

Human rights promotion and protection by UN peace operations in an environment of increasing multilateral competition

Recommendations for the future of UN Peacekeeping

United Nations Association of the Netherlands

Submission for the UN New Agenda for Peace

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ABOUT THIS PAPER

United Nations peacekeeping missions have become key actors for the promotion and protection of human rights as enshrined in the Universal Declaration of Human Rights (UDHR). However, 75 years after the establishment of the first UN peace operation and the adoption of the UDHR, multilateral institutions are weakened by international tensions and political polarisation. In an increasingly unstable and fragmented world, UN peace operations and human rights instruments are more needed than ever, but at the same time more difficult to implement.

The United Nations Association of the Netherlands developed this discussion paper with subject matter experts under the leadership of Lieutenant General (ret) Mr Cornelis Johannes Matthijssen, former Force Commander of the UN Multidimensional Integrated Stabilisation Mission in Mali (MINUSMA).¹ The paper aims to contribute to the UN Secretary-General's New Agenda for Peace and to provide the UN leadership with ideas and recommendations for the strengthening of human rights promotion and protection by UN peace operations in a more complex multilateral system.

¹ With support of the drafting committee: Tom Buitelaar (Leiden University), Benjamin Duerr (international lawyer and political scientist), and Welmoet Wels (University of Groningen). This paper was developed after consultations with more than 20 representatives from government, academia, and civil society, and in-depth interviews with several experts.

EXECUTIVE SUMMARY

Challenges and recommendations

Challenges

1. In a competitive geopolitical environment, the willingness of the Security Council to apply UN principles and human rights standards in UN peace operations is weakening.
2. Human rights standards are increasingly challenged by host countries of UN peacekeeping operations. Investigations of or sanctions for human rights violations are under pressure because of concerns about political backlash from the host state.
3. UN peace operations often lack the prerequisites to become effective and credible, such as a common understanding, appropriate mandates, and resources.
4. UN peace operations are still looking for ways to cooperate effectively with and accept regional human rights approaches.
5. The UN encounters dilemmas in its cooperation with host state military forces.

Recommendations

To strengthen human rights promotion and protection in an increasingly fragmented multilateral system, UN peace operations should be guided by three objectives: effectiveness, credibility, and the flexibility to adapt to existing political dynamics. These three overall objectives should be kept in mind in the discussion of the more specific recommendations discussed below.

1. Operationalise human rights within the framework of the overall objectives of the mission.
2. Agree with the host states on ways and means to facilitate open and transparent human rights dialogue.
3. Team up with regional organisations and tailor support to local and regional needs.
4. Ensure a whole-of-mission effort in the protection and promotion of human rights.
5. Approach human rights strategically to cooperate with host state military forces.

PART 1: INTRODUCTION

Human rights, UN peacekeeping, and the multilateralist system

Human rights violations are common occurrences in many conflicts. Violations of civil and political rights, such as threats to life, oppression, and the denial of political participation, can contribute to the outbreak of violence and armed conflict.² Similarly, the denial of social and economic rights, including discrimination and the lack of social justice and development, are often underlying factors that fuel conflicts and instability, which, in turn, aggravate the human rights situation and lead to further violations.

As underlined by the UN High Commissioner for Human Rights in May 2023, sustainable peace cannot be achieved without respect for human rights.³ Similarly, the Security Council has acknowledged that serious human rights violations are not only a consequence of conflict but can also be ‘an early indication of a descent into conflict or escalation of violence’.⁴ Societies that respect human rights are more resilient and less prone to violence and insecurity, while conflicts increase the incidence of violations.

The explicit human rights mandate of most UN peacekeeping operations is evidence of the recognition of the close interlinkages between human rights, conflict, and sustainable peace.⁵ However, as the human rights and peacekeeping systems continue to evolve, the protection and promotion of human rights by peace operations are under increasing strain.

UN Peacekeeping and the multilateral system

Since the establishment of the first UN peacekeeping mission in 1948, peace operations have become an important instrument for the international community to help end violence and build peace. Over the past 75 years, the UN has established more than 70 peace operations.⁶

While the UN remains the organisation with the highest number of multilateral peace operations, the future of peace operations is a subject for debate.⁷ In 2022 there were 64 multilateral peace operations, 20 of which were led by the UN. Other missions were established by regional organisations such as the African Union or through ad-hoc alliances which tend to rely more heavily

² Skarstad, K. (2015). *Human Rights Violations and Conflict Risk: A Theoretical and Empirical Assessment*, in Bailliet, C.M. & Mujezinovic Larsen, K. *Promoting Peace Through International Law*. Oxford University Press; Thoms, O.N.T. & Ron, J. (2007). *Do Human Rights Violations Cause Internal Conflict?* *Human Rights Quarterly* 29. 674-705

³ United Nations. (2023, May 3). *High-Level Open Debate on “Futureproofing Trust for Sustaining Peace”, Briefing by Volker Türk, United Nations High Commissioner for Human Rights*. United Nations Security Council. <https://www.ohchr.org/en/statements/2023/05/human-rights-will-build-peace-turk-tells-security-council>

⁴ S/RES/2171(2014)

⁵ Di Razza, N., & Sherman, J. (2020). *Integrating Human Rights into the Operational Readiness of UN Peacekeepers*. International Peace Institute. <https://www.ipinst.org/2020/04/integrating-human-rights-into-operational-readiness-of-un-peacekeepers>

⁶ United Nations. *UN Peacekeeping: 70 years of Service and Sacrifice*. United Nations Peacekeeping. <https://peacekeeping.un.org/en/un-peacekeeping-70-years-of-service-sacrifice>

⁷ Pfeifer Cruz, C. (2023, May 29). *Multilateral peace operations in 2022: Developments and trends*. Stockholm International Peace Research Institute. <https://www.sipri.org/commentary/topical-background/2023/multilateral-peace-operations-2022-developments-and-trends>

on military responses and much less on human rights and other aspects of human security.⁸ Non-UN missions are often smaller in size and more diverse in their personnel composition. Their mandates can vary significantly, and they tend to deploy to less violent conflicts than UN operations.⁹

At the international level, polarisation and geopolitical rivalries are hampering multilateral cooperation in general and the effectiveness of the Security Council in particular, affecting the mandates and the work of UN peace operations. It has become more common for Council members to abstain from resolutions authorising mandate renewals, and the lack of unified political support for missions has been one factor necessitating withdrawal from Mali and the Democratic Republic of Congo (DRC).

Geopolitical competition and, as a consequence, the weakening of the multilateral system, are likely to shape international relations in the years to come. These developments lead to several challenges that UN Peacekeeping faces and needs to address.

CASE STUDY: HAITI

In October 2023, the UN Security Council adopted Resolution 2699, authorising a Multinational Security Support mission to Haiti. This mission will be led by the Kenyan Police and aims to support the Haitian security sector in combating gang violence and restoring security. While hailed as a 'historic move', human rights continue to be brought to the fore as a key priority in deployment plans. For example, Human Rights Watch said:

*'Human Rights Watch calls on the UN Security Council to heed these calls and, if it authorises the consensual deployment of an international force in Haiti, ensure that it is based on clear human rights protocols and has adequate funding and robust oversight mechanisms. These should be complemented by strong measures to ensure accountability that include Haitian civil society groups, as well as the provision of humanitarian aid and other basic services to those in need.'*¹⁰

PART 2: CHALLENGES

Challenges for UN Peacekeeping in a contested multilateral system

1. In a competitive geopolitical environment, the willingness of the Security Council to apply UN principles and human rights standards in UN peace operations is weakening.

75 years after the adoption of the UDHR, UN member states increasingly question the universal standards for the protection of human rights it seeks to establish. Today's international human rights framework consists of a wide variety of norms, treaties, and institutions, and is driven mainly by liberal ideas such as democracy, freedom, and the rule of law. As new powers emerge, host states of UN peacekeeping operations demand more recognition of their sovereignty, perpetrators of human rights violations become more assertive, and illiberal or populist domestic

⁸ Ibid.; Handy, P.-S. & Djilo, F. (2023, May). *Regionalisation of peacekeeping in Africa: Towards the end of collective security?* Institute for Security Studies, Policy Brief. <https://issafrica.org/research/policy-brief/regionalisation-of-peacekeeping-in-africa-towards-the-end-of-collective-security>

⁹ Bera, C. & Hultman, L. (2020), *Just Different Hats? Comparing UN and Non-UN Peacekeeping*. *International Peacekeeping* 27:3. 343

¹⁰ 'Living a nightmare', 14 August 2023, Human Rights Watch <https://www.hrw.org/report/2023/08/14/living-nightmare/haiti-needs-urgent-rights-based-response-escalating-crisis>

movements are gaining influence in foreign policy. All of this results in the gradual but steady erosion of the application of human rights standards.¹¹

Such developments influence the debates about UN peacekeeping and human rights significantly. For example, some member states have pushed for a limitation on the scope of human rights mandates and on the funding of human rights posts and activities in missions.¹² In other cases, they seek to shift attention in the Security Council discussions away from the promotion of human rights to issues like economic and social development.¹³

Moreover, growing assertiveness and active involvement of Security Council members in conflicts also influence the dynamics around UN peacekeeping and human rights. For example, the inclusion of language condemning 'the use of mercenaries and violations of international humanitarian law and human rights abuses perpetrated by them' in the mandates of the UN Multidimensional Integrated Stabilisation Mission in Mali (MINUSMA) and the UN Multidimensional Integrated Stabilisation Mission in the Central African Republic (MINUSCA) led to controversy and debates because of member states' conflicting interests in these countries.¹⁴ While the mandates eventually passed without veto, the debates highlight the challenges of applying universal human rights standards in UN peacekeeping.

2. Human rights standards are increasingly challenged by host countries of UN peacekeeping operations. Investigations of or sanctions for human rights violations are under pressure because of concerns about political backlash from the host state.

UN peacekeeping is guided by three basic principles: consent of the parties, impartiality, and non-use of force except in self-defence and defence of the mandate.¹⁵ In times of increasing multilateral competition and growing assertiveness of conflict-affected states, two of the principles – consent from the host state and impartiality – are becoming more difficult to reconcile. UN peace operations face the consequences. In addition, the emergence of new powers, organisations, and coalitions offer alternatives for security cooperation. Mali, for example, replaced its partnership with European partners and MINUSMA with actors such as Russia and the Alliance of Sahel States (ASS), a defence alliance with Niger and Burkina Faso. The impartial scrutiny by UN peace operations of government activities can accelerate such a shift. Prior to the termination of MINUSMA, Malian authorities expelled the head of the mission's human rights representative and restricted the mission's freedom of movement, including allegedly to prevent the investigation of human rights abuses.¹⁶ The investigation and sanctioning of human rights violations is threatened as host countries withdraw their support for UN peace operations and turn to alternative actors with a different approach to human rights monitoring.

¹¹ Sabatini, C. (2023). *Human Rights: From Evolution to Devolution*. In: Sabatini, C. *Reclaiming Human Rights in a Changing World Order*. Brookings Institution. 23-27

¹² Coleman, K.P. & Job, B.L. (2021). *How Africa and China may shape UN peacekeeping beyond the liberal international order*. *International Affairs* 97:5. 1460

¹³ Duursma, A. et.al. (2023). *UN Peacekeeping at 75: Achievements, Challenges, and Prospects*. *International Peacekeeping* 30:4. 453-454

¹⁴ OHCHR (2021, October 27). *CAR: Russian Wagner Group harassing and intimidating civilians – UN experts*. <https://www.ohchr.org/en/press-releases/2021/11/car-russian-wagner-group-harassing-and-intimidating-civilians-un-experts>

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¹⁶ OHCHR (2023, February 6). *UN Human Rights chief Volker Türk deplores expulsion of representative from Mali*. <https://www.ohchr.org/en/press-releases/2023/02/un-human-rights-chief-volker-turk-deplores-expulsion-representative-mali>; Croucher, A. (2023, June 30). *UN Peacekeeping Mission in Mali to End*. Human Rights Watch. <https://www.hrw.org/news/2023/06/30/un-peacekeeping-mission-mali-end>; SC/15325 (2023, June 16). *Amid Endless Violence, Stabilization Mission in Mali Essential for Region's Stability, Special Representative Tells Security Council*. United Nations Meetings Coverage and Press Releases. <https://press.un.org/en/2023/sc15325.doc.htm>

Such attitudes reflect the underlying perception by many host states that security and internal stability - such as the fight against terrorist groups - are more important than human rights.

3. UN peace operations often lack the prerequisites to become effective and credible, such as a common understanding, appropriate mandates and resources.

In the early stages of decision-making there is often political pressure to decide on an initial mandate as soon as possible. In this phase, expectations are high and sometimes unrealistic. Once a mandate has been established, expectations are set by the mandate itself. However, it takes time until a mission is fully deployed and functioning, and information on this process is not always disseminated effectively. Meanwhile, credibility may be impacted negatively by relatively slow progress in setting-up the mission.

In addition, conflict dynamics are very complex and need in-depth analysis and engagement with local stakeholders to create the necessary situational awareness and understanding. The latter particularly is crucial as a starting point to adjust the efforts to the needs and the dynamics in a conflict area.

Furthermore, the lack of adequate resources impacts the effectiveness of missions and their credibility. In MINUSMA for example, the addition of a second priority to the mandate in 2019 was not matched with additional resources. As a consequence, the mission had to shift existing resources which took a lot of time, while the security situation continued to deteriorate.

As several of the UN's large multidimensional peace operations are drawing down, the expectation arises that there will be more smaller-scale UN missions, including so-called Special Political Missions.¹⁷ The reduced cost, and the emphasis on diplomacy and politics, is seen by some as giving the UN a potential to sustain its role in conflict resolution. However, it is unclear whether such missions will have sufficient(ly strong) human rights mandates. At the same time, their relatively limited capacity may weaken their leverage to press for human rights change.

4. UN peace operations are still looking for ways to cooperate effectively with and accept regional human rights approaches.

While the number of regional peacekeeping operations, particularly in Sub-Saharan Africa is increasing, UN Peacekeeping has not yet found effective ways to cooperate on human rights and to use these missions as a vehicle for the promotion and application of universal standards. Instead, regional peacekeeping operations are seen as a challenge to the application of universal human rights principles.

Moreover, the normative frameworks of regional organisations and those of the UN can differ. The African Union (AU), for example, puts greater emphasis than the UN on the sovereignty of states, which experts see as a major complication to agree on issues such as responding to human rights violations.¹⁸ In addition, particularly in a complex security environment with non-state actors like terrorist groups, regional organisations, host states and neighbouring states often prioritise security over other mandated tasks. Therefore, in the absence of constructive agreement on these issues, the regionalisation of peacekeeping risks undermining international instruments such as the UDHR.

5. The UN encounters dilemmas in its cooperation with host state military forces.

¹⁷ Gowan, R. (2022, July 5). *For U.N. Peacekeeping, Smaller Is Looking Better—Again*. World Politics Review. <https://www.worldpoliticsreview.com/on-peacekeeping-un-could-turn-to-a-cold-war-model>; De Coning, C. (2021). *The future of UN peace operations: Principled adaptation through phases of contraction, moderation, and renewal*. Contemporary Security Policy 42:2. 211-224

¹⁸ Wani, I.J. (2021). *United Nations Peacekeeping, Human Rights, and the Protection of Civilians*. In: MacNamee, T. & Muyangwa, M. *The State of Peacebuilding in Africa: Lessons Learned for Policymakers and Practitioners*. Palgrave MacMillan. 87

Increasingly, the UN is asked by the Security Council to cooperate with host state military forces in military operations. A recent example is Operation Springbok, in which the UN mission in the DRC is engaging in a potentially offensive operation against M23 rebels.¹⁹ Human rights advocates criticise such cooperation, which may end up offering support to abusive army units and make the UN liable for aiding and abetting grave crimes. At the same time, such cooperation is essential since it helps build national capacity and increase the UN's effectiveness in the country. The UN has developed the Human Rights Due Diligence Policy (HRDDP) to address these challenges and to hold partners and host states accountable, but the tool has several shortcomings. While the HRDDP is considered an important step in promoting compliance with human rights standards, its implementation is often seen by host states as taking too long and setting unrealistic expectations, which undermines the legitimacy, credibility, and effectiveness of UN operations.²⁰ As a consequence, host states may instead seek support from other actors, such as private military companies. The HRDDP, therefore, does not fully solve the dilemma of cooperation with host state forces, but it may even have a contradictory effect.

PART 3: RECOMMENDATIONS

Recommendations for UN Peacekeeping in a contested multilateral system

To strengthen human rights promotion and protection in an increasingly fragmented multilateral system, UN peace operations should be guided by three objectives: effectiveness, credibility, and the flexibility to adapt to existing political dynamics. These three overall objectives should be kept in mind in the discussion of the more specific recommendations discussed below.

This section provides concrete recommendations that can help to achieve them. In addition, three cross-cutting aspects should be taken into consideration when implementing the specific recommendations outlined below.

First, a more fundamental question for the UN is whether stepping into a violent conflict in which there is hardly any perspective for a peaceful solution and/or political commitment with the parties involved is lacking, would be expedient. Regional actors may be more suited to step into these types of situations. Another approach could be to consider an initial small-scale political involvement, paving the way to a more multidimensional involvement if possible and necessary. Every situation is different and should be assessed in-depth to enable a tailor-made approach that considers the concerns and needs of the host states, the local population, and the international community. Rather than relying on general practices and principles, new missions should be more adaptive to the local situation. This includes adaptability in its approach on human rights.

Second, the protection and promotion of human rights requires a whole-of-mission approach that includes all departments and all management levels. Consistency across the mission and continuity, especially when staff rotates, is key. To this end, human rights capacity needs support from other entities in the mission, but first and foremost a whole-of-mission approach needs to be facilitated. To improve credibility and increase receptivity, UN human rights teams should be as diverse as possible.

Finally, we recommend an outcome-based, instead of a principles-based, approach to the promotion of human rights by peace operations.

¹⁹ MONUSCO (2023, November 8). *North Kivu: MONUSCO and FARDC launched codenamed Operation Springbok to protect the city of Goma*. <https://monusco.unmissions.org/en/north-kivu-monusco-and-fardc-launch-codenamed-operation-springbok-protect-city-goma>

²⁰ Hirschmann, G. (2020). *Cooperating with evil? Accountability in peace operations and the evolution of the United Nations Human Rights Due Diligence Policy*. *Cooperation and Conflict* 55:1. 22-40

1. Operationalise human rights within the framework of the overall objectives of the mission.

In the context of UN peace operations, promotion of human rights should always be seen in relation to the mission's overall goal. Before the adoption of a mandate, the UN should engage with host nations authorities, local human rights movements, and other stakeholders on the operationalisation of the promotion and protection of human rights in such a way as to contribute to the mission's overall goal. This would lead to a coherent and effective mandate with a contextualised human rights approach, while the engagement process itself contributes to building confidence and harnessing support from the local population. Particularly in a geopolitically contested environment, the latter point is key.

Such contextualization should not mean the weakening of human rights standards but aims to lead to prioritisation and strategic approach. Ensuring that the demands and needs of the local population are met avoids disappointment and enhances the credibility of and public support for a mission's activities. This should also include more transparency and active communication about the results and follow-up of investigative reports and human rights violations by UN troops. The Office of the High Commissioner for Human Rights (OHCHR) should be part of the dialogue from the beginning to ensure a shared vision on human rights within the framework of the mission. Pre-mission engagement with non-state actors should be part of the process, too, for example through intermediaries and non-governmental organisations like Geneva Call.

2. Agree with the host states on ways and means to facilitate open and transparent human rights dialogue.

Investigations of human rights violations are an important mandated task that also contributes to the credibility of UN operations. However, such investigations can lead to tensions with host state governments. Before deployment, the UN should therefore make arrangements with national authorities to ensure impartial investigations while maintaining a collaborative relationship. To increase the effectiveness, missions should seek to conduct joint investigations with national authorities without compromising the integrity of the process.

Placing the focus on shared objectives can help to overcome divergent views. This should not mean compromising fundamental human rights values, but rather their translation to a demanding reality, with the role of the UN role coined on cooperation (instead of imposition). Even when cultural attitudes on human rights differ, common ground may be found in joint objectives of human rights protection, such as bringing perpetrators to justice, supporting reconciliation, and promoting stability.

Accountability remains essential, both of the host state and of the UN itself. However, engagement should not be dominated by criticism, but driven by constructiveness that helps authorities to address the issues at hand. For example, supporting the host state with specific resources and joint human rights investigations with the host state can offer an entry point and enhance further collaboration.

3. Team up with regional organisations and tailor support to local and regional needs.

The likely increase in peacekeeping missions led by regional organisations makes it necessary for the UN to engage with these actors. The UN's 'A New Agenda for Peace' highlights the crucial role of regional organisations in building peace.²¹ With the subsequent adoption of UN Security Council resolution 2719 on the financing of AU peace operations, there is additional need for the UN Secretariat to engage with regional organisations on issues like human rights, while supporting such operations in the implementation of international instruments like the UDHR.

²¹ United Nations (2023, July). *A New Agenda for Peace: Our Common Agenda Policy Brief 9*. Political and Peacebuilding Affairs. <https://dppa.un.org/en/a-new-agenda-for-peace>

Such a dialogue can bridge the gaps between the different actors in a multilateral system and ensure consistency in the human rights approach.

Local and regional needs should define the set-up of a new mission. This includes a more flexible approach with respect to the form and the size of the mission, but also its functioning. The selection and application of the instruments for the protection and promotion of human rights should be tailored to the specific context and should be included in the mandate. Support for the implementation of human rights by regional organisations should be included in discussions about financing. A collaborative effort on human rights with local and regional organisations will not only enhance the mission's credibility and effectiveness, but also those of the local and regional partners.

4. Ensure a whole-of-mission effort in the protection and promotion of human rights.

As a consequence of increasingly strict conditions set by host states and increased disagreements within the UN Security Council, the human rights mandates of UN operations have become more restricted. At the same time, mandates in general are more and more fragmented and more complicated to implement due to the diverse objectives they are supposed to achieve.²² In several conflicts, the mandates have also proved to be insufficient to address the security challenges and to effectively respond to human rights violations. To enable UN operations to promote human rights effectively under those challenging circumstances, the UN should develop more specific clarity for the civilian, military and police leadership of missions in order to enable a more whole-of-mission approach on human rights.

To ensure consistency over time, the UN should consider supporting initiatives such as the Principles for Peace, which seeks to establish a framework for peace-making processes.²³ Similar to the Humanitarian Principles, such principles could be endorsed by the General Assembly and provide guidance to UN missions and other actors.²⁴

5. Approach human rights strategically to cooperate with host state military forces.

The promotion of human rights is a goal in and of itself. But when employed strategically, it can also serve as a tool for UN peace operations to build relationships in the host country, both with state actors and civil society. However, this is only possible if some flexibility is accepted in the approach. Prioritising certain aspects of human rights may benefit the overall effectiveness.

Since a workable relationship with national military actors is crucial for the effectiveness of the mission, a strict approach in the application of the Human Rights Due Diligence Policy (HRDDP) can be counterproductive. With a more cooperative approach – with a focus on finding collaborative solutions instead of just focussing on identifying the potential problems – more concrete results in specific areas may be achieved. On another level, this approach can also lead to stronger relationships that prevent a host country from turning away from the collaboration with the UN. A continuous dialogue with the host nation is therefore an important prerequisite.

A partnership and supportive relationship with host nation military forces must be facilitated by the mandate. The leading thought needs to be that the UN mission's efforts will help to develop effective host nation armed forces that are able to stand on their own feet in the future.

Application of the HRDDP should provide leverage in such a way that it supports maturing of host nation armed forces and enhances awareness and application of human rights in military operations.

²² Blair, R.A., Di Salvatore, J. & Smidt, H.M. (2021). *When Do UN Peacekeeping Operations Implement Their Mandates?* American Journal of Political Science 66:3. 674-675

²³ See: 'Principles for Peace', <https://principlesforpeace.org/principles-for-peace/>

²⁴ The Humanitarian Principles were adopted by the General Assembly in resolution A/RES/46/182 of 19 December 1991 and reaffirmed in resolution A/RES/58/114 of 17 December 2003.



ABOUT US

The United Nations Association of the Netherlands (UNA-NL) is an independent non-profit organisation set up to promote the work of and discussion on the United Nations and multilateral cooperation. Through public events, advocacy, and education campaigns, UNA-NL provides information and stimulates the public debate about the UN system.

The submission for the UN New Agenda for Peace is part of a UNA-NL initiative to celebrate 75 years of UN Peacekeeping and mark the 75th anniversary of the Universal Declaration of Human Rights.

UNA-NL President: Simone Filippini

www.nvvn.nl
info@nvvn.nl