) at UNHQ. In light of this fact, it is difficult to account for the lack of tools PKOs have for dealing with uncooperative governments; this deficit must be attributed in some part to a lack of contingency planning. In Darfur, for example, it was apparent far before the Mission was established that the GoS was unfriendly to the idea of outside intervention, and the GoS reinforced this stance with continual and increasing restrictions of UNAMID that have continued until this day. While the Mission attempted to come up with

[80] Ibid., 13.

various ways of overcoming governmental restriction and has tried to work around the restrictions as best it can, there was a major oversight in not anticipating and addressing the need for strategies to maintain operational consent in the face of such an assertive government.

There seems to be a tendency in the Department to avoid planning in order to keep from creating self-fulfilling prophecies, but this argument holds little sway with consent-based issues. It is imperative that DPKO overcome what appears to be a fear of contingency planning and recognize potential mission needs in situations where strategic or operational consent for a mission has been suddenly withdrawn. The purpose of consent-centered contingency planning would be to enable a mission to either adapt quickly to an environment of increasing restriction or to prioritize objectives in the case of withdrawn strategic consent. Rather than encouraging withdrawn consent, in-depth contingency planning would show host states that peacekeeping operations cannot simply be thrown out when the host state thinks they are done or is unsatisfied with the mandate. Knowledge that the mission has a plan to enact when operational restrictions are introduced will make host states less likely to impose those restrictions, or will provide the mission with immediately available options for action if such a withdrawal does occur. Even in situations where the restriction of the mission has been negotiated, as in the case of humanitarian emergencies like that in Darfur, in-depth contingency planning can still serve to equip a mission with strategies to protect itself against some of the most restrictive challenges presented by the host state and free up room for itself in the peace process.

Beyond the practical applications, consent-centered contingency planning can also serve a normative function to force a state's frustration with a peacekeeping mission out of the operational realm and back into strategic-level channels. If the ability of the host state to blow off steam through operational restrictions of the PKO is limited by the mission's pre-planned

strategies, this will reinforce the connection between the strategic and operational levels of consent by pressuring the host state to recognize its own operational consent as synonymous with its high-level strategic consent. Contingency planning will also strengthen the strategic-operational tie within the UN structure, as strategic level thinkers will be forced to take into account practical aspects of the mission's situation on the ground, and the nature of the host state itself, when constructing a peacekeeping operation. Most importantly, planning is an activity that is not dependent on the host state; having a well-known contingency plan for situations of withdrawn or restricted consent will free up the mission politically, as it will not be held hostage to the attitude of the host state to the extent that it is when it is dependent on the government.

Contingency planning is perhaps the most important of these recommendations, as it enables PKOs to address all of the above-stated challenges to host state consent: it uses the concept of obsolescing will as a basis for predicting where consent-based issues are most likely to occur and adequately prepare those missions for that likelihood; it provides readily available options and strategies for peacekeeping missions in situations, like the humanitarian emergency in Darfur, where the influence and independence of the mission has been negotiated away prior to deployment; it addresses the gap between the strategic and operational levels, not only for the host state, but also within the UN structure; and finally, it creates political space for the mission so that PKOs are not caught between pleasing the host state government and fulfilling their mandates own. It is vital that consent-based issues are seen as a possibility in every case and a mission contingency plan is created accordingly.

Conclusion

Loss of either strategic or operational consent for peacekeeping missions is of concern for DPKO not just from the perspective of the UN's role in the world, but also from a practical standpoint. From a peace and security perspective, peacekeeping missions save lives and play an impartial role in the stabilization and development of volatile countries, which benefits neighboring countries, citizens, and global security as a whole. But consent is also an important issue from a financial viewpoint. UN peacekeeping is the cheapest method for providing international political and military support to struggling states, and it remains an investment that Member States and the United Nations must decide to make in each individual situation.

The United Nations and its Member States have an interest in ensuring that the Department of Peacekeeping Operations and its supporting structures have viable strategies for maintaining not only formal consent but also the concrete operational consent and cooperation of the host state government. By enacting strategies that incorporate explicit incentives for cooperation, on-going supportive diplomacy for missions, and practical, consent-centered contingency planning for all peacekeeping operations, DPKO can equip itself for dealing with the most serious challenges of maintaining host state consent.

States agree to forfeit aspects of their sovereignty when they accept a peacekeeping mission; this does not grant them the option of voiding that agreement unilaterally or without consequences. This may make strong governments less likely to accept peacekeeping missions on their territory, but in situations where the government is likely to constrain both the physical and the political freedom of the operation, it is perhaps better that missions not be established in the first place. As with all DPKO policy, it must be recognized that the primary responsibility for determining situations where peacekeeping operations will be successful falls to the Security

Council. However, the Secretariat must recognize that it will often operate in sub-optimal circumstances, and as such it needs practical answers for the questions that are raised by host state consent, which are likely to continue to be an issue in United Nations peacekeeping operations. The cases discussed here show the need to strengthen the UN's ability to assert itself so that it has options to protect its reputation as an effective and efficient promoter of international peace and security.

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The author would like to thank the following people for their assistance in the development and construction of this paper:

Professor Anthony Chase, Occidental College
Rachel McCandliss, Occidental College
Traver Mulligan, United Nations DPKO
Judy Hylton, United Nations DPKO
Suzanne Baxter, Mother Extraordinaire