

## **MASTER THESIS**

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### ***Challenges of Countering Violent Extremism in Peacekeeping Operations: The Legal Lacunae of the MINUSMA Mandate***

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Submission date: **2<sup>nd</sup> June 2020**

Number of strokes: **192,000**

## **Abstract**

United Nations peacekeepers encounter endless adversity in their deployment areas, particularly regarding violent extremist groups. Their entire mission is founded on United Nations Security Council resolutions, which aim to describe the contextual situation and frame the objectives that UN personnel are authorised to implement. Nevertheless, ambiguities arise between the letter of the mandate and the conditions in the field, which is what this research sets out to discuss. With a particular focus on the UN peacekeeping operation in Mali, known as MINUSMA, the paper aims to investigate whether the lack or absence of legal Countering Violent Extremism (CVE) definitions in the MINUSMA mandate presents real-time challenges for peacekeepers. Through an analysis of legal UN recommendations and collected data from peacekeeping theatres, this research examines the limited scope of the legal framework, the difficulties that peacekeepers face in the field, their adaptability to ensure some level of security and other root causes to their challenges. While the assumption is that legal oversights in the mandate obstruct peacekeepers' capabilities to implement their mandate, the paper reveals the complexity of understanding countering violent extremism in the context of peacekeeping operations. It identifies the separation between CVE-relevant and CVE-specific measures, which enables a positive assessment of the mandate and the consideration of a partial insertion of CVE in the mandate. Nevertheless, the research also acknowledges that legal omissions do impede the efficiency of peacekeepers in addressing the grave issue of violent extremism, particularly when it comes to conducting offensive operations. More so, the study on MINUSMA and CVE identifies other root causes to the struggles in the field, which engages a discussion on the deeper nature of peacekeeping and some of the discrepancies that prevail within the UN system. The findings reveal the significant disparity between the principle of impartiality and CVE yet, they also address the utmost necessity to adjust UN mandates to the situation in the field.

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## **List of Abbreviations**

**AFISMA**, African-led International Support Mission in Mali  
**AQIM**, Al-Qaeda in the Islamic Maghreb  
**CIL**, Customary International Law  
**CMA**, Coordination of Movements of Azawad  
**CM-FPR**, Coordination of the Movements of Patriotic and Resistance Fronts  
**CSO**, Civil Society Organisation  
**CT**, Counterterrorism  
**CVE**, Countering Violent Extremism  
**DDR**, Disarmament, Demobilisation and Reintegration  
**DRC**, Democratic Republic of Congo  
**DUF**, Directive on the Use of Force  
**ECOWAS**, Economic Community of West African States  
**EUTM**, European Union Training Mission in Mali  
**FC-G5S**, G5 Sahel Joint Force  
**FIB**, Force Intervention Brigade  
**MDSF**, Malian Defence and Security Forces  
**MLF**, Macina Liberation Front  
**FLN**, Liberation Forces of the Northern Region of Mali  
**FPA**, Front Populaire de l’Azawad  
**GATIA**, Imghad Tuareg Self-Defense Group and Allies  
**HCUA**, Higher Council for the Unity of Azawad  
**IAC**, International Armed Conflict  
**ICC**, International Criminal Court  
**ICJ**, International Court of Justice  
**ICRC**, International Committee of the Red Cross  
**ICTY**, International Criminal Tribunal of the former Yugoslavia  
**IED**, Improvised Explosive Device  
**IHL**, International Humanitarian Law  
**IL**, International Law  
**ISGS**, Islamic State in the Greater Sahara  
**JNIM**, Group to Support Islam and Muslims

**MAA**, Arab Movement of Azawad

**MDP**, Mouvement pour la défense de la patrie

**MINUSMA**, United Nations Multidimensional Integrated Stabilisation Mission in Mali

**MNLA**, National Movement for the Liberation of Azawad

**MONUC**, United Nations Organisation Mission in the Democratic Republic of Congo

**MONUSCO**, United Nations Organisation Stabilisation Mission in the Democratic Republic of Congo

**MPSA**, Mouvement Populaire pour le salut de l’Azawad

**MSA**, Movement for the Salvation of Azawad

**MUJAO**, Movement for Unity and Jihad in West Africa

**NGO**, Non-Governmental Organisation

**NIAC**, Non-International Armed Conflict

**PKO**, Peacekeeping Operations

**POC**, Protection of Civilians

**PVE**, Preventing Violent Extremism

**ROE**, Rules of Engagement

**TCC**, Troop Contribution Countries

**UN DPKO**, United Nations Department of Peacekeeping Operations

**UNEF I**, First United Nations Emergency Force

**UNGA**, United Nations General Assembly

**UNODC**, United Nations Office on Drugs and Crime

**UNSC**, United Nations Security Council

**VE**, Violent Extremism

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# Chapter 1. Introduction

## Section 1. Introduction

Peacekeeping operations (PKOs) are a vital tool for the United Nations (UN) in terms of achieving its assigned goals of ensuring and promoting peace and security. After the creation of the UN in 1945, the first effort to deploy a PKO was at the border between Egypt and Israel in November 1956, known as the First United Nations Emergency Force (UNEF I). At the time of writing, the UN has 13 on-going missions and has completed 58 operations all across the world. Despite these achievements, the UN is still struggling to ensure the full effectiveness of its objectives and especially the positive outlook on its actions. Indeed, throughout their existence, PKOs have received much criticism, just as well from practitioners, as from governments and civilians. Countries in which they are being deployed show time and time again discontent, deception and disapproval of their purpose. More so, the missions are also facing serious difficulties regarding the implementation of their objectives, as means are lacking, and host countries are becoming increasingly more hostile to their presence. The structure of PKOs' is therefore encountering significant challenges, both in terms of achieving what they are set out to do, as well as how and why they do so. This correlation between struggling to reach efficiency and feasibility can be resumed in the on-going PKO in Mali.

As a result of the 2012 crisis outburst where the Northern area of Mali had been taken over by the National Movement for the Liberation of Azawad (MNLA), and the incumbent president Amadou Toumani Touré was deposed in a coup d'état, the United Nations Security Council (UNSC) established the United Nations Multidimensional Integrated Stabilisation Mission in Mali (MINUSMA) through resolution 2100 on the 25 April 2013. Prior to the establishment of MINUSMA, the UN was seized by the Malian Government and the Economic Community of West African States (ECOWAS) and adopted resolution 2085 which authorised "the deployment of an African-led International Support Mission in Mali (AFISMA) for an initial period of one year"<sup>1</sup>. Quickly, much international attention was given to the Malian conflict, and MINUSMA, which took over the responsibilities of AFISMA, is still in full effect today under the mandated UNSC resolution 2480. In addition to the Troop Contribution Countries' (TCCs) presence, a specific French force is also active in the region, known under as 'Operation Barkhane', which was launched in August 2014, replacing the previous

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<sup>1</sup> UNSC. 20 December 2012. Res. 2085. UN Doc. S/RES/2085. p.4

‘Operation Serval’. Its main aim is to “support partner nations’ armed forces in the Sahel-Saharan strip; strengthen coordination between international military forces; and prevent the re-establishment of safe havens for terrorists in the region”<sup>2</sup>. In addition to the French efforts, a joint coalition of the five countries in the Sahel region, namely Burkina Faso, Chad, Mali, Mauritania and Niger, has been formed under the name G5 Sahel Joint Force (FC-G5S) in order to counter numerous challenges, notably the threat of terrorism and organised crime in the region. The coalition received international recognition through the UNSC resolution 2359 and specific support from the UN through resolution 2391<sup>3</sup> in 2017, all based on a French initiative to strengthen the region’s responsiveness to insecurities. Despite all this international focus, civilians, the Malian military, the UN and international forces are continuously being targeted by violent extremists, terrorists and armed militia groups. While the Agreement on Peace and Reconciliation in Mali was signed in May 2015, the situation is still highly volatile, particularly due to the on-going threat of violent extremism. Indeed, what has come to be the main characteristic of the crisis in Mali, and thus the reason for numerous external forces present on the territory, is the presence of non-state armed groups that continuously spread fear and violence among the civilian population, the Malian Government and the UN personnel. While the issue was predominantly located in the Northern part of the country, stretching from Taoudenni to Gao through Kidal and Timbuktu, attacks have gradually moved to the central region of Mopti, which is now facing serious difficulties in containing the violence.

The outburst, and subsequently the spread, of violent extremist attacks is thus one of the main struggles that the armed forces have to counter in the region. Most recently, 25 Malian soldiers were killed in an attack on their military base in the northern town of Bamba<sup>4</sup>, and 31 civilians were killed in an attack on Ogossagou, the stage of a massacre in March 2019 of 160 civilians<sup>5</sup>. While this phenomenon of violent extremism (VE) is not isolated to Mali nor to the African continent, the cases of violent extremist attacks in Mali are increasing in numbers and severity<sup>6</sup>, and is yet to meet a thorough and effective encounter from all the intervening forces.

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<sup>2</sup> Ministère de la Défense, 20 February 2020. *Press Pack – Operation Barkhane*. Public Relations Office. French Armed Forces Headquarters (EMA).

<sup>3</sup> Permanent Mission of France to the United Nations in New York. 2020. *Sahel*. [Online]. Available at: <https://onu.delegfrance.org/G5-Sahel-Joint-Force-10433> [Accessed on 13 April 2020]

<sup>4</sup> Al Jazeera. 7 April 2020. *Dozens of Malian soldiers killed in attack on military base*. [Online]. Available at: <https://www.aljazeera.com/news/2020/04/20-malian-soldiers-killed-attack-military-base-XXXXXX-XXXX04731.html> [Accessed on 13 April 2020]

<sup>5</sup> Al Jazeera. 15 February 2020. *Dozens killed in attacks in central Mali*. [Online]. Available at: <https://www.aljazeera.com/news/2020/02/dozens-killed-attacks-central-mali-200215071118631.html> [Accessed on 13 April 2020]

<sup>6</sup> A more detailed account of the attacks in Mali will be provided in the methodology chapter, as it will emphasise the severity of this specific case and thereby support the choice of examining Mali’s situation.

VE has in fact become an unpredictable occurrence with blurred definitions and challenges in encompassing its scope. Generally, VE has been used as a synonym to terrorism, yet stripped from the bias, connotation and prejudice that the latter binds with Islamic indoctrinated groups. For now, and in broad terms, violent extremism is to be understood as violent attacks committed by non-state armed groups that are not parties to the conflict, and are targeting primarily civilians, governmental forces and UN personnel. As such, countering violent extremism<sup>7</sup> (CVE) entails the prevention, response and containment of violent extremist groups and their actions. CVE is generally being conducted by authorised and legitimate entities, such as governments, regional bodies or international organisations, but can also include non-governmental organisations (NGOs) and civil society organisations (CSOs). While PKOs quickly appeared after the establishment of the UN, it has taken decades to develop guidelines that address violent extremism. One of the most prominent attempts to deal with violent extremist threats to peace was the report written by the High-Level Independent Panel on United Nations Peace Operations (HIPPO Report) in 2015, which posited the need for change within the PKO structure and coined four essential shifts<sup>8</sup>. Following this report, the UN's first efforts to implement concrete preventive measures in peacekeeping operations occurred in their '*Plan of Action to Prevent Violent Extremism*'. Adopted in 2016, the intention was to provide explicit guidelines as to how all relevant stakeholders can implement, develop and enforce measures to prevent, restrict and limit VE. As both documents suggest, careful denominations are given to the discussed topics, particularly in terms of not assigning CVE tasks to peacekeepers. CVE has therefore become a crucial challenge to UN missions. Explicit mandates are provided to each operation, listing their objectives and capabilities. Yet, it seems that mandates are not being adjusted to the evolving terrain of missions and are thus omitting the real difficulties that UN personnel are facing on the ground to counter violent extremism.

A way of addressing these challenges was established by the UN in the form of a new approach to the missions, ranging from robust peacekeeping to stabilisation missions<sup>9</sup>. The UN

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<sup>7</sup> The concept of Countering Violent Extremism (CVE) will be discussed further in the theoretical section, as it will provide an explanation of the term and include the different activities that can be conducted to counter violent extremism attacks.

<sup>8</sup> The four essential shifts: "politics must drive the design and implementation of peace operations; the full spectrum of UN peace operations must be used more flexibly to respond to changing needs on the ground; a stronger, more inclusive peace and security partnership is needed for the future; the UN Secretariat must become more field-focused and UN peace operations must be more people-centred". UNGA & UNSC. 17 June 2015. Report of the High-Level Independent Panel on Peace Operations on uniting our strengths for peace: politics, partnership and people. "*HIPPO Report*". UN Doc. A/70/95 & S/2015/446. p.10

<sup>9</sup> The disparate denominations of peacekeeping operations will be defined in a later section within the theoretical framework. This will provide an explanation of the evolution of PKOs, but also emphasise why it is important to

mission in the Democratic Republic of Congo (DRC), the United Nations Organisation Stabilisation Mission in the Democratic Republic of Congo (MONUSCO), is one example of how the UN has attempted to counter VE. First, the operation came to include the term ‘stabilisation’ after the adoption of resolution 1925 in 2010, renaming MONUC to MONUSCO, and thereby taking the initial step to reinforce the capabilities of UN troops. More so, resolution 2098 mandated the establishment of the Force Intervention Brigade (FIB), a force “consisting inter alia of three infantry battalions, one artillery and one Special force and Reconnaissance company [...] under direct command of the MONUSCO Force Commander”<sup>10</sup>. Seen as the “first-ever offensive combat force”<sup>11</sup>, the FIB was mandated in 2013 to “[neutralize] armed groups, [...] contribute] to reducing the threat posed by armed groups to state authority and civilian security, [...] and] to make space for stabilization activities”<sup>12</sup>. Much has been debated regarding the success and efficiency of these new measures, particularly the establishment of the FIB. While this paper does not aim to discuss the case of MONUSCO, it remains relevant to emphasise how other PKOs have attempted to take proactive CVE measures, such as the creation of an offensive force. Whether the possibility of establishing a similar force in Mali will be considered further on, it raises a quintessential interrogation in terms of the legal measures the UN personnel actually possesses regarding countering violent extremist groups in Mali.

While it is no secret that UNSC resolutions are drafted diplomatically to be viable at the UNSC, MINUSMA struggles to adapt the language of the mandate to the situation on the ground. Indeed, the extremely sensitive state of the field, the multiplicity of intervening forces and the ambiguity of the mandate impede the UN personnel to achieve its primordial mission, that is, ensuring security, restoring a functional governmental structure and a peaceful society, and most of all, protecting civilians from atrocities. Much has been discussed amongst the international community in terms of alleviating the situation, ranging from a bottom-up approach to the implementation of forceful measures. Nevertheless, the increasing number of civilian casualties, the expansion of violent extremist groups across the country, and the imminent threat posed to the UN staff, all call for a thorough analysis of the Malian case. Specifically, it is by understanding the mandate, its provisions and omissions, that one will be

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understand the nature of PKOs, whether they are explicitly mandated to use force or if they are merely present as a ceasefire monitoring agency.

<sup>10</sup> UNSC. 28 March 2013. Res. 2098. UN Doc. S/RES/2098. p.6

<sup>11</sup> United Nations. 28 March 2013. *‘Intervention Brigade’ Authorized as Security Council Grants Mandate Renewal for United Nations Mission in Democratic Republic of Congo*. [Online]. Available at: <https://www.un.org/press/en/2013/sc10964.doc.htm> [Accessed on 13 April 2020]

<sup>12</sup> *Supra*. Note 10. p.6

able to understand what impedes the UN from reaching successful results. It is thus paramount to question the following: *Does the lack or absence of legal CVE definitions in the MINUSMA mandate present real-time challenges for countering violent extremism?*

## **Section 2. Problem Statement and Outline**

Many challenges can explain why UN peacekeepers are struggling to achieve the mission's objectives, to effectively protect civilians and to stabilise the political situation in Mali. Ranging from a lack of capabilities and disorganisation between intervening actors to the volatile geopolitical situation in the region, much can be discussed in terms of solving MINUSMA's impediments to success. However, the mandate is the foundation of PKOs, which necessitates to consider the rules and regulations provided to the UN staff. As stated earlier, the wording of the mandate is done in a very particular way to fit all parties. This being said, UN personnel still needs clear directives to establish their tactical and operational strategies. It is therefore quintessential to understand the content of the mandate, as well as the correlation between the latter and the challenges on the ground. This examination can be synthesised in the following hypothesis: *The lack or absence of CVE definitions in the MINUSMA mandate presents real-time challenges for countering violent extremism on the ground.*

Through a comprehensive analysis of the UNSC resolution 2480 and other legal documents, such as the HIPPO Report, the UN Department of Peacekeeping Operations' report on the protection of civilians, and the UN Plan of Action to Prevention Violent Extremism, as well as interviews with military personnel having PKO experience, specifically from MINUSMA, this paper aims to answer the hypothesis and to further place the topic in the broader discussion on PKOs in the context of VE. Particularly, it will strive to address the following problem statement: *The lack of specificity within the wording of the mandate concerning CVE measures produces ambiguities, which leads to the ineffectiveness of the UN personnel to fully accomplish the purpose of MINUSMA.*

The ambition of this thesis is to answer the hypothesis and address the problem statement. To do so, it aims to examine legal elements juxtaposed with factual content in order to shed light on the real challenges of MINUSMA. Chapter 2 will lay out the technical framework of this paper, including the theoretical and legal frameworks as well as the methodology. This will serve to shape the direction of the paper and explain the different tools and choices that have been made to conduct this research. Chapter 3 will then undergo an

extensive analysis of four aspects to answer the hypothesis and address the research question, namely the legal dimension of MINUSMA, the challenges that emanate from the mandate, the implementation of the latter in the field, and other root causes that peacekeepers encounter. Some fundamental questions will serve as guiding points throughout the various sections to finetune the answer to the problem statement. These include the following:

- Are there ambiguities and omissions in the MINUSMA mandate concerning CVE measures?
- What challenges do UN personnel face on the ground in regard to CVE?
- How does the UN personnel implement the MINUSMA mandate in light of these challenges?
- Is the lack of precision in the MINUSMA mandate and other legal elements a root cause of the difficulties for the UN personnel?

Finally, Chapter 4 will provide the concluding remarks of this research as well as discuss the larger context of PKOs in the context of CVE and their prospects. Whether the paper results in a clear-cut answer to the hypothesis or leads to a more complex outcome, the overall intention is to shed light on the correlation between the challenges that UN personnel face on the ground in terms of countering VE and the legal wording of the mandate.

## **Chapter 2. Technical Framework**

This chapter aims to outline the adopted methodological approach to answer the research question, the theoretical framework that will shape the analysis, and the legal framework, which will discuss legal sources as well as the adequate legal interpretation.

### **Section 1. Methodology**

Several elements are necessary to explain regarding the methodological approach of this thesis. Specifically, the different considerations, including the sources of data and the choices and limitations, will expose the nature of this research and its feasibility. More so, an explicit account will be given of the Malian case, mostly to justify its choice but also to provide a context to the topic. Lastly, the foundation of the UN will be outlined in regard to the principles of peacekeeping operations, as it will emphasise the issues of interpretation of UN mandates.

#### *1.1. Methodological Considerations*

In regard to the methodological approach, this thesis takes on a qualitative method, as most data will be gathered from existing documents and interviews in order to provide an in-depth understanding of the problematic. It will thus enable an interpretative analysis, as well as a content and discourse analysis of the findings. In terms of the interpretation of legal documents, the specific way to do so will be outlined in a further section dedicated to the legal framework. More so, a quantitative method will also be employed through the use of surveys, as it will serve to identify patterns and trends regarding the challenges that UN personnel face on the ground. The combination of both methods, also known as mixed methods, lays the foundation for the deductive approach of this research in which the aim is to answer the previously stated hypothesis, namely: the lack or absence of CVE definitions in the MINUSMA mandate presents real-time challenges for countering violent extremism on the ground. As such, both methods should enable a thorough data collection to address the issues that this thesis has raised, and particularly allow for an objective analysis, as interpretation is often linked to the risk of subjectivity and bias.

The research question has two predominant elements, namely the legal dimension of the UN mandate and CVE measures, as well as the real-time challenges of UN staff to counter

VE. For this reason, the sources of data will mostly be composed of primary data, particularly legal documents, interviews and surveys. While the prior will allow for a legal interpretation and content analysis of the UNSC resolution 2480, the UN DPKO's report on the protection of civilians, the UN Plan of Action to Prevent Violent Extremism and the HIPPO report, interviews and surveys will provide raw information on the different challenges. The interviewees have been selected based on their role in UN missions. As such, input from both the civilian component and the military component will strive to comprehensively address the complexities of PKOs. More so, interviewees from the tactical and operational levels have agreed to share their insight, which will serve to deliver an exhaustive explanation of the military component's tasks. Regarding the survey, the sample size is composed of 51 UN peacekeepers that are currently deployed across UN missions. Due to confidentiality and limited accessibility to the survey, there has been no distinction between which branch they are from or which mission they serve, as it would severely impact the outcome. While this is being acknowledged as a limitation to specifically examine the Malian case, the gathered data from the survey will be utilised with caution in terms of not establishing general conclusions. In addition to primary data, secondary sources will be employed to supplement the knowledge on the situation in Mali, the difficulties that UN personnel faces, and the geopolitical situation in the region.

Some of the major choices, and subsequently their limitations, concern the use of mixed methods, the conduct of interviews and the choice of examining the case of Mali. Regarding the mixed methods approach, the main reason for doing so is the potential they have in complementing each other when one way does not provide sufficient information. However, there is also a risk of gathering conflicting observations, and thereby not being able to provide a clear explanation of the established hypothesis. Nevertheless, significant concluding remarks can still be drawn from the complexity that might emerge from this and thus provide a coherent research outcome. Secondly, the reason for using surveys and conducting interviews, the latter being constructed as semi-structured interviews to enable a flow of information from the interviewee, is to gather untreated information on the current situation in Mali. Because of the volatility of the situation, the landscape is rapidly and recurrently changing, and in order to grasp the most precise understanding of what is happening, it seems paramount to interview UN personnel that is currently being deployed. Also, it will enable the gathering of raw experiential knowledge rather than observing it in secondary literature. The challenge of such a tool resides mostly in the limited information one might gather, which justifies the use of secondary literature to complement the primary data. Lastly, the Malian case is evidently the

prevalent choice done in this research. While the next section will outline information about the situation in Mali and justify why this case has been chosen, it is important to denote at this stage that a major limitation concerns the access to information, both due to the geographical location but also for confidentiality reasons. The research will thus seek to gather as much data as possible through viable channels in order to undergo an in-depth analysis of the topic.

### 1.2. An Account of the Malian Case

The Malian conflict, the Malian crisis, or the Malian civil war finds its origins in the events starting from 2012 when the MNLA took over the northern region of the country to establish a territorial enclave for the Tuareg community. Due to major discordances, conflicts emerged between the MNLA on the one hand, and Islamist groups on the other, including Ansar Dine and the Movement for Unity and Jihad in West Africa (MUJAO), a branch of Al-Qaeda in the Islamic Maghreb (AQIM), which resulted in the MNLA losing authority over the proclaimed

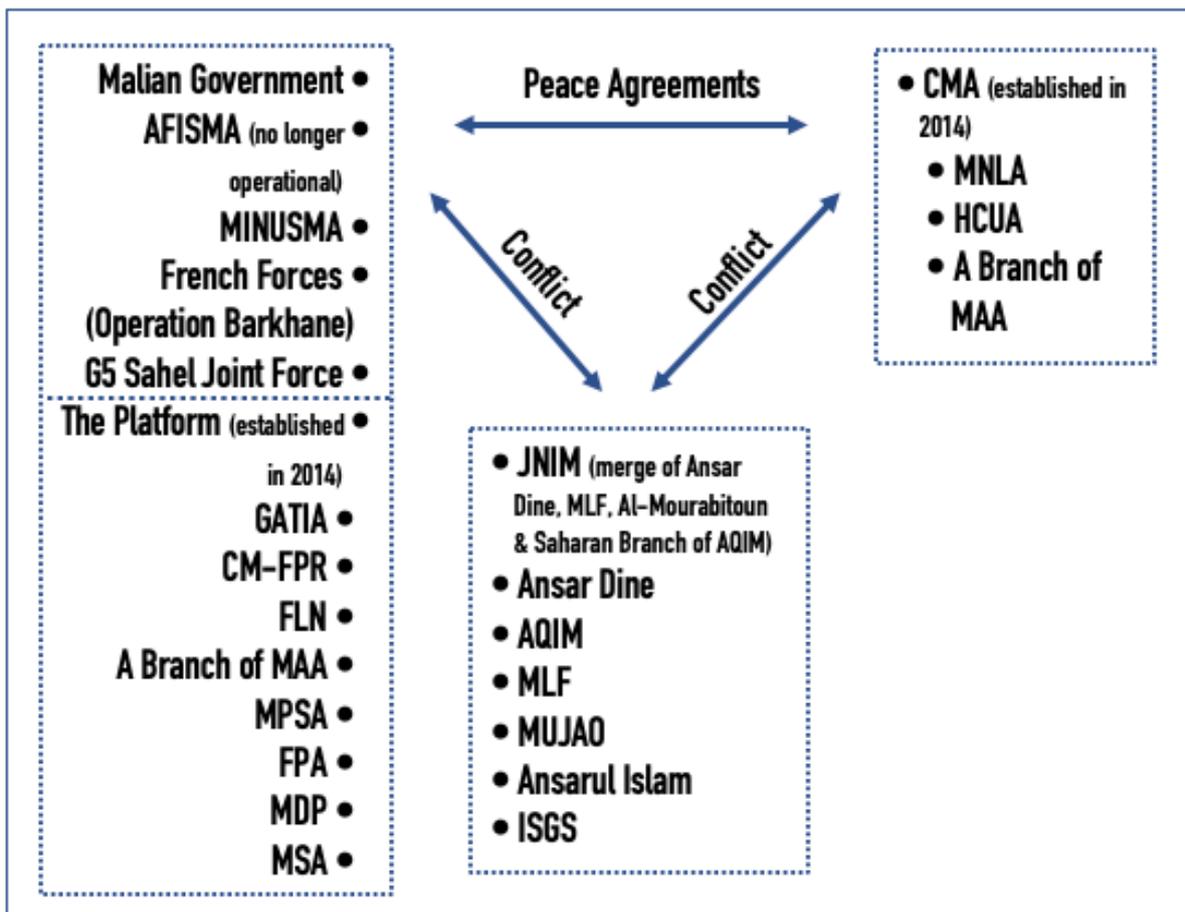


Figure 1. Mapping of parties to the conflict in Mali since 2012 and onwards

northern region. Several peace agreements have seen the light since then, namely the Ouagadougou Agreement in 2013 between the MNLA, the Higher Council for the Unity of Azawad (HCUA) and the Malian Government, and more recently, the Agreement on Peace and Reconciliation in Mali, in 2015. The difficulty with which they have been implemented and the on-going struggle to be adopted by all signatory parties emphasise the hostile environment in which international efforts are now attempting to ensure peace and stability. The latter agreement, which was signed between the Malian Government, the Coordination of Movements of Azawad (i.e. an alliance of the MNLA, the HCUA and a Branch of the Arab Movement of Azawad (MAA) that claims to protect the northern region) and the Platform (i.e. an alliance of Malian armed forces supporting the Malian Government) has in fact shaped the battlefield and explicitly highlighted the fight against violent extremist groups. It is thus worth noting the multiplicity of actors that take part in the conflict (c.f. Figure 1), which particularly illustrates the complexity of the situation as well as the adversity between acting parties. In fact, as it will be discussed in a subsequent section (i.e. Central Legal Aspects), the difficulty to define who is a legitimate party to the conflict makes the case of Mali that more intricate, particularly in regard to the peacekeepers' mandate to use force.

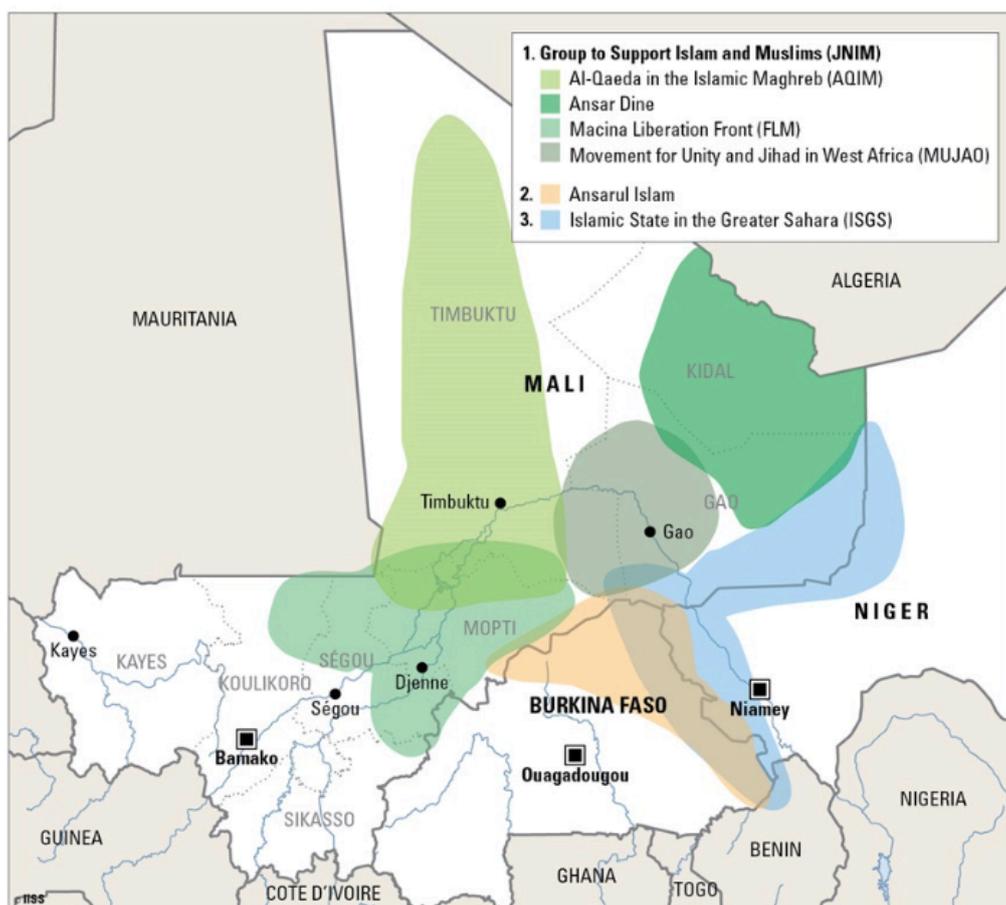


Figure 2. Areas of operation of jihadist groups in Mali as of 2019

Figure 2<sup>13</sup> aims to map the movements of the different jihadist groups on the Malian territory, and thus show how the conflict, which started in the northern region of Kidal, has now largely spread to the central region of Mopti, and is steadily headed towards the south. While this map is a depiction of the situation in 2019, it should be noted that the development of new armed groups and the nature of the conflict is on-going, as the establishment of Dan Na Ambassagou, an ethnic Dogon militia, represents an imminent threat to the Fulani community. In fact, they were behind the massacre of about 160 Fulani herders in the towns of Ogossagou and Welingara in the central region of Mopti, in March 2019<sup>14</sup>. This goes to show that, although much effort is put into assessing and relaying real-time incidents and actors in the Malian case, the crisis is evolving at an increasing pace.

The number of attacks on UN personnel and civilians, as well as the number of civilian casualties, is a further example of how none of the intervening bodies is efficiently halting the spread and threat of violence in the country. The numbers throughout 2019 show an evident increase both in terms of attacks as well as killings (c.f. figure 3<sup>15</sup>) which, in regard to the attacks on UN personnel, asserts an increase from 2018 where 229 attacks were carried out<sup>16</sup>.

	<i>March 2019</i>	<i>May 2019</i>	<i>October 2019</i>	<i>December 2019</i>	Total of 2019
<i>Asymmetric attacks on UN Personnel</i>	61	59	62	68	250
<i>Attacks on civilians</i>	267	245	331	269	1112
<i>Number of killed civilians</i>	225	333	367	200	1125
<i>Number of injured civilians</i>	149	175	221	96	641
<i>Number of kidnapped civilians</i>	130	145	63	90	428

Figure 3. Statistical assessment of attacks during 2019 in Mali

<sup>13</sup> Spada, A. 20 June 2019. *Jihadist violence fuel worsening conflict in Mali and wider Sahel*. [Online]. Available at: <http://www.islamedianalysis.info/jihadist-violence-fuel-worsening-conflict-in-mali-and-wider-sahel/?cn-reloaded=1> [Accessed on 15 April 2020]

<sup>14</sup> Al Jazeera. 24 August 2019. *Mali in crisis: the fight between the Dogon and Fulani*. [Online]. Available at: <https://www.aljazeera.com/programmes/talktojazeera/inthefield/2019/08/mali-crisis-fight-dogon-fulani-XXXXXX-XXXX17990.html> [Accessed on 15 April 2020]

<sup>15</sup> These statistics were compiled from MINUSMA quarterly reports, i.e. 26 March 2019 (S/2019/262), 31 May 2019 (S/2018/454), 1<sup>st</sup> October 2019 (S/2018/782) and 30 December 2019 (S/2018/983).

<sup>16</sup> This number was extracted from MINUSMA quarterly reports, i.e. 29 March 2018 (S/2018/273), 6 June 2018 (S/2018/541), 25 September 2018 (S/2018/866) and 28 December 2018 (S/2018/1174).

While the report of human rights violations shows a decrease from 2019 to 2018, with respectively 306<sup>17</sup> and 759<sup>18</sup> cases, this information cannot by itself relay the issue of violent extremism. Rather, more attention is required on the committed attacks and especially on their perpetrators. This focus will indeed serve to guide the interviews and surveys in order to raise the difficulties that the UN staff faces on the ground. The latter and its efforts represent in fact a central point to this research and ought to be investigated further. On a separate note, the

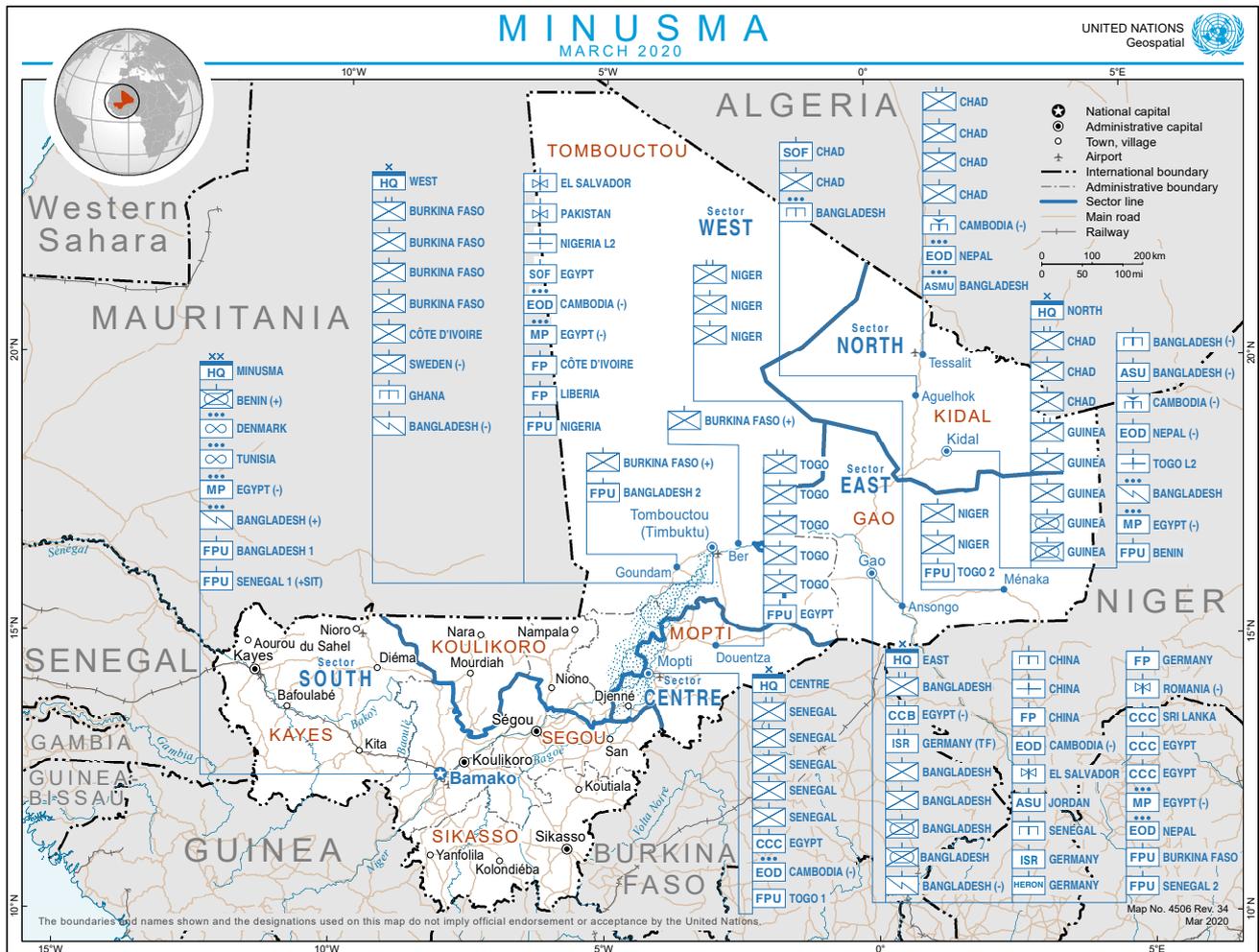


Figure 4. MINUSMA Deployment, March 2020

extensive deployment of peacekeepers (c.f. figure 4<sup>19</sup>) illustrates how much effort has gone into helping Mali in establishing a stable and peaceful society and safeguarding the population.

<sup>17</sup> *Supra*. Note 15

<sup>18</sup> *Supra*. Note 16

<sup>19</sup> Global NGO Impact News. 16 March 2020. Mali: MINUSMA Deployment, March 2020. [Online]. Available at: <https://globalimpactnews.com/2020/03/16/mali-minusma-deployment-march-2020/> [Accessed on 15 April 2020]

As of March 2020, 15,610 individuals<sup>20</sup> participate in the Malian mission throughout all regions of the country. The severity of the Malian case should thus not be taken lightly. The increasing amount of attacks, the continuous emergence of VE groups, the widespread deployment of UN personnel, and the overall complexity of the conflict emphasise why this case ought to be examined, and eventually result in discussing why the situation is worsening or stabilising, rather than improving.

### *1.3. Foundation of the United Nations: Outlining the Principles of Peacekeeping Operations*

A final aspect that is essential to consider in order to understand the intricacy of the chosen topic is the founding principles of peacekeeping operations. Indeed, resulting from the values of the United Nations itself, three principles guide the conduct of PKOs, namely, the consent of the host state, the impartiality of the UN, and the non-use of force except in cases of self-defence and defence of the mandate<sup>21</sup>. The first principle is rather self-explanatory as it entails the need for the government with sovereign power to give its consent to the presence of a UN PKO on its territory. The second principle makes reference to the understanding that the UN should remain an impartial actor in all the actions it takes, meaning that it should not have any political weight within a conflict. Respecting this standard is what renders the work of peacekeepers particularly difficult as targeting actors that are not legitimate parties to the conflict indirectly impedes their impartiality. More so, this impartiality is also being challenged in terms of the peacekeepers themselves becoming a party to the conflict. Indeed, by engaging in forceful actions, they directly take part in confrontations which then negates their impartiality. This principle leaves little room for peacekeepers to navigate in the field and can be seen as a cause to their struggle to fully implement the mandate, which calls for more clarification in the mandate. Lastly, the prohibition of the use of force except to defend the mission and the UN staff is what regulates the peacekeepers' actions, and ultimately sums up the expected neutrality of the UN. This obligation poses once more a difficulty to UN personnel, mainly because of the violence of the attacks they face (i.e. targeted attacks by jihadist groups), and thus the retaliatory characteristic their response might have, inevitably leading to partiality and bias.

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<sup>20</sup> United Nations Peacekeeping. 2020. *MINUSMA Fact Sheet*. [Online]. Available at: <https://peacekeeping.un.org/en/mission/minusma> [Accessed on 15 April 2020]

<sup>21</sup> United Nations Peacekeeping. 2020. *What is peacekeeping*. [Online]. Available at: <https://peacekeeping.un.org/en/what-is-peacekeeping> [Accessed on 16 April 2020]

Further interrogations go into understanding the meaning and the scope of these principles, and while the ‘old school’ and traditional ways of the UN’s conduct have been debated, they are important to be aware of if one aims to grasp the full picture of the UN personnel’s challenges. It is not per se these standards that will paint the legal picture of PKOs, as the mandate is in itself the paramount source of guidelines to the mission. Regardless, the missions are founded on UN principles, and one ought to keep them in mind. As such, the consent of the host state, the impartiality of the UN body and the prohibition of the use of force except for self-defence and defence of the mandate represent the foundation of PKOs as well as the challenges they further face in the field. In fact, they are inherently composing the UN doctrine, and their essence is thus relayed in peacekeepers’ actions. Nevertheless, the ever-changing terrain on which peacekeepers operate requires new prerogatives and measures to be taken, which justifies the specific focus on the mission’s mandate in this paper, rather than general principles. However, one should take note of the principle of impartiality as it will be discussed further in the analysis.

## **Section 2. Theoretical Framework**

The objective of this theoretical framework is to provide the analytical lens of this research. Indeed, much prejudice and critic revolve around PKOs and thus the UN as an international organisation, which is not what this thesis touches upon. Rather, by providing several theoretical tools, this research aims to provide academic contributions to shape the interrogations on the UN mandate and its consequent challenges for implementing CVE measures on the ground. For this reason, three disparate topics will be developed, namely the broader framework of new war theory, as well as the specific topics of countering violent extremism and peacekeeping operations.

### *2.1. New War Theory*

The idea of the ‘new war theory’ emerged to the effects of modernisation and globalisation, as well as to Carl Von Clausewitz’ account of warfare, with main scholars like Mary Kaldor and Martin van Creveld at the forefront of the doctrine. In regard to Clausewitz’ contributions, he developed his understanding of warfare on two normative elements, namely the nature and the character of war. While he claimed that war is a way to conduct “politics through other

means”<sup>22</sup>, he asserted that the nature of warfare is immovable, as politics is the constant root cause of warfare. On the other hand, the character of war is susceptible to development, which is what fuelled the motive to examine what is new about warfare, and thus what has changed.

Placed in the context of this thesis, what emerges as a significant contribution is the understanding of the acting players in the new warfare model, and thus what their status, as well as the overall nature of the conflict, has come to mean. Indeed, warfare is no longer predominantly between two states, but involves a multitude of actors, ranging from international organisations to non-state militias. What is thus essential to denote is the theoretical contribution to the field, which acknowledges the severity of such a conflict, and thereby the necessity to understand the occurring phenomena. Martin van Creveld’s understanding of new war theory is important to account for, as he believes that “the decline of the state”<sup>23</sup> is what led to a change in character of warfare. This specific contribution relates extensively to Clausewitz’ Trinitarian conception of war, in which he places equal importance on the state, the military and the population. Yet, what negates the paramountcy of politics in warfare is the idea that because the state is no longer part of warfare, conflicts are no longer fuelled by political motives. However, politics have become a fluctuating concept, appropriated by many actors, which leads one to believe that the separation between power, politics and violence is thus very thin. War is thus ultimately about one or the other. In regard to Mary Kaldor, who coined the term of ‘new war theory’, she specifically explores the actors, goals, methods and forms of finance to denote the difference between ‘old war’ and ‘new war’. Particularly, she asserts that “new wars are fought by varying combinations of networks of state and non-state actors – regular armed forces, private security contractors, mercenaries, jihadists, warlords, paramilitaries, etc.”<sup>24</sup>. More so, “new wars are fought in the name of identity, [i.e.] ethnic, religious or tribal”<sup>25</sup>. In regard to the employed methods within new warfare, “a typical technique is population displacement, [... as well as] violence [...] directed against civilians as a way of controlling territory rather than against enemy forces”<sup>26</sup>. Finally, in terms of forms of finance, “new wars are part of an open globalised decentralised economy in which participation is low and revenue depends on continued violence”<sup>27</sup>. All these aspects can be used to exemplify the case of the conflict in Mali, where violent extremist groups are

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<sup>22</sup> Von Clausewitz, C. 1976. *On War*. Princeton University Press. United Kingdom. p.87

<sup>23</sup> Van Creveld, M. 1999. *The Rise and Decline of the State*. Cambridge University Press. United Kingdom. p.336

<sup>24</sup> Kaldor, M. 2013. In *Defence of New Wars*. *Stability*. 2(1). p.2

<sup>25</sup> *Ibid.*

<sup>26</sup> *Ibid.* p.2-3

<sup>27</sup> *Ibid.* p.3

continuously emerging, propagating fear and committing violent acts, all financed by illicit means.

It is with this understanding in mind that one ought to grasp the complexity of the Malian case, where it is no longer a mere civil war nor an international dispute, but a volatile theatre where multiple actors take part for various reasons, whether these are to acquire regional power, political influence or simply conduct violent acts. While much of the new war theory also goes to posit that politics is inevitably what fuels a war, as “new wars are also fought for political ends”<sup>28</sup>, the purpose of understanding this theoretical contribution is the need to acknowledge the evolving character of warfare, and thus also of PKOs. Indeed, peacekeepers are mandated to ‘keep peace’, ensure stability, and help the political process in the country. Yet, because of the changing character of warfare, the situation on the ground needs to be dealt with accordingly. One cannot apply principles, means and capabilities of traditional warfare when the environment has adopted a new way of conducting war. Keeping this in mind, the new war theory will enable a more in-depth understanding of the actors involved in the conflict, and what it means for the greater peace achievement in Mali.

## *2.2. Countering Violent Extremism*

This section aims to define the conceptual framework of Countering Violent Extremism (CVE). While the name itself largely suggests what it entails, much ambiguity, disagreement and complexity have arisen around the topic. For this reason, the distinction between violent extremism (VE) and terrorism will be discussed initially in order to further enable a comprehensive discussion on the difference between CVE, Preventing Violent Extremism (PVE) and Counterterrorism (CT). This will enable the establishment of a clear and common understanding of CVE that will be used in the analysis.

### *2.2.1. Violent Extremism vs Terrorism*

What ought to be understood regarding the distinction between VE and terrorism is merely the fact that there is indeed a difference between both concepts, and measures to counter and prevent them can thus have different paradigms. The blurred lines and the inter-changing use of the terms have also come to suggest a plausible continuity between them. This idea is

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<sup>28</sup> *Ibid.* p.11

reflected in how the UNSC uses both concepts, as the Plan of Action to PVE “considers and addresses violent extremism as, and when, conducive to terrorism”<sup>29</sup>. This implies that violent extremism is to be understood as a broader term than terrorism, stripped of all the connotations that terrorism might have and particularly “with less politicization”<sup>30</sup>. The Plan of Actions goes on to denote that VE is “neither new nor exclusive to any region, nationality or system of belief”<sup>31</sup>, which joins the idea set out in the introduction, that VE is in fact not to be connected to a specific religious or ideological framework. Indeed, in its resolution 70/291, the United Nations General Assembly (UNGA) affirms “that terrorism and violent extremism as and when conducive to terrorism cannot and should not be associated with any religion, nationality, civilization or ethnic group”<sup>32</sup>. As such, while the resolution also addresses terrorism as a neutral concept, this research will employ the notion of VE to designate the belligerent groups in the Malian conflict in order to avoid any form of bias or preconception.

More so, what justifies the use of VE is the development of CVE amongst scholars, which is depicted as an extension of CT. As it will be discussed, “CVE is the most significant development in counterterrorism in the last decade”<sup>33</sup>, and whether one defines it as “a subset or evolution of counterterrorism”<sup>34</sup>, it is “in part a natural extension of the Counter-Terrorism Committee’s long-standing approach to the implementation of Security Council resolution 1624 (2005), which [called] on States to prohibit incitement to commit acts of terrorism”<sup>35</sup>. It is thus the evolving phenomena and understanding of terrorism into VE that is to be acknowledged at this stage in order to adequately discuss CVE and not CT, with the overall objective to remain relevant within the academic field of VE and CVE.

A final dimension necessary to introduce in this section is the idea of *drivers of violent extremism*. Developed by the Plan of Action, two categories of drivers can be defined, namely the ‘*push factors*’, which refers to “the conditions conducive to violent extremism and the structural context from which it emerges”<sup>36</sup>, and the ‘*pull factors*’ or “the individual motivations and processes, which play a key role in transforming ideas and grievances into

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<sup>29</sup> UNGA. 24 December 2015. Plan of Action to Prevent Violent Extremism. UN Doc. A/70/674. p.1

<sup>30</sup> Romaniuk, P. September 2015. *Does CVE Work? Lessons Learned from the Global Effort to Counter Violent Extremism*. Global Center on Cooperative Security. Indiana. p.7

<sup>31</sup> *Supra*. Note 29

<sup>32</sup> UNGA. 19 July 2016. Res. 70/291. UN Doc. A/RES/70/291. p.1

<sup>33</sup> *Supra*. Note 30. p.2

<sup>34</sup> Holmer, G. September 2013. *Countering Violent Extremism: A Peacebuilding Perspective*. Special Report 336. United States Institute of Peace. Washington. p.2

<sup>35</sup> Security Council Counter-Terrorism Committee. 2020. *Countering violent extremism*. [Online]. Available at: <https://www.un.org/sc/ctc/focus-areas/countering-violent-extremism/> [Accessed on 18 April 2020]

<sup>36</sup> *Supra*. Note 32. p.7

violent extremist action”<sup>37</sup>. Specifically, push factors include “social/ cultural/ political/ religious/ ethnic marginalization, corruption, poverty, lack of employment, lack of opportunity, and/or poor governance”<sup>38</sup>, while pull factors encompass “a sense of identity or self-worth, support for family or other economic incentives, sense of duty or honour, and/or a sense of

Drivers of Violent Extremism	
<i>Push Factors</i>	<i>Pull Factors</i>
Marginalisation	Victimisation from foreign interventions
Discrimination	Support systems
Unemployment	Economic support
Poverty	Sense of duty
Corruption	Sense of power
Poor Governance	Sense of self-worth
Violation of human rights and the Rule of Law	Political ideologies
Lack of opportunities	Misuse of beliefs
Conflict zones	Ethnic and cultural differences
Radicalisation in prisons	Leadership and social networks

*Figure 5. Drivers of Violent Extremism*

power, adventure or desire to commit violence”<sup>39</sup>. The United Nations Office on Drugs and Crime (UNODC) has also outlined some of these factors; the prior including “lack of socio-economic opportunities, marginalization and discrimination, poor governance, violations of human rights and the Rule of Law, prolonged and unresolved conflicts, and radicalization in prisons”<sup>40</sup>; and the latter including “individual backgrounds and motivations, collective grievances and victimization stemming from domination, oppression, subjugation of foreign interventions, distortion and misuse of beliefs, political ideologies and ethnic and cultural differences, and leadership and social networks”<sup>41</sup>. While this extensively outlines the root

<sup>37</sup> *Supra*. Note 32. p.7

<sup>38</sup> Zeiger, S. 2016. *Introduction*. Cited in: O’Halloran, P. 2018. Challenges to Implementing the 2016 United Nations’ Plan of Action to Prevent Violent Extremism in Peacekeeping Operations: A Case Study of MINUSMA. *The Canadian Journal of Peace and Conflict Studies*. 50(2). p.34

<sup>39</sup> *Ibid*.

<sup>40</sup> UNODC. 2020. *Drivers of violent extremism*. [Online]. Available at: <https://www.unodc.org/e4j/en/terrorism/module-2/key-issues/drivers-of-violent-extremism.html> [Accessed on 18 April 2020]

<sup>41</sup> *Ibid*.

causes of radicalisation and thus of violent extremism, the drivers of VE (c.f. Figure 5) are primordial to take into consideration at this stage, as CVE measures build on these. In fact, one needs to understand the issues and challenges to be able to respond, prevent and counter them.

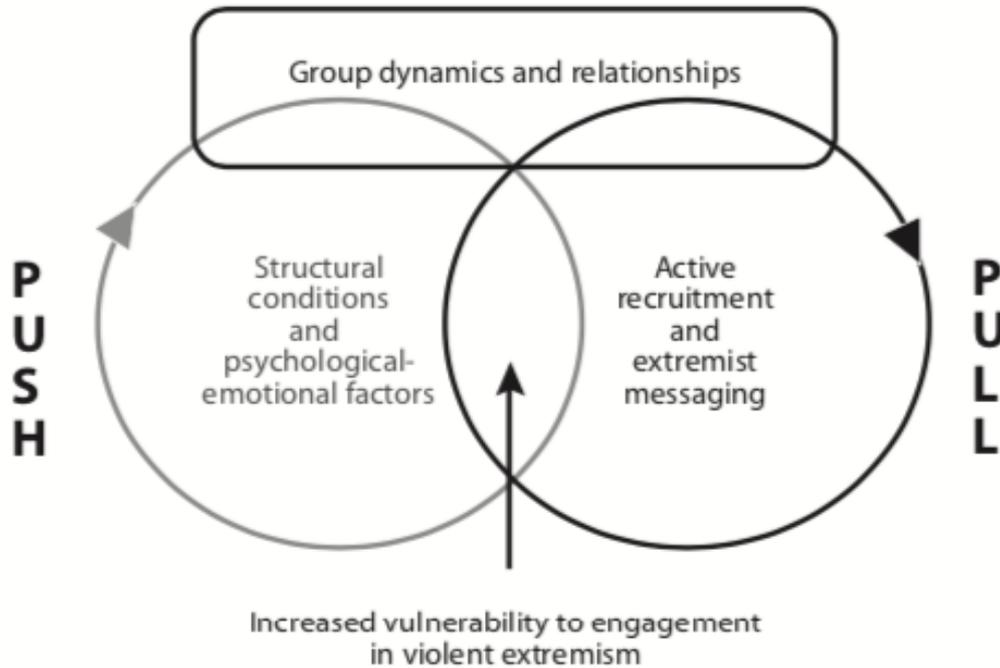


Figure 6. Dynamics of Radicalisation

As illustrated above (c.f. Figure 6<sup>42</sup>), the correlation between pull and push factors explains how VE occurs, how individuals get radicalised into VE groups, and particularly the complexity of encompassing VE characteristics. What it especially aims to highlight is the fact that there is no defined process through which an individual gets ingrained in VE. Rather, it is when push and pull factors overlap that there is an increasing vulnerability to engage in VE activities. This creates a critical momentum where CVE measures need to be carefully implemented and is thus what represents a fundamental challenge in terms of VE.

The account of VE drivers will be taken into consideration when analysing the CVE definitions in the legal framework, which will help shed light on what measures and actions can be taken by peacekeepers, and more generally how dealing with VE has been outlined in the mandate. It will also serve to shed light on the practice of peacekeepers, and thus understand how their activities relates to VE and CVE. In the meantime, this discussion on VE vs terrorism has established the foundation for dwelling into what it actually means to deal with VE, and how it can be done.

<sup>42</sup> *Supra*. Note 34. p.3

## 2.2.2. Countering Violent Extremism vs Preventing Violent Extremism vs Counterterrorism

The concepts of countering violent extremism (CVE), preventing violent extremism (PVE) and counterterrorism (CT) have extensively been used as synonyms to describe the actions to be taken against violent extremist and terrorist groups. As mentioned previously, what distinguished CVE from CT was merely a matter of development, as CVE became the new way of discussing the topic. Generally, it has been agreed that CVE has become “an increasingly prominent subfield of counterterrorism policy and practice”<sup>43</sup>, which once more highlights the current development of the concept. For this reason, while the CVE paradigm builds on that of CT and will thus inevitably address some CT aspects, the latter will not receive much focus. Instead, it is the distinction between CVE and PVE that is relevant to establish.

Before going into a discussion on both CVE and PVE, an outline of the prior seems primordial. The UN became more precise in its discourse on CVE when the UNGA adopted resolution 60/288 in 2006, which put a focus on the ‘*conducive conditions*’ to the spread of terrorism and thereby outline the main disposition of CVE. These conditions include “prolonged unresolved conflicts, dehumanization of victims of terrorism in all its forms and manifestations, lack of the rule of law and violations of human rights, ethnic, national and religious discrimination, political exclusion, socio-economic marginalization and lack of good governance”<sup>44</sup>. While this gives some indications on the VE landscape and when CVE measures can be implemented, the latter are still not clear. In order to rectify this situation, Peter Romaniuk went on to distinguish them as CVE-specific and CVE-relevant (c.f. Figure 7). The prior includes measures that are “designed to prevent or suppress violent extremism in a direct, targeted fashion. These measures are more likely to address behavioural and cognitive

CVE Measures	
<i>CVE-Specific – Hard Power</i>	<i>CVE-Relevant – Soft Power</i>
Prevent/suppress VE directly	Reduce vulnerability to VE indirectly
Targeting	Education & Development
Use of force	Women & Youth
Behaviour radicalisation	Cognitive radicalisation

*Figure 7. CVE Measures*

<sup>43</sup> *Supra*. Note 30. p.2

<sup>44</sup> UNGA. 20 September 2006. Res. 60/288. UN Doc. A/RES/60/288. p.4

radicalization”<sup>45</sup>. On the other hand, CVE-relevant measures “are framed more generally, intending to reduce vulnerability to extremism in an indirect way. These measures, which primarily address cognitive radicalization, are more likely to be advanced through education, development, and women’s rights and youth initiatives”<sup>46</sup>. This distinction relates to the separation between hard and soft power, a “frequent theme in policy and practice approaches in CVE, [... where] hard power approaches are generally associated with offensive or defensive interventions, [... and] soft power approaches to CVE tend to be more pre-emptive or preventive”<sup>47</sup>. This distinction between CVE-specific and CVE-relevant, and thus hard and soft power, lays out an initial analytical framework that, juxtaposed with the idea of PVE, will enable an in-depth discussion on CVE measures. In fact, PVE became a way for the UN to concretise a homogenous doctrine within the organisation. The difficulty of getting resolutions passed at the UNSC has already been mentioned, and therefore, by adopting a more ‘preventive’ and soft language, the opportunity to find common ground was noteworthy. It did in fact result in the adoption of the Plan of Action for the Prevention of Violent Extremism, which provides a detailed structure as to what PVE measures exist and how they can be developed and implemented. The Plan of Action will be discussed later on, but for now, what is paramount to acknowledge is the way in which CVE encompasses PVE. If one were to look

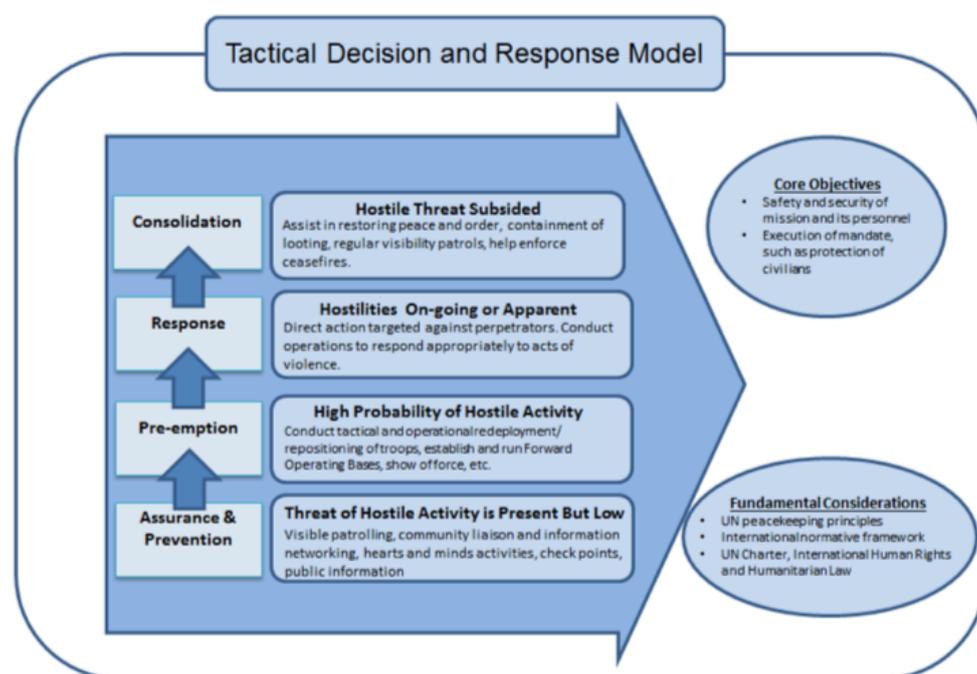


Figure 8. UN PKO Operational Plan

<sup>45</sup> *Supra*. Note 30. p.9

<sup>46</sup> *Ibid*.

<sup>47</sup> Rundle-Thiele, S. & Anibaldi, R. 2016. Countering Violent Extremism: From Defence to Attack. *Security Challenges*. 12(2). p.55

at the wording (i.e. countering and prevention) and relate it to the UN's peacekeeping operations operational plan (c.f. Figure 8<sup>48</sup>), it becomes evident that CVE goes beyond PVE, and thereby encompasses PVE measures. The operational plan is built as a four-step response model to provide a logical resolution to hostilities. While it is displayed as a linear process, it is of course not that simple on the ground, and thus a situation can "occur non-sequentially and/or concurrently, depending on the situation"<sup>49</sup>. However, what is important to denote is the limited scope of preventive measures, which suggests that PVE only occurs at the 'assurance and prevention' level. Again, it is not as simple as that in practice, as PVE measures do go beyond basic prevention, but what ought to be asserted, is the all-encompassing capacity of CVE, in contrast to PVE. Indeed, CVE measures go beyond the first stage, and is to be employed for 'pre-emption', 'response' and 'consolidation'. It is by interpreting the hard power aspect of CVE-specific measure that one can affirm this, and thereby acknowledge the exhaustive capacity of CVE measures.

For these reasons, namely the particular characteristics of CVE and its distinction with PVE, CVE seems more adequate to consider for this research. More so, CVE particularly relates to the Malian case because of the prevailing and imminent threat of violent extremist. It is thus not a matter of preventing them from happening but rather how to respond and counter them that is to be examined.

### *2.3. Peacekeeping Operations*

The objective of this section is to acknowledge the evolution of peacekeeping missions, particularly to highlight the more recent operations and their adjustment to the situation on the ground. Indeed, while PKOs were set out to 'keep peace', as the name entails, the change in scenery has required a significant shift in the missions' purpose. This change is rooted in " (1) the rebalancing of relations between states of the global North and the global South; (2) the rise of regional organisations as providers of peace; (3) the rise of violent extremism and fundamentalist non-state actors; (4) and increasing demands from non-state actors for greater emphasis on human security"<sup>50</sup>. Many doctrinal efforts have been made to address these shifts

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<sup>48</sup> UN DPKO. January 2017. *Use of Force by Military Components in United Nations Peacekeeping Operations*. Ref: 2016.24. p.14

<sup>49</sup> *Ibid.* p.13

<sup>50</sup> Peter, M. 2019. *Chapter 1. UN Peace Operations: Adapting to a New Global Order?* Cited in: de Coning, C. & Peter, M. 2019. *United Nations Peace Operations in a Changing Global Order*. (Eds). Palgrave Macmillan. Switzerland. p.5

and the challenges they pose to peacekeepers. Particularly, the Brahimi report in 2000, the Capstone doctrine in 2008 and the HIPPO report in 2015 all contain elements that aim to frame PKOs in accordance with the current context. While the Brahimi report asserts that “the key conditions for the success of future complex operations are political support, rapid deployment with a robust force posture and a sound peace-building strategy”<sup>51</sup>, its outcome was more of a response to the UN’s failures in the 1990s, notably the genocides in Rwanda and Bosnia and Herzegovina, as well as the terrible international operation in Somalia<sup>52</sup>. The Capstone doctrine largely builds on the Brahimi report’s contributions but goes a step further in highlighting the complexity and intertwinement of all processes within a PKO. Indeed, by addressing the distinction between peace-making, peacekeeping, peace enforcement and peacebuilding, the report illustrates the overlap and thus how peacekeepers have to address each process separately and simultaneously (c.f. Figure 9<sup>53</sup>). The doctrine particularly sheds light on the



Figure 9. Linkages and Grey Areas

<sup>51</sup> UNGA & UNSC. 21 August 2000. Report of the Panel on United Nations Peace Operations. “*Brahimi Report*”. UN Doc. A/55/305 & S/2000/809. p.1

<sup>52</sup> *Supra*. Note 50. The United Nations Operation in Somalia I (UNOSOM I) was the first UN effort deployed to Somalia to relieve the country from the Somali Civil War in 1992. Nevertheless, the UN personnel was unable to deter warlords from committing atrocities and ensure the full implementation of a ceasefire. The situation only worsened and resulted in the deployment of a multinational force later the same year, the Unified Task Force (UNITAF), which was authorised to use ‘all necessary measures’ to halt violent acts. A subsequent UN operation (UNOSOM II) replaced UNITAF yet, troops were withdrawn in 1995 regardless of their failure to restore peace in the country. Somalia is still significantly exposed to violence, and struggles to reach socio-political stability.

<sup>53</sup> UN DPKO. 2008. *United Nations Peacekeeping Operations: Principles and Guidelines*. “*Capstone Doctrine*”. New York. p.19

difference between robust peacekeeping<sup>54</sup> and peace enforcement in regard to the use of force by stating that the former “involves the use of force at the tactical level with the authorization of the Security Council [... while the latter] does not require the consent of the main parties and may involve the use of military force at the strategic or international level”<sup>55</sup>.

What is thus primordial to understand is that, regardless of PKOs adhering to traditional peacekeeping and its founding principles, they have seen a shift in guidelines as there has been an increasing focus on the use of force within missions. Indeed, ‘robust peacekeeping’, ‘stabilisation’<sup>56</sup> and ‘peace enforcement’ all relate to the use of force and Chapter VII of the UN Charter, and are intrinsically incorporated into recent PKOs. Indeed, since the mission in Sierra Leone in 1999, “most UN missions have been authorized under Chapter VII and provided with robust rules of engagement (ROE)”<sup>57</sup>. This means that PKOs have been mandated to “take the necessary action to ensure the security and freedom of movement of its personnel and, within its capabilities and areas of deployment, to afford protection to civilians under imminent threat of physical violence”<sup>58</sup>, or what is also commonly understood as “all necessary means”<sup>59</sup>. Understanding this incorporation of robust peacekeeping, stabilisation, Chapter VII and the use of force is of particular relevance to MINSUMA, as the mission encompasses all these aspects. Indeed, the mission itself contains the notion of stabilisation, and it is authorised by the UNSC to use force. It is thus in light of this evolution that PKOs should be approached. All in all, the substantial shift of PKOs is being reflected in the use of new terminologies and, it is by acknowledging these new premises that one ought to understand the PKO in Mali.

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<sup>54</sup> Nsia-Pepira, K. 2014. *UN Robust Peacekeeping: Civilian Protection in Violent Civil Wars*. Palgrave Macmillan. New York. p.49. The notion of robust peacekeeping was used in the Brahimi report to encompass “the reforms and revitalization of peacekeeping to enhance its capacity as an instrument for the maintenance of international peace and security”. The notion has been defined as a mission that has “the credibility or capacity to deter spoilers who threaten the mission’s mandates and civilians using all necessary means, including force, to defend itself and fulfill its mandate”.

<sup>55</sup> *Supra*. Note 53. p.34

<sup>56</sup> It was noted in the HIPPO report that ‘stabilisation’ was employed regarding “missions that support the extension or restoration of State authority” (*Supra*. Note 8. p.44). Yet, the necessity to clarify the term was also called for, which has led to the following definition: “UN Stabilization operations aim to help states in crisis to restore order and stability in the absence of a peace agreement, by using force as well as political, developmental and other means to help national and local authorities to contain aggressors [...], enforce law and order and to protect civilians, in the context of a larger process that seeks a lasting political solution to the crisis” (de Coning, C. October 2016. *Is stabilization the new normal? Implications of stabilization mandates for the use of force in UN peace operations*. [Online]. Available at: <https://cedricdeconing.net/2016/10/04/is-stabilisation-the-new-normal-implications-of-stabilisation-mandates-for-the-use-of-force-in-un-peace-operations/> [Accessed on 19 April 2020]

<sup>57</sup> *Supra*. Note 54

<sup>58</sup> UNSC. 22 October 1999. Res. 1270. UN Doc. S/RES/1270. p.3

<sup>59</sup> UNSC. 28 June 2019. Res. 2480. UN Doc. S/RES/2480. p.5

### Section 3. Legal Framework

Several aspects will be discussed in this section to emphasise the importance given to the legal dimension of the Malian conflict and MINUSMA. More so, it will provide an understanding of the legal framework that serves to explain how international norms are to be interpreted and how actions are to be executed on the ground. While the legal nature will briefly be touched upon, it is particularly central legal aspects that will initially be outlined to introduce some of the problems that this thesis aims to assess. As such, the difficulty revolving around the use of force and the UN's position as a party to the conflict will be addressed. Further on, the sources of law will be defined, including International Law (IL), Customary International Law (CIL), as well as general principles. Finally, the legal interpretation will be touched upon to explain how the different sources will be accounted for in the analysis.

#### 3.1. Central Legal Aspects

While the intention of this thesis is not to undertake an in-depth analysis of whether the Malian case is a NIAC or an IAC, it is still important to outline the nature of the case, as it will emphasise what shapes the legal considerations. An initial distinction between *jus ad bellum* and *jus in bello* needs also to be addressed, as it sets out the larger legal framework of the conflict. Indeed, while the prior determines the legal rulings that apply before engaging in warfare, the latter contains the clauses that frame an on-going conflict, known as International Humanitarian Law (IHL). Regarding the case in Mali, the UN Charter, which encompasses *jus ad bellum* norms, is very much applicable as PKOs operate on that legal framework. Yet, due to the severity of the case and the imminent attacks that peacekeepers face, it can be argued that *jus in bello* rules have come into force as well. The framework of the Malian conflict, considering the international intervening parties, is thus a very complex situation to encompass. The evolution of conflicts, from a traditional state vs state dispute to a national civil war involving intervening partners (e.g. international organisations, regional bodies or third countries), has led to a reflection on the applicable legal framework. Some have come to coin terms like '*jus ad pacem*' or '*jus post bellum*' to describe the case of international interventions in non-international armed conflict. Yet, most of them refer to an ended conflict where peacekeepers are deployed henceforth to restore peace and security in the country.

Nevertheless, the case of Mali is different from that scenario, as a NIAC<sup>60</sup> is very much ongoing, and international forces are very much present. As such, it can be posited that the investigated case is a NIAC with international interventions and international attention, regulated by *jus ad bellum* and *jus in bello* legal frameworks. What is therefore interesting to examine further is the particularity of the UN as a plausible party to the conflict. More so, the legal framework revolving around the use of force is mandatory to determine, as this is where difficulties arise for peacekeepers. The discussion on these two legal challenges, at this stage, particularly serves to tie some of the struggles that peacekeepers may face on the ground to the founding principles of PKOs. Indeed, the use of force is an acknowledged prohibition, while impartiality is a requirement of the UN. Understanding the legal complexity of these matters will thus enable their analysis in regard to the mandate and lead to the plausible challenges imposed on the UN personnel in Mali.

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<sup>60</sup> A Non-International Armed Conflict finds its defining roots in Common Article 3 of the Geneva Conventions. It disposes that “in the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each Party to the conflict shall be bound to apply, as a minimum, the following provisions: (1) Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed ‘hors de combat’ by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion, faith, sex, birth or wealth, or any other similar criteria. To this end, the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons: (a) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture; (b) taking of hostages; (c) outrages upon personal dignity, in particular humiliating and degrading treatment; (d) the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples [...]” (ICRC. 12 August 1949. *Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Geneva Convention)*. 75 UNTS 287). More so, the trial at the International Criminal Tribunal for the former Yugoslavia against *Dusko Tadić* in 1995, defined a NIAC “whenever there is a resort to armed force between States or protracted armed violence between governmental authorities and organized armed groups or between such groups within a State”(Prosecutor v. *Dusko Tadić*. Appeals Chamber, Decision on the Defence Motion for Interlocutory Appeal on Jurisdiction. International Criminal Tribunal for the former Yugoslavia (ICTY). 2 October 1995, para. 77). Two elements have thus emerged from this delimitation to frame a NIAC, namely the level of “intensity of the armed violence [...] and the degree of organization [of the parties to the conflict]” (RULAC. 2020. *Non-international armed conflict*. [Online]. Available at: <http://www.rulac.org/classification/non-international-armed-conflicts> [Accessed on 21 April 2020]). These dispositions thus confirm that the Malian conflict is a NIAC, as it is made up of rivalries between the Malian government, the CMA and jihadist groups (i.e. the coalition known as JNIM, which encompasses Ansar Dine, MLF and AQIM, as well as other groups such as MUJAO, Ansarul Islam, ISGS and Dan Na Ambassagou). What has raised ambiguities on its real nature is therefore rather the presence intervening parties. Yet, it can be asserted that the ‘Operation Barkhane’ which operates under French command was granted an invitation to intervene by the Malian Government, and thus makes it a support-based party to the conflict. The case of the FC-G5S can be as intricate to understand as the intervention of the UN. Indeed, it is a coalition of countries in the Sahel that has joined the Malian Government in the on-going conflict. While its active role as a party to the conflict is not part of this particular research, it has been observed that the coalition’s difficulty with operationalising its objectives is what limits its capacity as an actor to the Malian conflict (Maganza, B. May 2019. Which role for hybrid entities involved in multi-parties NIACS? Applying the ICRC’s support-based approach to the armed conflict in Mali. *Question of International Law*. Zoom-in 59). As such, what will be touched upon in regard to the FC-G5S is more so its role in the geopolitical landscape and as a collaborative entity to the MINUSMA forces.

### 3.1.1. The struggle with the Use of Force

The legal foundation of the use of force is unanimously agreed to be asserted in the UN Charter, specifically in Article 2(4), which disposes that “all Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations”<sup>61</sup>. As such, the commonly accepted rule posits the prohibition of the use of force. Exceptions exist to this prerogative, notably the UNSC’s authorisation to use force as laid out in the Charter’s Chapter VII and the right to self-defence (i.e. Article 51 in the UN Charter), which are also applicable during a peacekeeping operation. Specifically regarding the latter, the resolutions that regulate PKO’s mission include clauses on the use of force under the authorisation “to use all necessary means to carry out”<sup>62</sup> the mandate, which fulfils the requirement of a UNSC authorisation.

The main difficulty that emanates from the right to use force is thus the determination of situations in which peacekeepers may actually proceed to forceful measures, and particularly against who. This challenge resides in the capability to identify the parties to the conflict, and hence the distinction between combatants and civilians. The 3<sup>rd</sup> Geneva Convention has posited who falls under the status of combatants, which encompasses members of the armed forces of a state, members of militias, armed groups and organised resistance movements, and members of *levée en masse*<sup>63</sup>. While individuals falling into these groups can sometimes easily be distinguished, either by their uniform, by openly carrying weapons or by claiming their allegiance, it becomes extensively more intricate when such clear demarcations are not visible and can thus be mistaken for civilians. In order to address this challenge, the direct participation

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<sup>61</sup> United Nations. 26 June 1945. *Charter of the United Nations*. San Francisco. 1 UNTS XVI

<sup>62</sup> *Supra*. Note 59. p.5

<sup>63</sup> Article 4 of the 3<sup>rd</sup> Geneva Conventions defines prisoners of war, which have been combatants, as follow: “1) Members of armed forces of a Party to the conflict as well as members of militias or volunteer corps forming part of such armed forces; 2) Members of other militias and members of other volunteer corps, including those of organized resistance movements, belonging to a Party to the conflict and operating in or outside their own territory [...]; 3) Members of regular armed forces who profess allegiance to a government or an authority not recognized by the Detaining Power; 4) Persons who accompany the armed forces without actually being members thereof, such as civilian members of military aircraft crews, war correspondents, supply contractors, members of labour units or of services responsible for the welfare of the armed forces, provided that they have received authorization from the armed forces which they accompany, who shall provide them for that purpose with an identity card similar to the annexed model; 5) Members of crews, including masters, pilots and apprentices of the merchant marine and the crews of civil aircraft of the Parties to the conflict, who do not benefit by more favourable treatment under any other provisions of international law; 6) Inhabitants of a non-occupied territory who, on the approach of the enemy, spontaneously take up arms to resist the invading forces, without having had time to form themselves into regular armed units, provided they carry arms openly and respect the laws and customs of war” (ICRC. 12 August 1949. *Geneva Convention Relative to the Treatment of Prisoners of War (Third Geneva Convention)*. 75 UNTS 135).

in hostilities has provided indicators to recognise who is a legitimate combatant in a conflict. These encompass the threshold of harm, a direct causation and belligerent nexus. As such, “the act must be likely to adversely affect the military operations or military capacity of a party to an armed conflict or, alternatively, to inflict death, injury, or destruction on persons or objects protected against direct attack. [... There must also] be a direct causal link between the act and the harm likely to result either from that act, or from a coordinated military operation of which that act constitutes an integral part. [... Finally,] the act must be specifically designed to directly cause the required threshold of harm in support of a party to the conflict and to the detriment of another”<sup>64</sup>.

While these guidelines provide a framework on who is a combatant at the strategic level of PKOs, the challenges arise at the operational and tactical levels, where peacekeepers cannot instantaneously refer to a manual when faced with imminent attacks. As such, this legal issue is necessary to consider when the MINUSMA mandate will be examined, as issues arise in regard to the necessity to use force when combatants and civilians cannot be differentiated.

### 3.1.2. Peacekeepers: A Party to the Conflict?

The main interrogation about participation in a conflict revolves around how necessary it is to define it in regard to peacekeepers. Indeed, does it make any difference whether they are or are not considered a party to the conflict? The main argument supporting the paramountcy of defining this feature concerns the impartiality principle of the UN. In fact, if peacekeepers engage in forceful activities, and thus become a party to the conflict, the impartiality of the UN becomes considerably obstructed.

The International Committee of the Red Cross (ICRC) has addressed this by developing the ‘support-based approach’, which aims to justify why the UN, and particularly Troop Contributing Countries (TCCs), has inevitably become a party to the conflict. Indeed, considering the volatile terrain on which UN personnel is being deployed, much of their activity involves them in the conflict directly. This approach suggests that “only one single NIAC exists, i.e. the pre-existing NIAC, but the intervening power becomes a new party to this conflict, fighting alongside the supported party. Therefore, the law of NIAC becomes applicable to the intervening power even before the traditional intensity threshold for a distinct

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<sup>64</sup> ICRC. May 2009. *Interpretive Guidance on the Notion of Direct Participation in Hostilities*. [Online]. Available at: <https://casebook.icrc.org/case-study/icrc-interpretive-guidance-notion-direct-participation-hostilities> [Accessed on 22 April 2020]

NIAC is fulfilled or even if this threshold is never reached by its intervention itself”<sup>65</sup>. More so, the approach necessitates the fulfilment of four conditions, namely “(1) a pre-existing NIAC taking place on the territory where the third power intervenes; (2) actions related to the conduct of hostilities undertaken by the intervening power in the context of that pre-existing conflict; (3) military operations of the intervening power carried out in support of one of the parties to the pre-existing NIAC; and (4) the action in question undertaken pursuant to an official decision by the intervening power to support a party involved in the pre-existing conflict”<sup>66</sup>. As such, peacekeepers can be considered as a party to the conflict and is thus subject to IHL. Meanwhile, “state practice treats peacekeeping forces [...] as civilians because they are not members of a party to the conflict and are deemed to be entitled to the same protection against attack as that accorded to civilians, as long as they are not taking a direct part in hostilities”<sup>67</sup>. A significant debate revolving around this participation emanates from the different viewpoints, which particularly finds its roots in defining the actions of peacekeepers (i.e. determining their direct participation in hostilities). While the nature of PKOs itself is to remain outside of the conflict, the intensity with which situations have developed has required reactive measures from peacekeepers. While aiming to implement the mandate, which has specific clauses on the protection of civilians and self-defence of the UN personnel, which would not posit peacekeepers as a party to the conflict, the difficulty in elucidating the grey area on participation impacts the respect of the impartiality principle. It can be discussed extensively, nevertheless, this interrogation is not the main focus of this thesis. Instead, what this research aims to investigate is whether the legal lacunae in the mandate in regard to defining CVE measures pose a challenge to peacekeepers on the ground. Particularly, this status of being a party to the conflict might as such not be a clause defined within the mandate, which in turn, might impact the UN personnel’s tasks. Nevertheless, participating in the conflict has a direct consequence on the UN’s impartiality, which justifies evoking this very legal issue.

The struggle to determine whether the UN personnel is a party to the conflict in Mali mostly serves to raise interrogations in regard to the impact it might have on peacekeepers’ capability to carry out the mandate in the field, particularly countering violent extremism measures. As such, this legal challenge should be acknowledged and considered when

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<sup>65</sup> Van Steenberghe, R. & Lesaffre, P. 2019. The ICRC’s ‘support-based approach’: A suitable but incomplete theory. *Question of International Law. Zoom-in* 59. p.5

<sup>66</sup> Ferraro, T. 2013. The applicability and application of international humanitarian law to multinational forces. *International Review of the Red Cross*. 95(891/892). p.584

<sup>67</sup> ICRC. 2020. *Rule 33. Personnel and Objects Involved in a Peacekeeping Mission*. [Online]. Available at: [https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1\\_rul\\_rule33](https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule33) [Accessed on 22 April 2020]

proceeding further with the analysis of the MINUSMA mandate and other international legal clauses, norms and principles. More so, the principle of impartiality will reveal aspects of PKOs' nature, which is a fundamental observation of this research, and will be addressed further on.

### 3.2. *Sources of Law*

The purpose of this section is to give an account of the different legal sources that are important for the investigation of the research question. As such, a thorough analysis of them will be undertaken in Chapter 3. The identification of rules, norms and guidelines within the UN's legal framework, CIL and general principles will thus serve to shape the understanding of PKOs capabilities.

#### 3.2.1. The UN Legal Framework

Three sequential elements form the basic legal standards for peacekeeping operations. At the top, the UN Charter encapsulates the rules that are transcribed in the mission's mandate, and subsequently in the Rules of Engagement (ROE) (i.e. applies to the military personnel) and the Directive on the Use of Force (DUF) (i.e. applies to the police personnel). As such, while the Charter provides universal guidelines that frame all behaviour and strategic actions, the ROE and DUF serve at the tactical and operational levels of PKOs.

The key clauses of the UN Charter are those inscribed in Chapters VI and VII. While Article 2(4) prohibits the use of force and Article 51 allows for self-defence, regulations for PKOs are situated between the former chapters. This in-betweenness has come to be known as Chapter 6 and a half, suggesting that PKOs' rules emanate from both chapters and that no defined chapter has been allocated to such operations. Regardless, what can be taken from it, is that Chapter VI authorises "peaceful settlement of disputes"<sup>68</sup> while Chapter VII allows the use of non-forceful and forceful measures "with respect to threats to the peace, breaches of the peace, and acts of aggression"<sup>69</sup>. These broader definitions have been agreed upon since 1945 and require a more specific outlet to outline them adequately. As such, UNSC mandates, in addition to defining the objectives of a PKO, also describe how they can be achieved. The

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<sup>68</sup> *Supra*. Note 61

<sup>69</sup> *Ibid*.

relevant mandate of this research is evidently the one defined in resolution 2480, which frames peacekeepers priority tasks to “(a) [provide] support to the implementation of the Agreement on Peace and Reconciliation in Mali; (b) [provide] support to stabilization and restoration of State authority in the Centre; (c) [protect] civilians; (d) exercise good office [an] reconciliation; (e) assist the Malian authorities in their efforts to promote and protect human rights; (f) [and provide] humanitarian assistance”<sup>70</sup>. The mandate also outlines particular ways to achieve these tasks, such as the “implementation of control measures on movement and armament of signatory armed groups; [... the] operational, logistical and transportation support during coordinated and joint operations; [... and the] active steps to anticipate, deter and effectively respond to threats to the civilian population”<sup>71</sup>, to mention a few. The mandate is thus thorough in setting out the overall aim and the specific goals of the mission. In addition to this framework, the ROE and DUF are intended to “define the degree of force that may be used and the manner in which it may be applied”<sup>72</sup>. They include “the principle of distinction between civilians and combatants, proportionality, the minimum use of force and the requirement to avoid and minimize collateral damage”<sup>73</sup>. As such, the ROE and DUF are meant to clarify areas on which the mandate is either ambiguous or entirely silent. Both documents are confidential to the mission, which limits the discussion on the different clauses. However, general excerpts can be taken from them, which will become useful further on in the analysis.

All documents thus serve to shape the mission, regarding both tasks and capabilities. Yet, confusions and omissions persist, which has required to source more guidelines over time. These will be discussed under General Principles, but for now, CIL norms will shed further light on how peacekeepers can implement the mandate.

### 3.2.2. Customary International Law

CIL and state practice closely align in regard to peacekeeping, as the principles of the latter build on the norms of the prior. The field of peacekeeping has not *per se* been subjected to severe international ruling, mostly because they do not fall under the jurisdiction of either the International Court of Justice (ICJ) or the International Criminal Court (ICC). However, individual trials have been conducted against peacekeepers, particularly for sexual violence.

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<sup>70</sup> *Supra*. Note 59. p.7-9

<sup>71</sup> *Ibid*. p.7-8

<sup>72</sup> Harston, J. July 2016. *Protection of Civilians*. (2<sup>nd</sup> Edition). Peace Operations Training Institute. Williamsburg. p.24

<sup>73</sup> UN DPKO. April 2015. *The Protection of Civilians in United Nations Peacekeeping*. Ref: 2015.07. p.6

Much of the difficulties of PKO emanate from the ambiguities and confusion in the chain of command as the UN, the TCC and the force commander all supervise different aspects of the UN mission. As such, what this thesis will take into consideration when evaluating the mandate's clauses and the challenges they pose for peacekeepers are international recognised norms under CIL, particularly peremptory norms, also known as *jus cogens*. Especially, emanating from the Geneva Conventions of 1949, the principles of necessity, proportionality and distinction, which justify the need to use all necessary means to protect civilians and the mandate, will be outlined.

All three principles arise from the principle of humanity, which is encompassed in the Preamble of the Additional Protocol II to the Geneva Conventions relating to the Protocol of Victims of Non-International Armed Conflicts. The main point to be considered regarding the principles is how their application and implementation enables peacekeepers to use force in highly volatile situations. The principle of military necessity “permits measures which are actually necessary to accomplish a legitimate purpose and are not otherwise prohibited by [IHL]. In the case of an armed conflict, the only legitimate military purpose is to weaken the military capacity of the other parties to the conflict”<sup>74</sup>. The principle of proportionality supplements this norms by prohibiting the launch of “an attack which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated”<sup>75</sup>. As such, what this aims to outline is the limitation of collateral damage and thus civilian casualties. Lastly, the principle of distinction, which concerns the differentiation between civilians and combatants, has been discussed previously as a main challenge for peacekeepers and is posited as a norm of CIL. It suggests that “parties to an armed conflict must at all times distinguish between the civilian population and combatants and between civilian objects and military objectives and accordingly shall direct their operations only against military objectives”<sup>76</sup>.

These international recognised rules frame how PKO can operate, particularly regarding the use of force. They are thus to be considered when the mandate will be analysed in terms of its contribution to CVE definitions. Indeed, some rules are inherently accepted and

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<sup>74</sup> ICRC. 2020. *Military necessity*. [Online]. Available at: <https://casebook.icrc.org/glossary/military-necessity> [Accessed on 25 April 2020]

<sup>75</sup> ICRC. 2020. *Rule 14. Proportionality in Attack*. [Online]. Available at: [https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1\\_rul\\_rule14](https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule14) [Accessed on 25 April 2020]

<sup>76</sup> ICRC. 2020. *Distinction*. [Online]. Available at: <https://casebook.icrc.org/glossary/distinction> [Accessed on 25 April 2020]

need not be written. Nevertheless, an absence of details is what leads to confusion, which is what will be examined further on.

### 3.2.3. General Principles

Three additional documents to the MINUSMA mandate will serve to understand the legal limitations of the mission. While PKOs build on a multitude of recommendations, including some already mentioned like the Brahimi report and the Capstone doctrine, the following documents have been selected, both for their recentness, but also for their involvement in shaping PKOs. These comprise the 2015 UN DPKO Policy on the Protection of Civilians (POC), the 2015 HIPPO report and the 2016 Plan of Action to Prevent Violent Extremism. What qualifies these as principles rather than international regulations is their non-international characteristic. Indeed, none of them are an international treaty, and they can therefore not be imposed on anyone. However, when examining their content, it is evident that they are founded on the UN Charter's provisions and CIL, as well as other international recognised bodies of law such as the Universal Declaration of Human Rights, the Geneva Conventions and their Additional Protocols, the International Covenant on Civil and Political Rights or the International Covenant on Economic, Social and Cultural Rights. As such, while they will be acknowledged as principles, it is still primordial to investigate their dispositions, as they extensively relay international norms and thus guide PKOs in the field.

The POC objective is asserted in the MINUSMA mandate as one of the main tasks and has come to represent one of the core elements of its purpose. While much more goes in to ensure or enforce peace, it all starts with being able to protect the population from violent extremist acts. Indeed, if there are no safe and united people, the aim of the government becomes void. An exhaustive number of legal clauses revolves around the protection of civilians and the necessity to safeguard them, yet the content remains vague as to how peacekeepers can conduct this in the field. Amongst others, a recent document of the UN DPKO has therefore established specific guidelines as to how this should be executed through their policy on how “to provide the conceptual framework, guiding principles, and key considerations for the implementation of protection of civilians (POC) mandates”<sup>77</sup>. It further contributes with the “three tiers of POC action”<sup>78</sup> and the “POC response phases”<sup>79</sup>, which are

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<sup>77</sup> *Supra*. Note 73. p.3

<sup>78</sup> *Ibid*. p.8

<sup>79</sup> *Ibid*. p.9

useful structures for peacekeepers when the operationalisation process needs to be defined. These will therefore be taken into consideration when having to evaluate the lack of legal definitions regarding CVE measures in the mandate.

The 2015 HIPPO report is a well-acknowledged document within the international sphere and the field of peacekeeping. Indeed, its purpose was to shed light on the new challenges that PKOs face on the ground and thereby suggests solutions as to how PKOs' efficiency can be developed in the field. The document will thus be worthwhile for discussing the challenges that peacekeepers experience as well as the greater implications of PKOs. In addition to the HIPPO report, the UN also established the Plan of Action to Prevent Violent Extremism, which was adopted by the UNGA in February 2016<sup>80</sup>. While UNGA resolutions remain advisory, it has still provided an important framework to prevent the proliferation of VE groups and their attacks on civilians and UN personnel. As such, while PVE and CVE have been distinguished, understanding the PVE measures will still provide a context to CVE and enable the analysis of the mandate in light of CVE measures. The HIPPO report's and Plan of Action's recommendations will not be enumerated at this stage but will be employed to analyse the letter of the MINUSMA mandate.

All three documents are therefore extensively relevant for the purpose of this research and for addressing the hypothesis on the lack or absence of CVE measures in the mandate, juxtaposed with a discussion on the challenges that peacekeepers face.

### *3.3. Legal Interpretation*

The importance of discussing the legal interpretation of the documents regarding the Malian case emanates from the nature of the documents. Indeed, not all are international adopted and ratified treaties, and it is therefore essential to account for their interpretation and consideration.

The Vienna convention disposes of rules regarding the legal interpretation and has posited in its Article 31 that "a treaty shall be interpreted in good faith in accordance with the ordinary meaning to be given to the terms of the treaty in their context and in the light of its object and purpose"<sup>81</sup>. This explanatory clause asserts that it solely applies to internationally recognised treaties, and thereby poses difficulties in regard to UNSC resolutions and other UN recommendations. Yet, it further denotes that "any instrument which was made by one or more

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<sup>80</sup> UNGA. 10 March 2016. Res. 70/254. UN Doc. A/RES/70/254

<sup>81</sup> United Nations. 23 May 1969. *Vienna Convention on the Law of Treaties*. Vienna. 1155(I-18232). p.340

parties in connexion with the conclusion of the treaty and accepted by the other parties as an instrument related to the treaty [... and] any subsequent practice in the application of the treaty which establishes the agreement of the parties regarding its interpretation”<sup>82</sup> shall assist the interpretation of the treaty in question. As such, the ambition of this research is to observe and interpret the law as objectively as possible and supplement this interpretation through other selected documents. Indeed, the UN Charter uses a vague language that can be interpreted in many different ways. It is therefore by understanding the context of the topic in other documents (i.e. UNGA resolutions) that one will be able to extract a more accurate and precise meaning.

Particular attention needs to be given to the interpretation of the UNSC resolutions, as they do not qualify *per se* as international treaties. While it is affirmed that UNGA resolutions serve as advisory documents for international conduct, as it “may make recommendations to the Members of the United Nations or to the Security Council”<sup>83</sup>, UNSC resolutions are legally binding. Indeed, Article 25 of the UN Charter disposes that “the Members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter”.<sup>84</sup> This clause remains vague to a certain extent, which led to the ICJ’s advisory opinion on the continued presence of South Africa in Namibia in 1971. It stated that “Article 25 is not confined to decisions in regard to enforcement action but applies to “the decisions of the Security Council”<sup>85</sup> adopted in accordance with the Charter”. As such, the court qualified the disputed provisions 2 and 5 of resolution 276 to be “in conformity with the purposes and principles of the Charter and in accordance with its Articles 24 and 25”<sup>86</sup>. What effectively happened was the ICJ’s clarification on the language used by the UNSC, as the latter ‘declared’ and ‘called upon all states’, which are usually milder wordings than request or demand, to assess what is legally binding upon signatory states. As such, what needs to be considered from this contribution is the attention given to the language of UNSC resolutions, which will serve for the analysis of resolution 2480 concerning the case in Mali.

The interpretation of all legal documents therefore aims to be executed in line with international and legal recommendations, and ought to provide the most objective examination of the legal lacunae in the MINUSMA mandate.

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<sup>82</sup> *Supra*. Note 81

<sup>83</sup> *Supra*. Note 61

<sup>84</sup> *Ibid*.

<sup>85</sup> *Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council Resolution 276 (1970)*. Advisory Opinion. International Court of Justice. Reports 1971. para. 113

<sup>86</sup> *Ibid*. para. 115

## Chapter 3. Analysis

This chapter sets out to investigate the legal aspects of the MINUSMA mandate and other UN documents, as well as understand them in the context of CVE in the Malian conflict. Indeed, in order to understand whether or not there is a correlation between the two, and thereby address the hypothesis of this thesis which posits that *the lack or absence of CVE definitions in the MINUSMA mandate presents real-time challenges for countering violent extremism on the ground*, both aspects need to be thoroughly examined. As such, the first section will undergo a legal account of CVE measures in UN documents, while section 2 will investigate the relation between the legal findings and the challenges of PKOs, and thereby address the scope of the mandate. Section 3 will then discuss the mandate in practice and particularly account for how the MINUSMA personnel deals with VE in the field. Lastly, other root causes to the difficulties in countering violent extremism will be addressed in order to comprehensively understand the impact of the mandate's legal lacunae in Mali and on peacekeeping operations.

### Section 1. MINUSMA: A Legal Account of Countering Violent Extremism Measures

The following legal analysis will strive to emphasise how CVE provisions are encompassed within different UN documents, based on the CVE measures outlined in the theoretical framework (c.f. Figure 7). Indeed, the regulations and guidelines to CVE are not as clear as one might think, which necessitates a comprehensive investigation of the UN's framework on the topic. Resolution 2480, some of the UN's recommendations and CIL norms will respectively be examined to determine how peacekeepers can counter violent extremism in the field.

#### *1.1. Resolution 2480 and its Legal Clauses*

The UNSC resolution 2480 was adopted on 28 June 2019 and thereby renewed MINUSMA's mandate for another year, making it the primordial legal document upon which the mission rests. While the resolution recalls "all its previous resolutions, statements of its President and press statements on the situation in Mali"<sup>87</sup>, it mostly serves to reiterate the considered case

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<sup>87</sup> *Supra*. Note 59. p.1

and define the context in which the UNSC recommendations are to be founded. As such, most of the analysis will build on resolution 2480 rather than diving into previous ones.

MINUSMA's tasks	Operationalisation of tasks	Corresponding CVE measure	
		CVE-specific	CVE-relevant
Support to the implementation of the Agreement on Peace and Reconciliation in Mali	Supportive measures	- Prevent/supress VE directly - Use of force	Reduce vulnerability to VE indirectly
Support to stabilization and restoration of State authority in the Centre	Operational, logistical and transportation support		Reduce vulnerability to VE indirectly
Protection of civilians	- Strengthen early warning & community engagement <b>- take mobile, flexible, robust and proactive steps to protect civilians</b> - mitigate the risk to civilians before, during and after any military or police operation <b>- prevent the return of active armed elements to key population by engaging in direct operations</b>	- Prevent/supress VE directly - Use of force	- Reduce vulnerability to VE indirectly - Education & development - Women & youth
Good offices and reconciliation	Exercise good offices, support efforts to reduce intercommunal tensions		- Reduce vulnerability to VE indirectly
Promotion and protection of human rights	Assist the Malian authorities in their efforts to promote and protect human rights		- Reduce vulnerability to VE indirectly

Figure 10. MINUSMA tasks and their corresponding CVE measure

What is noteworthy in resolution 2480 in regard to CVE is the explicit absence of any provision addressing the concept. In fact, nowhere does the document make reference to CVE

or VE in regard to MINUSMA's tasks. In respect to this absence, a deductive interpretation would assume that CVE is simply not part of the PKO's objectives. At this stage, it is important to state that even if MINUSMA does not explicitly address CVE, the context of the situation on the ground (i.e. the imminent and constant threat of VE groups) compels one to observe how the mandate, and subsequently peacekeepers, deals with CVE. Having said this, by drawing on the CVE measures set out in the theoretical framework and correlating them with the mission's tasks, the picture does become rather intricate. MINUSMA has indeed been assigned a number of tasks that break down the steps to achieve security and peace in Mali, which can be linked to CVE measures. Amongst these are a set of priority tasks, ranging from support to the implementation of the Agreement on Peace and Reconciliation in Mali to POC and humanitarian assistance, which necessitate a particular observation. The identification of the operationalisation of these different tasks provides in fact some suggestions as to what type of CVE measures are being implemented. As illustrated in Figure 10<sup>88</sup>, each task is being assigned with indicators as to how it can be executed in the field. The most exhaustive amongst these are the support to the implementation of the Agreement on Peace and Reconciliation and the protection of civilians. The prior outlines a significant list of supportive measures, as well as some plausible forceful measures, such as "support [to] the Government's efforts for the effective restoration and extension of State authority, [...] support the implementation of the defence and security measures of the Agreement, [...] support the cantonment, disarmament, demobilization and reintegration of armed groups, [...] and] support the implementation of the reconciliation and justice measures of the Agreement"<sup>89</sup>, to mention a few. While these clauses suggest *a priori* that the UN personnel is expected to conduct supportive measures to the implementation of the Peace Agreement, they all mount to a reduction of the vulnerability to VE. In fact, the primordial objective of peacekeepers in Mali is to help the peace process, which indirectly implies that they need to address VE and work towards its decline in the country. A plausible forceful tool has been given to them to execute this necessity, namely the disarmament, demobilisation and reintegration (DDR) of armed groups. While DDR does not necessarily imply that forceful measures are to be used, it would be oblivious to admit that armed groups voluntarily hand over their arms. As such, the objective would not be to use force or target armed groups, but their reticence to cooperate or their inclination to engage in violence may require an adequate forceful response from peacekeepers. This complexity not only

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<sup>88</sup> *Supra.* Note 59. p.7-9 & *Supra.* Note 30. p.9

<sup>89</sup> *Supra.* Note 59. p.7

highlights the difficulties of UN personnel to operate in a context of VE, but it further emphasises the struggle of evaluating what measures should be taken to address such violence.

The intricacy in determining the adequate CVE measure is expanded further in regard to protecting civilians, as a multitude of considerations go into determining what actions are appropriate. While these challenges will be discussed in conjunction with the situation on the ground, it is worth assessing at this stage that both CVE-specific and CVE-relevant measures are employed to protect civilians. It can even be posited that it is in this regard that the utmost authorisation of the use of force is being attributed. In fact, POC has become a central aspect to many PKOs, particularly to MINUSMA. While peacekeepers are being targeted more and more by VE groups, civilians remain the primordial victim of these atrocities. As such, UN personnel can both conduct indirect and direct actions to reduce, prevent and suppress VE, whether by engaging the community and thus focusing on development, employment, health, the youth and women, or by using force to defend the mandate's provisions, namely POC. A particular provision regarding POC needs further explanation, as it relates extensively to CVE. Indeed, the peacekeepers are mandated "to prevent the return of active armed elements to key population centres and other areas where civilians are at risk, engaging in direct operations pursuant only to serious and credible threats"<sup>90</sup>. While the language is rather vague in regard to 'active armed elements', provisions from previous resolutions clarify somewhat this ambiguity. Even though it was stated earlier on that only resolution 2480 would be considered, resolutions 2295<sup>91</sup>, 2364<sup>92</sup> and 2423<sup>93</sup> all contain a more explicit clause regarding the authorisation to engage in 'direct operations'. Indeed, since 2016, the UNSC has included the following provision: "In pursuit of its priorities and active defence of its mandate, to anticipate and deter threats and to take robust and active steps to counter asymmetric attacks against civilians or United Nations personnel, to ensure prompt and effective responses to the threats of violence against civilians and to prevent a return a return of armed elements to those areas, engaging in direct operations pursuant only to serious and credible threats"<sup>94</sup>. While resolutions 2364 and 2423, respectively adopted in 2017 and 2018 to extend MINUSMA's mandate, address this provision in a similar way, resolution 2480 omits to mention the occurrence of asymmetric attacks and merely states that the Malian context falls victim of such attacks. Regardless, resolution 2480 is the active mandate to outline MINUSMA's tasks. Although

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<sup>90</sup> *Supra*. Note 59. p.8

<sup>91</sup> UNSC. 29 June 2016. Res. 2295. UN Doc. S/RES/2295. p.9

<sup>92</sup> UNSC. 29 June 2017. Res. 2364. UN Doc. S/RES/2364. p.9

<sup>93</sup> UNSC. 28 June 2018. Res. 2423. UN Doc. S/RES/2423. p.9

<sup>94</sup> *Supra*. Note 91

some have claimed that the PKO in Mali is “a notable case study because it has been mandated by the UN Security Council to take “direct action” to mitigate and respond to the asymmetric threats that the terrorist groups represent”<sup>95</sup>, the fact remains that resolution 2480 merely recalls previous resolutions and does not recommend or request peacekeepers to counter asymmetric attacks. What this change of discourse truly does is to emphasise the ambiguity around MINUSMA’s prerogative to engage direct operations in asymmetric attacks, in other words, to counter violent extremism. Elements have been identified so far to suggest that MINUSMA does address CVE measures. Yet, it is by observing their implementation on the ground that the correlation between the definition of CVE measures in the mandate and real-time challenges can effectively be identified.

Lastly, the mandate does also posit general principles to the MINUSMA mandate, two of which are of great significance to the relevance of CVE. Indeed, the mandate “authorizes MINUSMA to use all necessary means to carry out its mandate [... and] requests MINUSMA to continue to carry out its mandate with a proactive, robust, flexible and agile posture”<sup>96</sup>. As such, these principles provide the legal backing for instances in which force is being employed. While the mandate is not explicit in regard to these occurrences, it is based on the principle of the use of force that these provisions are to be understood. In fact, it has been mentioned previously that peacekeepers should refrain from using force except to defend the mandate, defend themselves and protect civilians. It is therefore the ROE for the military component of a PKO and the DUF for the policy component that specify how force can be employed in the field. The ROE and DUF are confidential documents to the PKO, but what has been highlighted by Interviewee 2 is the very precise directives that UN personnel receives through these documents. In fact, the interviewee commented that “the ROE, in all the situations [he/she] have found [himself/herself], are quite clear in terms of the way the military component is supposed to execute its operations”. While the guidelines for the use of force can be defined as unclear or ambiguous on paper, the fact remains that *a priori*, the UN staff is very much aware of when and how they are allowed to use force based on the operational and tactical guidelines.

As a result of these various observations, what stands out is the possible interpretation of CVE measures in the mandate. While it is not explicitly inscribed, many provisions account for actions to counter VE. As such, the mandate is not subjected to a complete absence of CVE

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<sup>95</sup> Karlsrud, J. 2019. *Chapter 8. UN Peace Operations, Terrorism, and Violent Extremism*. Cited in: de Coning, C. & Peter, M. 2019. *United Nations Peace Operations in a Changing Global Order*. (Eds). Palgrave Macmillan. Switzerland. p.153

<sup>96</sup> *Supra*. Note 59. p.5-6

measures. Instead, it appears that the provisions are rather clear in terms of describing the issue, positing the objective of the mission and enumerating the different tasks, from a theoretical standpoint. Whether they are ambiguous, lacking or clear enough will be emphasised further by analysing the effect they have on the situation on the ground. In fact, it is the implementation of the mandate in the field that will shed light on whether or not the UN staff is confused as to what its mission consists of. In fact, Interviewee 1 stated that “the problem is not how the mandate is put on paper, but how the UN operates in an environment that is very hostile”. More, the conducted survey revealed that 80% of the respondents qualified the clarity of the mandate on CVE as average or below average (cf. Figure 12). Regardless of this dichotomy between the wording of the document and how it is understood by peacekeepers in the field, what should be acknowledged at this point is the fact that CVE is not part of MINUSMA’s mandate, yet, due to the circumstances, the UN personnel has indirectly come to take such actions. This understanding will be discussed further in the next section, as additional UN documents have enlightened what it means to counter VE.

### *1.2. UN Recommendations*

The essence of analysing other UN documents than resolution 2480 is the possibility to find further measures that clarify the applicable CVE framework. Indeed, while it has been determined that the mandate indirectly addresses CVE measures to a certain extent, particularly CVE-relevant measures, the expectation is that the UN would provide a more in-depth approach to CVE through other channels. This approach would not be legally binding but would become a useful tool when ambiguities emerge in the interpretation of the mandate. As such, the UN DPKO report on POC, the HIPPO Report and the Plan of Action to prevent VE will respectively be investigated in order to shed light on the clarifications or continuous omissions regarding CVE measures available for peacekeepers.

The UN DPKO published its report in April 2015 to “provide the conceptual framework, guiding principles, and key considerations for the implementation of protection of

civilians (POC) mandates”<sup>97</sup>. While it particularly concerns POC, the relevance of this document lays in the observation that supplementary guidelines to resolution 2480 are needed.

POC Response phases			
Prevention	Pre-emption	Response	Consolidation
Monitor HR violations	Public information on POC and human rights reporting	Support the government (by applying the required conflict resolution, judicial, <b>DDR</b> or <b>SSR</b> mechanisms)	Create the conditions conducive to the voluntary, safe, dignified and sustainable return of internally displaced persons
Support the government	<b>Pro-active engagement with potential perpetrators</b>	<b>Direct actions targeted at perpetrators</b> , including through security operations and the gradual use of force	Support the reintegration of ex-combatants
Ensure a visible presence of UN staff	Mobilize, persuade and support state authorities to extend their presence and ensure rule of law	<b>Provide direct physical security to civilians at risk</b>	Support civilian-led humanitarian assistance
Mitigate political, economic, identity or community conflicts through the provision of good offices, support to the establishment of conflict resolution mechanisms	Security operations; deterrence actions, <b>offensive operations to prevent violence against civilians</b>	Reference to ROE and DUF: apprehend and temporarily detain hostile persons or groups	Accompany the implementation of local peace and reconciliation processes

Figure 11. Operationalisation of POC Response Phases

<sup>97</sup> *Supra*. Note 73. p.3

In fact, the POC mandate is a substantial justification for the use of force in PKOs, and thus to counter violent extremism. Therefore, the recommendations made by the UN DPKO to improve the implementation of the POC mandate can be interpreted in regard to CVE measures. Particularly, as outlined in Figure 11<sup>98</sup>, some of the pre-emptive and responsive tasks are significantly adhering to CVE-specific measures, namely pro-active engagement with potential perpetrators, offensive operations to prevent violence against civilians, DDR mechanisms, direct actions targeted at perpetrators and the provision of direct physical security to civilians at risk. As such, what the document thoroughly emphasises is the authorisation given by the UNSC to the mission to use “all necessary means, up to and including the use of deadly force, aimed at preventing or responding to threats of physical violence against civilians, within capabilities and areas of operations, and without prejudice to the responsibility of the host government”<sup>99</sup>. While this provides a clear understanding of when peacekeepers are allowed to use force, similarly to resolution 2480, the UN DPKO document does not state any task related to CVE directly. Instead, it is the interpretation that enables an indirect link between the UN staff’s tasks and CVE. At this stage it is relevant to question whether this indirect definition of CVE measures is enough to claim that peacekeepers can undertake CVE actions. Indeed, does the lack of specifically determined CVE negates the CVE-nature of PKOs’ activities? This interrogation will be addressed more in-depth as the practice of CVE will be investigated further on in the analysis. For now, it is safe to say that the UN is striving to address challenges around the applicability of the use of force merged with the difficulties on the ground, while it also endeavours to respect PKOs’ principles of impartiality by not engaging in CVE.

The HIPPO report is a paramount example of how the UN engages with issues revolving around peacekeeping operations. Indeed, it has identified four essential shifts that encompass the need for political drivers in PKOs, for flexibility within PKOs, for stronger partnerships and for more field-focused and people-centred missions<sup>100</sup>. It further defines empowering measures such as “setting clear direction and forging common purpose; improving the speed, capability and performance of uniformed personnel; strengthening global and regional partnerships; putting policy into practice; engaging with host countries and local communities; addressing abuse and enhancing accountability; improving support systems to enable more responsive and accountable peace operations; supporting innovation and

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<sup>98</sup> *Supra*. Note 73. p.10-14

<sup>99</sup> *Ibid*. p.5

<sup>100</sup> *Supra*. Note 8. p.10

important resourcing requirements; and improving headquarters leadership, management and reform”<sup>101</sup>. While all these provisions are promising, they significantly remain at the strategic level and struggle to be brought down to the operational and tactical level. In fact, most of them address recommendations to the UN Secretariat, Member States and the UNSC. As such, the specificities around the personnel on ground and its prerogatives are not the main focus. Instead, what is clarified for PKOs is the question on the use of force and their nature in volatile situations. The report states indeed that peacekeepers “should not undertake military counter-terrorism operations [... and that] extreme caution should guide the mandating of enforcement tasks to degrade, neutralize or defeat a designated enemy. Such operations should be exceptional, time-limited and undertaken with full awareness of the risks and responsibilities for the [UN] mission as a whole. Where a parallel force is engaged in offensive combat operations it is important for [UN PKOs] to maintain a clear division of labour and distinction of roles”<sup>102</sup>. As such, while the report does not totally assert a prohibition to counter VE, it urges peacekeepers to rely on other enforcement agencies to complete that task. In the case of MINUSMA, this relates to the collaboration between peacekeepers, the French forces from Operation Barkhane, the FC-G5S, and the European Union Training Mission in Mali (EUTM Mali)<sup>103</sup>. Rather than being an ambiguity, the wording of this provision seems more like a contradiction. Yet, it can also be argued that stating that PKOs should not undertake CT, or CVE, is a way to protect the impartiality of the mission and the universality of the UN. Setting the terminology aside, what is lacking from the HIPPO report is a clear distinction between proactively protecting civilians and CVE<sup>104</sup>. Efforts prevail to adjust the paradigm of peacekeeping operations to fit the situation on the ground, nevertheless, major challenges remain in terms of positing a defined framework to deal with VE, at least at the strategic level.

This on-going struggle led to the publication of the Plan of Action to Prevent Violent Extremism in 2016. Initiated by the incumbent UN Secretary-General Ban Ki-moon, the

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<sup>101</sup> *Supra*. Note 8. p.13-15

<sup>102</sup> *Ibid*. p.12

<sup>103</sup> The EUTM Mali, which has not been mentioned so far, has been active since 2013 and mandated by the latest Council of the European Union Decision in 2018 to provide training and advice support to the Malian Defence and Security Forces (MDSF), to contribute to the DDR process and to support the FC-G5S (Council of the European Union. 16 May 2018. Council Decision (CFSP) 2018/716. *Official Journal of the European Union*. L120/8). While it is necessary to acknowledge the presence of EUTM Mali, as it emphasises the multiplicity of actors in the region and thereby the complexity of the Malian case, its actions revolve around training and advice present forces, and therefore does not directly touch upon CVE measures. It is thus a conscience choice to not discuss the EUTM Mali as an enforcement body in Mali, but rather address the efforts of Operation Barkhane and the FC-G5S. Nevertheless, regarding some of the challenges that peacekeepers’ face conducting CVE activities, the EUTM Mali will be addressed in the context of the need for collaborative efforts in the region.

<sup>104</sup> International Peace Institute. May 2016. *Applying the HIPPO Recommendations to Mali: Toward Strategic, Prioritized, and Sequenced Mandates*. Meeting Note. New York. p.2

objective was to determine security-based counter-terrorism measures as well as systematic preventive steps to address “the underlying conditions that drive individuals to radicalize and join violent extremist groups”<sup>105</sup>. The aim of this UN document is therefore extensively focusing on preventive measures rather than countering measures, which poses once again ambiguities in terms of terminology. It particularly establishes a framework to identify drivers to VE, which have been discussed previously in regard to push and pull drivers. While these are paramount to grasp in order to provide a comprehensive understanding of VE, it becomes more blurred in terms of which specific or relevant CVE measures that are to be considered. The Plan of Action does provide 7 priority areas upon which actions should be taken. These include “dialogue and conflict prevention; strengthening good governance, human rights and the rule of law; engaging communities; empowering youth; gender equality and empowering women; education, skills development and employment facilitation; strategic communications, the Internet and social media”<sup>106</sup>. By comparing these tasks with the CVE-specific/relevant measurement framework established previously (c.f. Figure 7), many of them qualify as CVE-relevant. In essence, the idea of preventing VE is a CVE tool, but CVE further implies that there is an offensive dimension to counter imminent threats posed by VE groups. More so, the document reveals that it does not solely apply to PVE in PKOs, but to the general prevention of VE. It advises Member States to develop national action plans as well as a strengthening of sub-regional and regional institutions<sup>107</sup>. In regard to PKOs, the Plan of Action does posit that PVE should be integrated “into relevant activities of [UN PKOs] and special political missions in accordance with their mandates”<sup>108</sup>. Yet, when it comes to the field, the conducted survey revealed that 55% of the registered answers was not aware of the existence of the Plan of Action, and subsequently, only 50% of those registered answers affirmed not knowing the difference between PVE and CVE. When it came to defining the disparity between the two concepts, the other 50% suggested that PVE requests the implementation of mitigating measures while CVE meant that VE acts had already occurred and need to be controlled, contained and minimised. The understanding of CVE in the field will be discussed in a subsequent section, but it is worth acknowledging the exhaustive focus there is on prevention rather than countering. While prevention is a quintessential approach to reduce violence and ensure peace, the fact remains that situations on the ground have moved past the preventive

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<sup>105</sup> UN Office of Counter-Terrorism. 2020. *Plan of Action to Prevent Violent Extremism*. [Online]. Available at: <https://www.un.org/counterterrorism/plan-of-action-to-prevent-violent-extremism>. [Accessed on 6 May 2020]

<sup>106</sup> *Supra*. Note 29. p.14-19

<sup>107</sup> *Ibid*. p.11-13

<sup>108</sup> *Ibid*. p.21

stage and are therefore dealing with pre-emptive and responsive tasks. The CVE-relevant measures identified in the Plan of Action are not to be overlooked, nevertheless, they do not *per se* clarify the legal lack of CVE definition in the mandates and the previously discussing UN documents. As such, neither the UN DPKO report on POC, the HIPPO report or the Plan of Action directly address CVE. Instead, confusions persist on the understanding of CVE in PKOs, whether that is through a direct omission, an indirect contradiction or an alternative approach to CVE.

### *1.3. The Normative Use of Force*

While the previously discussed UN recommendations are not legally binding, in contrast to the UNSC resolution, CIL is the fundamental legal framework upon which PKOs build. As such, by understanding CIL norms and how they relate to CVE, some understanding can be established in order to guide peacekeepers' activities on the ground to counter VE groups. As mentioned previously in the legal framework, these CIL norms revolve around the principles of necessity, proportionality and distinction. Building on the UN Charter, particularly the prohibition of the use of force posited in article 2(4), the mandate provided by the UNSC to use force in article 42, and the authorisation to use force for self-defence measures asserted in article 51, the deployed UN personnel can draw parallels between CIL norms and UN recommendations.

The principle of necessity enables peacekeepers to use force when a legitimate purpose needs to be accomplished. This can encompass the need to protect civilians, the need to defend themselves or the need to defend other provisions in their mandate against imminent or active attacks by VE groups. While it is not outlined as a CVE measure, the principle of necessity still permits UN staff to undertake CVE actions, particularly CVE-specific measures. The principle of proportionality relates more to the response against asymmetric attacks than CVE *per se*. In fact, the purpose is to avoid collateral damage as much as possible. Yet, the principle of proportionality still allows peacekeepers to engage in offensive activities, should they fall victim to violent extremism. Lastly, the principle of distinction enables peacekeepers to distinguish civilians from combatants, and thereby protect and target accordingly. As such, this creates the very foundation on which UN personnel can conduct CVE measures, as these are meant to counter VE groups. However, major difficulties arise in terms of targeting or countering combatants vs targeting VE groups. indeed, by targeting VE or terrorist groups, they become parties to the conflict, and are thus under a different set of IHL rules. This would

make them lawful combatants, subject to the status of prisoner of war, and thereby provide them a legal status. Interviewee 1 stated this as a major difficulty in countering VE groups as he/she noted that when “those accused of being terrorists carry out actions against the mission, they can be persecuted; but if the mandate also says that [peacekeepers] are fighting [the VE groups] then they become combatants under IHL”. As such, in addition to the complexity of shifting the nature of PKOs towards CVE missions, the characteristics of these ‘new actors’ of warfare create an intricate pathway for CVE measures to be implemented in the field.

While these challenges cannot be overlooked and will therefore be explored in greater depth further on, the fact remains that PKOs’ legal roots are founded on CIL. In 1999, Kofi Annan, the incumbent UN Secretary-General, asserted that “the fundamental principles and rules of [IHL ... are] applicable in enforcement actions, or in peacekeeping operations when the use of force is permitted in self-defence”<sup>109</sup>. PKOs must therefore “abide by [CIL], including [International human rights law and IHL], where applicable”<sup>110</sup>. As this concerns the specific use of force, which is part of the CVE-specific measures identified in Figure 7, an indirect correlation is made between CIL’s norms and CVE actions. While it can be argued that this enlightens to a certain extent the lack of legal CVE definition in the MINUSMA mandate, the applicable and efficient provisions of CVE are still faint. Nevertheless, these principles of necessity, proportionality and distinction are enshrined within warfare, military and police components, and evidently the UN’s approach to PKOs. They constitute in fact the essence of St Thomas Aquinas’ conceptualisation of *jus in bello* and have since then been the epicentre of the use of force in warfare. While PKOs do not qualify as such *per se*, their offensive stance eventually takes on a warfare character which requires considering the 3 principles.

More so, it would be inadequate to expect CIL to address the specific concept of CVE in the context of PKOs. Unlike the UNSC resolutions and other UN recommendations, which can address particular issues, CIL builds on internationally recognised norms such as the Universal Declaration of Human Rights and the Geneva Conventions and their Additional Protocols, which has resulted in the elaboration of general rules. It is also state practice and *opinio juris* that support CIL, and the fact remains that PKOs are not addressed as a tool to counter VE. This limitation can be seen as a purely linguistic obstacle. While it leaves significant room to interpretation, understanding the purpose and roots of CIL, as well as why

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<sup>109</sup> UN Secretariat. 6 August 1999. *Observance by United Nations forces of international humanitarian law*. UN Doc. ST/SGB/1999/13. p.1

<sup>110</sup> *Supra*. Note 73. p.6

it has coined such paramount principles, emphasises the caution that ought to be taken when correlating PKOs with CVE. In fact, warfare and violent acts should always be seen as a last resort when solving disputes. There is thus not a total prohibition on the use of force, but rather a limitation, meaning that certain instances can necessitate forceful measures. As such, considering the case of VE in Mali, the threats to which civilians and UN personnel are exposed, as well as the general insecurity in the country, would suggest that CIL sheds light on the acceptable CVE approach, namely using force as a necessary measure to protect and self-defend. The question remains whether this qualifies as a CVE measure instead of merely being a response mechanism to violence. While there is no direct reference to CVE, MINUSMA is confronted with imminent attacks from VE groups, which requires the execution of offensive operations conducted against these groups. Could it then be asserted that CIL's limitations on the use of force is inherent to PKOs? CIL supersedes resolution 2480, which brings the 3 principles to the operational and tactical levels yet, the legal definitions of CVE remain unclear as to what is expected of peacekeepers on the ground. CIL provides guidance on the use of force but it is doubtful whether this directly fuels CVE measures. The legal question on the relevance of CIL to support CVE in PKOs is an intricate one and will thus be addressed further in regard to the practice of CVE in the field.

## **Section 2. From Mandate to Challenges**

While resolution 2480 and its supplementary UN recommendations have attested of the absence of direct CVE measures in their wording yet accounted for the resemblance between tasks and CVE-specific and -relevant activities, the primary interrogation to their efficiency stems from observing the challenges on the ground. In fact, in order to accurately account for the consequences of the lack or absence of CVE definition in the mandate, it is necessary to evaluate its applicability according to the practical situation. As such, the scope of the mandate, the mandate vs the rules of engagement and CVE in the field will respectively be analysed to identify the plausible challenges of the mandate's legal lacunae.

### *2.1. The Scope of the Mandate*

Resolution 2480 is exhaustively ambitious in addressing the situation in Mali and the challenges that peacekeepers face on the ground. Noting the imminent threat of asymmetric attacks and the volatile circumstances, the mandate provides clear provisions as to what the

objective of the mission is. In fact, it expresses “grave concern about the continued deterioration of the security and humanitarian situation in Mali, including through the maintenance of a high level of asymmetric attacks by terrorist groups in the North and the escalation of intercommunal violence in the Centre”<sup>111</sup>. As such, the objectives of restoring peace, stabilising the political environment and safeguarding the population are enshrined within the resolution<sup>112</sup>. While this seems rather clear on paper, it is the execution on the field that reveals significant difficulties. The outlining of CVE measures in the mandate has already been discussed previously, nevertheless it is paramount to investigate their understanding from the field perspective. As such, this will shed light on some of the mandate’s limitations regarding CVE on the ground. More so, a central question remains whether the mandate is adapted to the particular context it is dealing with. Lastly, since one of the aspects of CVE is offensive measures, this section will also investigate the limits of the mandate in terms of defining the authorised used of force. All three limitations will respectively be discussed to emphasise some of the main challenges in applying the mandate’s provisions in the field.

When it comes to CVE measures in the mandate, it has already been established that, while the wording of the document does not address CVE, similarities can be determined between the strategic tasks and CVE actions. Regardless, peacekeepers on the ground depict the picture slightly differently. In fact, based on the conducted survey, without stating whether the mandate includes or omits CVE measures, 45% of the respondents qualified the clarity of the provisions in regard to CVE as below average. Only 20% qualified it as above average, while 35% rated it as average (c.f. Figure 12). In addition to emphasising that the majority of the respondents do not believe that the mandate is clear enough in regard to CVE, it can also be observed that some actually assert the clarity, which posits that the mandate does encompass CVE measures. While the respondents were not asked whether the provisions relate more to CVE-specific or CVE-relevant measures, the fact remains that for some, CVE clauses are present in the mandate. Nevertheless, the disparity in answers emphasises that there are serious

How clear are the provisions in the mandate regarding CVE?		
<i>Below Average</i>	<i>Average</i>	<i>Above Average</i>
45%	35%	20%

Figure 12. Clarity of the mandate regarding CVE

<sup>111</sup> *Supra*. Note 59. p.1

<sup>112</sup> *Ibid*. p.3

ambiguities revolving around the notion of CVE and how to directly deal with VE groups. Interviewee 1 was also asked to comment on the clarity of the mandate regarding CVE, and stated that “for the mission in Mali, on paper, it is very clear who does what. The mission does not do counterterrorism. There are other partners which have this kind of mandate like Barkhane, G5 Sahel and the EU team that helps train the Malian government”. This observation reveals that, while the mandate may not directly address how peacekeepers are expected to conduct CVE, it does delimit the work of each intervening party in Mali and thereby suggests that CVE falls under the mandate of those other agencies. Particularly, the mandate has a provision addressing the Operation Barkhane, which “authorizes French forces [...] to use all necessary means [...] to intervene in support of elements of MINUSMA when under imminent and serious threat”<sup>113</sup>. The collaboration between intervening bodies in Mali will be discussed further on, but what is worth denoting at this point, is the on-going intricacy of the peacekeepers’ tasks in regard to CVE. While those on the ground continuously deal with challenges as to how VE groups should be countered, the wording and objective of mandate seem rather clear in terms of what is expected from the peacekeepers. As such, the difficulty occurs in the planning, from the strategic, to the operational and tactical levels, and drifts away from the wording of the mandate.

This being said, there are still paramount challenges in the field that need to be addressed, particularly by the mandate and its provisions. As it was noted, the resolution does consider the specific case of Mali to elaborate the different recommendations, tasks and clauses. In fact, it recognises that “the mandate of each peacekeeping mission is specific to the need and situation of the country concerned”<sup>114</sup>. Nevertheless, when asking how well the provisions of the mandate are adapted to the challenges on the ground, the reaction was discordant with the wording of the mandate. Indeed, 50% of the respondents rated adaptability as below average, while 25% of the respondents qualified it equally as average and above average (cf. Figure 13). *A priori*, there seems to be a significant disparity between the mandate

How well are the provisions of the mandate adapted to the challenges on the ground?		
<i>Below Average</i>	<i>Average</i>	<i>Above Average</i>
50%	25%	25%

Figure 13. Adaptability of the mandate’s provisions to the challenges on the ground

<sup>113</sup> *Supra*. Note 59. p.11

<sup>114</sup> *Ibid*. p.1

and how peacekeepers understand it. This emphasises the gap between the strategic and tactical levels once more, as the mandate is adopted by the UN at the top level, while peacekeepers have to implement measures at the tactical level. Regarding the implementation of the mandate, it thus seems that the operational level is the key stage at which significant considerations need to be given to the mandate's provisions. This being said, the planning scheme is not as streamlined as it might seem, and it should therefore remain a priority that peacekeepers have a clear understanding of what is expected of them. As important as it is to assess peacekeepers' perception and interpretation of the mandate, as they carry it out in the field, it is equally important to understand the reality of the situation. Interviewee 1 sheds light on this aspect, as he/she observed that

“Now, the UN needs to improve the way it works, as the environment is more dangerous than what it used to be. Most of the traditional ways of peacekeeping concern the case of two parties that are not in agreement or they are fighting, and the UN intervenes to create conditions for them to discuss and make peace. But here, [in Mali], those terrorist groups do not want to talk, they just want to destroy everything. So, how do we engage with them if they do not want to talk? There is a need to adjust the mandate, but it is going to be very difficult.”

This comment highlights the disparity between the wording of the mandate and the situation in the field, which impedes peacekeepers' ability to pursue CVE measures. Indeed, if the mandate was adjusted to the volatile conditions of the terrain, even without directly appealing to CVE, CVE-specific measures could be addressed in a way that enables the UN personnel to deal with VE groups. As such, the hypothesis of this research, which supposes that the lack of CVE definitions in the mandate presents real-time challenges to peacekeepers on the ground, can be confirmed at this stage. Indeed, if UN staff does not have the adequate guidelines to face the situation in the field, it will succumb to several challenges, one being the containment and countering of VE.

Another challenge that is ubiquitous when dealing with VE groups and the protection of civilians is the authorised use of force. Indeed, while CVE-relevant measures relate to PVE measures and are thus addressed to a large extent in the mandate, the definition of the use of force as a CVE-specific measure is rather blurred. Yet, since the volatile context in Mali has been asserted, it is essential that peacekeepers are fully aware of when and how they can use forceful measures to implement the mandate and ensure their self-defence. In general, there are

diverging views as to how well the provisions in the mandate explain the authorised use of force. In fact, 45% of the respondents qualified the explanation as below average, while another 45% rated it as above average (cf. Figure 14). While the question addressed the authorised use

How well are the provisions in the mandate explaining the authorised use of force on the ground?		
<i>Below Average</i>	<i>Average</i>	<i>Above Average</i>
45%	10%	45%

*Figure 14. Explanation of the authorised use of force in the mandate*

of force on the ground in general, and not specifically in regard to CVE, it still emphasises the confusion amongst UN personnel. There are several reasons that explains the wording of the mandate in regard to the use of force. It can evidently not be stated that the UN personnel is authorised to use force against certain groups, as it would impede its impartiality and make it party to the conflict. As such, within the scope of the mandate, it strives to be as precise as possible when it comes to defining when force can be used, namely, to protect civilians, to defend peacekeepers, and to defend other provisions in the mandate. The need for more clarity on the use of force is no secret to the UNSC, which is why every mission has rules of engagements for the military component and a directive on the use of force for the police component. While these documents are an extension of the mandate, the need to determine the lack of CVE definitions is similarly extended to them. They will be discussed in the next section in order to highlight whether they clarify regulations on CVE, and thus supplement the understanding of the mandate in terms of effectively guiding peacekeepers' activities on the ground. For now, what has emerged from looking at the mandate in light of the practices in the field is the continuous struggle revolving around CVE. Whether it is the only root cause to the challenges on the ground is still too premature to conclude, nevertheless, by observing accounts from the field, it is possible to advance that the mandate needs support to clarify the purpose of peacekeepers amid CVE activities.

## *2.2. The Mandate vs the Rules of Engagement*

The mandate's omission of certain aspects related to CVE has necessitated a deeper investigation of the ROE. It is important to emphasise that while both the ROE and the DUF

are used to supplement the mandate of PKOs, it is particularly the ROE that is being considered for this analysis. This is merely a feasibility choice, based on the conducted interviews and surveys, as most of the discussion revolves around the capabilities of military components in regard to the use of force. The intention is not to overlook the DUF, but rather to provide an insightful account of at least one of the operational documents, namely the ROE, as it plays “a vital role in peacekeeping operations and in protecting civilians, particularly where a peacekeeping mission’s mandate straddles Chapter VI and Chapter VII of the UN Charter”<sup>115</sup>. This function supports the reason for investigating the ROE, particularly in terms of compensating for some of the mandate’s lacunae. As such, the ROE should be understood as an extension of the mandate, thereby falling under the interrogation of this thesis in regard to the mandate’s legal oversights in terms of CVE definition. Two dimensions of the ROE will be addressed in this section, respectively its adaptability to the situation in the field and its position on the use of force.

In contrast to the mandate, it is expected that the ROE deals in greater detail with how PKOs unfold on the ground. In fact, while the mandate remains a political tool, the ROE is explicitly operational as it sets “the parameters for legitimate protection activities by clarifying the different levels of force that can be used in various circumstances, how each level of force should be used, and any authorizations that must be obtained by commanders”<sup>116</sup>. Clarity is provided on a number of tasks, particularly in regard to “the principles distinguishing civilians and combatants, proportionality, the minimum use of force, and the requirement to avoid and minimize collateral damage”<sup>117</sup>. Regardless of this comprehensive contribution, disparate views prevail among UN personnel on the ROE, particularly concerning its adaptability to the situation in the field. In fact, the survey revealed that 45% of the respondents rated the adaptability as below average, while another 45% qualified it as above average (cf. Figure 15).

How well are the rules of engagement/the directive on the use of force adapted to the challenges on the ground?		
<i>Below Average</i>	<i>Average</i>	<i>Above Average</i>
45%	10%	45%

Figure 15. Adaptability of the ROE and DUF to the challenges on the ground

<sup>115</sup> *Supra.* Note 72. p.47

<sup>116</sup> *Ibid.*

<sup>117</sup> *Supra.* Note 73

While this result suggests that the understanding of the ROE varies from missions to missions, the ROE is generally understood to be a template and thereby not particularly adjusted to the situation in the field. In contrast to the mandate, which does consider every context, the ROE is a technical document that provides guidelines on the use of force. The clear-cut between respondents to the survey is thus hard to explain and can be based on the nature of their mission or their role in the mission. What can be acknowledged is the continuous difficulty to streamline the understanding of the use of force within a PKO, and thereby clarify the activities of peacekeepers. Some of the interviewees shed more light on the significance of the ROE, particularly in regard to this question of adaptability. In fact, Interviewee 3 commented that “the rules of engagement are mostly standardised, and they only serve as a guide for troops operating in the field”. As such, coming from a peacekeeper involved at the tactical level, his/her observation emphasises the conflicting views among the survey respondents. This being said, while it is paramount to understand the context in which a mission is deployed, and thus adjust its working guidelines, some of these do not necessarily require precise instances from the field to describe how and when forceful measures are authorised in order to explain how peacekeepers can use force. Interviewee 2 asserted that

“The ROE regulates the way [peacekeepers] execute [their] tactical operations on the ground; it tells [them] how [they] are supposed to use force, when it comes to the defence of the mandate, when it comes to protecting civilians who are exposed to act of violence, when it comes to self-defence, defence of UN property, and protection of humanitarian actors in the operational area.”

The interviewee further exemplified that

“For instance, in a situation where peacekeepers are overlooking an IDP camp and have to retrieve weapons, if they come into contact with a civilian and that civilian is resisting to hand over its arms, what are you supposed to do? The ROE is very clear on that in terms of the procedural measures. If you are conducting an operation and a civilian is being attacked or abducted, the ROE is very clear on what to you are supposed to do. In our operational area, if humanitarian actors are being attacked, kidnapped or abducted, the ROE is very clear on what you are supposed to. If you, a UN peacekeeper is under imminent attack, the ROE is very clear on what you can do.”

This understanding of the ROE is paramount in order to grasp how it adds to the mandate, and thereby ensures that the plausible legal absences in regard to defining CVE in the mandate are minimal. In fact, when it comes to CVE, while the ROE does not address it directly, its directives fall under CVE-specific measures in terms of directly suppressing VE through the use of force. Although it does not involve targeting, the guidelines on the use of force are significant in terms of countering the atrocities committed by VE groups.

The conducted survey also interrogated respondents directly on the use of force, particularly regarding the explanatory capacity of the ROE. This time, 50% of the respondents rated it above average, while 35% valued it as below average (cf. Figure 16). This assessment supports the previously mentioned observations from Interviewee 2 and confirms that the ROE does strive to regulate the use of force. It has been posited that “while ROE and DUF can be quite explicit, it is not possible to design them to cover every situation”<sup>118</sup>, which underlines the inadaptability of the ROE to address the situation in the field. Nevertheless, this comment

How well are the rules of engagement/the directive on the use of force explaining the authorised use of force on the ground?		
<i>Below Average</i>	<i>Average</i>	<i>Above Average</i>
35%	15%	50%

*Figure 16. Explanation of the authorised use of force in the ROE and DUF*

merely concerns caveats such as “under imminent threat”<sup>119</sup> and since “it applies to every situation peacekeepers may encounter”<sup>120</sup>, it is disproportionate to expect such precise definition from the ROE and the DUF. As such, the ROE’s partial clarity on the authorised use of force on the ground fills some of the gaps in the mandate regarding the legal definition of CVE and asserts that CVE-specific measures can be conducted. The understanding of the use of force is in fact primordial if CVE is to be implemented in the field. It has been determined that CVE-relevant measures, which extensively correlate to PVE, rather involve soft measures than forceful activities. Nevertheless, in the case of Mali, when the situation on the ground is as unstable, volatile and violent as it is, it is a prerequisite that UN personnel has the necessary means to ensure the mandate’s objectives. The ROE is thus supplementing the legal lacunae of the mandate in terms of addressing how and when force can be used. The implication of this

<sup>118</sup> *Supra.* Note 72. p.48

<sup>119</sup> *Ibid.*

<sup>120</sup> *Ibid.*

for CVE means that when peacekeepers are in a position where they directly have to counter CVE, the ROE allows them to use force under the prerogatives of protection, defence and self-defence. More so, the Brahimi report has furthered the necessity of enabling peacekeepers' capability to use force. Indeed, it defined that

“Once deployed, United Nations peacekeepers must be able to carry out their mandate professionally and successfully. This means that United Nations military units must be capable of defending themselves, other mission components and the mission's mandate. Rules of engagement should not limit contingents to stroke-for-stroke responses but should allow ripostes sufficient to silence a source of deadly fire that is directed at United Nations troops or at the people they are charged to protect and, in particularly dangerous situations, should not force United Nations contingents to cede the initiative to their attackers.”<sup>121</sup>

Not only did the Brahimi report strengthen the necessity to authorise the use of forceful measures, it also suggested that the use of force should go beyond simple protection to the extent of silencing deadly fire against the UN personnel. This recommendation aligns significantly with the concept of CVE, as the intention is not solely to protect and defend, but also ensure future protection and defence. While it closes in on the CT attitude, which the UN strongly refrains from conducting, the reality in the field seems to slowly catch up with the necessary capabilities of peacekeepers. The necessity to ensure the use of force has thus been enshrined in the ROE, which particularly outlines how it ought to be conducted.

While the ROE might not be as adapted to the terrain as peacekeepers which it was, their discordant views on the ROE's adaptability can be explained by the varying situations they face. Indeed, no mission is like another, and will some might experience a feasible implementation of the ROE, others face significant challenges. The confidentiality of the ROE has not allowed for a specific understanding of the situation in MINUSMA. Nevertheless, in the greater scheme of understanding the loopholes of the mandate, it can be asserted that the ROE, as well as the DUF, are meant to complement the tasks outlined in the mandate, and thereby prevent the emergence of challenges based on these legal lacunae. In order to acquire a comprehensive understanding of the scope of the mandate, other challenges related to the necessity for CVE measures will be discussed in the subsequent section.

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<sup>121</sup> *Supra*. Note 51. para.49. p.9

### 2.3. Countering Violent Extremism in the Field

Several difficulties have been denoted so far in terms of the applicable legal framework in PKOs. Both the mandate and the ROE limit the comprehensive implementation of CVE, which calls for a further investigation of the situation. CVE has been defined as having both relevant and specific measures. Up to this stage, much attention has been given to the hard power that peacekeepers can use to counter VE groups. Nevertheless, the CVE-relevant measures, or the PVE approach, is an essential dimension of UN personnel’s tasks, particularly the one of the civilian component. It is thus mandatory to also explore CVE-relevant tasks to provide a thorough understanding of CVE and an accurate account of their legal definitions in the mandate. In addition to the military and the police components, the civilian branch of a PKO does a paramount work at the societal level, which is the work that correlates the most to CVE-relevant activities. As such, it seems relevant to discuss one of the challenges that peacekeepers face in the field and requires non-forceful CVE measures, namely the deradicalisation of violent extremist actors.

The management of VE groups has become a paramount activity in Mali. In fact, the threat of VE is continuously increasing across PKOs, particularly in the Malian context, where there was an increase in asymmetric attacks against peacekeepers from 229 in 2018<sup>122</sup> to 250 in 2019<sup>123</sup>, as mentioned previously. The increase in the number of killed civilians is even more worrisome as 2018 recorded 657 killed civilians<sup>124</sup>, while this number almost doubled in 2019 with 1125 killed civilians<sup>125</sup>. When questioned about the threat of VE groups, the respondents of the conducted survey almost unanimously qualified it as above average with an 80% rating

How big a threat is violent extremism/terrorism to peacekeeping operations’ objectives?		
<i>Below Average</i>	<i>Average</i>	<i>Above Average</i>
0%	20%	80%

Figure 17. The threat of VE

(cf. Figure 17). The remaining 20% qualified it as average, which suggests that situations vary depending on the deployment area. Nevertheless, the threat of VE is ubiquitous in Mali, and whether it should be countered with soft or hard measures depends on the specific cases that

<sup>122</sup> *Supra.* Note 16

<sup>123</sup> *Supra.* Note 15

<sup>124</sup> *Supra.* Note 16

<sup>125</sup> *Supra.* Note 15

peacekeepers are dealing with on the ground. It has been highlighted that the imminent threat or attack on UN personnel or civilians has necessitated the use of forceful measures, and thereby the conduct of CVE-specific activities. Still, significant efforts also go into approaching VE groups before violence is being carried out, whether this is considered as PVE or CVE-relevant tasks. Indeed, it has been posited that “the UN should also explore non-traditional tools such as deradicalization [...] aimed at addressing the root causes of terrorisms and transnational organized crime through non-repressive approaches”<sup>126</sup>. This is extensively recognised by the interviewees, notably Interviewee 2 who commented that “VE root causes are essential to understand” to prevent and counter VE. Particularly, he/she asserted that “military means are not the absolute solution when it comes to dealing with the problems of a conflict; they need to be done in addition to the dialogue means. When these two are done in tandem, then we can find solutions to the problem”. This observation has become the general understanding of how to conduct PKOs. The UNSC also acknowledged it in its resolution 1963 where it recognised that “terrorism will not be defeated by military force, law enforcement measures, and intelligence operations alone. [Rather, there is a need] to offer a viable alternative to those who could be susceptible to terrorist recruitment and to radicalization leading to violence”<sup>127</sup>. As such, while engaging in CVE activities suggests that force and military/police capabilities are to be used, CVE is a much more complex exercise in practice that requires non-forceful engagements.

The applicability of CVE-relevant measures can be established based on the previously identified VE drivers (cf. Figure 5). While these are divided into push and pull factors, peacekeepers have to address both sets of motives to prevent individuals, particularly the youth, and deradicalise those already fallen into the hands of VE actors. In fact, as Figure 6 suggested, it is the overlap of push and pull factors that creates the most vulnerable state of an individual to partake in VE activities. Amongst these features are those regarding marginalisation, poverty, cultural issues, and opportunities some of the most vital ones to address. In order to deal with these difficulties, the UN personnel, especially the civilian component, needs to engage in communication and dialogue with the local population. In fact, Interviewee 2 mentioned that “the cause [of VE] can only be known when [the VE groups] are brought to the negotiation table”. As such, the dialogue goes beyond the one with the civilians, but encompasses also discussions with VE groups. Apart from the need to contact VE groups, an

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<sup>126</sup> Boutellis, A. 2015. Can the UN Stabilize Mali? Towards a UN Stabilization Doctrine? *Stability: International Journal of Security & Development*. 4(1). p.13

<sup>127</sup> UNSC. 20 December 2010. Res. 1963. UN Doc. S/RES/1963. p.1

extensive focus is given to the population, particularly in Mali. Interviewee 1 posited that the UN personnel conducts a lot of “community outreach” to spread awareness on the mission’s purpose and ensure that the population stays away from participating in violence. Specifically, the interviewee explained that

“the long-term goal of prevention is to make the people understand the mission’s mandate and also how it is in their benefit so that they stay away from the temptation to joined VE groups because, at the end of the day, some of the people are looking for options to survive; they are looking for jobs, they are looking money to feed their family, and whoever is there to provide to their basic needs is the one they will follow.”

This account from the field aligns with one of the mandate’s provisions which addresses the need “to strengthen community engagement and protection mechanisms, including interaction with civilians, community outreach, reconciliation, mediation, support to the resolution of local and intercommunal conflicts and public information”<sup>128</sup>. In addition, the mandate also requests the promotion of “the meaningful participation of civil society, including women’s organizations as well as youth organizations”<sup>129</sup>. This aspect is vital when it comes to limiting the participation of individuals in VE activities, as it is mostly the youth that gets attracted to VE groups’ promises. Nevertheless, while these clauses support the need for dialogue rather than forceful measures, nothing is mentioned in regard to deradicalisation or other CVE-relevant measures besides the engagement in political discussions<sup>130</sup>. Indeed, not much is being directly denoted in the mandate in terms of specific tasks to reduce the vulnerability to VE or assist the establishment of education facilities and development capabilities. Yet, because of the paramountcy of deradicalisation, the UN personnel has extensively interpreted the few provisions that the mandate asserts to engage in such activities, which will be discussed in the next section. Nevertheless, regarding the mandate and its legal definitions of CVE, the outcome is still sparse in terms of ensuring peacekeepers’ efficiency to counter VE groups, whether through CVE-specific or CVE-relevant measures.

While the mandate, the ROE and other UN documents, backed by CIL, were all promising in terms of complementing each other to provide the most meticulous legal

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<sup>128</sup> *Supra*. Note 59. p.8

<sup>129</sup> *Ibid*. p.9

<sup>130</sup> *Ibid*. p.2

guidelines on CVE, the scope of the mandate has revealed that significant ambiguities prevail when it comes to dealing with the issues in the field. In fact, whether these are mere misunderstandings or total omissions, the mandate leaves much room for interpretation and adaptability. The ROE has been denoted to significantly contribute to the mandate's legal lacunae in defining CVE yet, this relates only to forceful measures, and thereby CVE-specific tasks. On the other hand, when it comes to CVE-relevant activities which, by considering the importance of deradicalisation, are becoming an essential dimension of CVE, clarity and additional guidelines are still needed. The fact the mandate leaves much room for interpretation can be seen as an indirect way to ensure that PKOs can interpret the mandate adequately to the situation in the field, and thereby adapt their operations. Nevertheless, the implications of conduct CVE need at least a precise legal backing, which peacekeepers do not have so far. Understanding that legal lacunae do not mean freedom to act leads one to consider how peacekeepers operate in the field within the boundaries of the mandate. As such, the next section will explore how the UN personnel behaves in practice, as they have no other choice than to deal with VE, and thereby rise further interrogations concerning the root causes of the challenges on the ground.

### **Section 3. The Mandate in Practice**

Resolution 2480 and its supplementary documents (i.e. the ROE and the DUF) have revealed that limitations prevail regarding the legal understanding of CVE. Nevertheless, challenges are on-going in Mali, and peacekeepers are required to take actions to prevent and counter the impact of these difficulties, particularly the threat of VE groups. Notably, three new paradigms are worth investigating to understand how UN personnel continuously strive to implement the mandate, regardless of the obstacles they face. Indeed, the interpretation of UN recommendations, the new war dynamics and the geopolitical situation in the region all contribute to peacekeepers' efficiency and effectiveness in the field. While all three aspects will expose new limitations to achieve successful results, they will respectively be discussed in order to emphasise how peacekeepers implement the mandate and eventually work around it to ensure the protection of civilians, the defence of the mission and their own security.

### 3.1. The Interpretation of UN Recommendations

It has been established in a previous section that PKO mandates, including the MINUSMA mandate, have necessitated the addition of other documents, which in the context of this research, have been identified as the UN DPKO report on POC, the HIPPO Report and the UN Plan of Action to prevent VE. While the HIPPO Report is notorious when it comes to discussing the need to adjust PKOs to the new challenges in the field, the two other documents encompass relevant guidelines to the question of adaptability to the field. Indeed, the lack of CVE definition in the mandate and ROE has not resulted in peacekeepers refraining from undertaking CVE tasks. Rather, their interpretation of existing documents and their knowledge of the field permit them to adjust and adapt their operational and tactical missions. For this reason, particular attention will be given to the UN DPKO report, especially in regard to its recommendation on the operational concept for POC, as well as to the UN Plan of Action, which will shed light on the preventive measures that are comprised in CVE activities.

In its 2015 report, the UN DPKO outlined in fact the three tiers of POC action, which includes the following:

- “Tier I: Protection through dialogue and engagement
- Tier II: Provision of physical protection
- Tier III: Establishment of a protective environment”<sup>131</sup>.

While the first tier involves soft measures and thus relates to CVE-relevant measures, even though these activities “include dialogue with a perpetrator or potential perpetrator”<sup>132</sup>, which could be understood as direct actions taken against VE groups, the following tier appeal more directly to CVE-specific tasks. In fact, this stage involves “the show or use of force to prevent, deter, pre-empt and respond to situations in which civilians are under threat of physical violence”<sup>133</sup>. Although the intention is to protect civilians, the collateral consequence is the countering of VE. The last tier appeals again to CVE-relevant activities such as supporting “the political process [and ...] the participation of women in conflict”<sup>134</sup>. Nevertheless, it does also include the DDR of ex-combatants<sup>135</sup>, which can result in offensive operations. The UN DPKO is thereby thorough in defining how the POC can be done, including a variety of actions applicable to the field. Nevertheless, particularly to the Malian case, the number of wounded

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<sup>131</sup> *Supra*. Note 73. p.8

<sup>132</sup> *Ibid*.

<sup>133</sup> *Ibid*.

<sup>134</sup> *Ibid*. p.9

<sup>135</sup> *Ibid*.

and killed civilians is continuously increasing, which questions the efficiency of peacekeepers in implementing POC guidelines, as well as their POC mandate. While this relates more to POC than CVE, the prior is a consequence of the latter. Civilians fall victim to VE, which requires the UN personnel to conduct CVE in this regard. As such, due to the difficulties in implementing UN recommendations, questions arise whether it is the lack of legal definition in the mandate, and thereby the absence of direct guidelines, that creates this challenge, or if it is a compilation of other factors, such as lack of capabilities, organisational dysfunctions among the UN staff and beyond, or logistical issues in the field, to mention a few. While it was observed by Interviewee 2 that the three tiers of POC are thoroughly incorporated in PKOs' mandates, the situation in the field reveals that challenges persist. Whether these are founded on the number of attacks carried out against civilians or on the prevailing inter-regional tensions in the country merely suggests that fundamental causes fuel the challenges that peacekeepers face in the field. From a theoretical perspective, it appears that the UN DPKO report is effective in supplementing some of the mandate's omissions, particularly in regard to POC, and thereby contributes with CVE-relevant and CVE-specific measures. As such, the limits in thoroughly implementing these guidelines go beyond pointing at legal lacunae and suggest that other factors also contribute to the difficulties on the ground.

While the UN DPKO report addresses specifically the protection of civilians, the UN Plan of Action is more comprehensive in terms of considering other challenges in the field. As the title of the document suggests, it strives to provide a guiding framework to prevent violent extremism. It has significantly been denoted throughout this research that PVE and CVE are not interchangeable concepts, nevertheless, understanding PVE features positions it under the CVE umbrella, particularly in regard to CVE-relevant measures. It has been mentioned previously that the Plan of Action outlines 7 tasks to prevent VE, namely "dialogue and conflict prevention; strengthening good governance, human rights and the rule of law; engaging communities; empowering youth; gender equality and empowering women; education, skills development and employment facilitation; strategic communications, the Internet and social media"<sup>136</sup>. As such, what it does is to provide a framework that enables peacekeepers, at the operational and strategic level, to plan and map out activities that will prevent VE. Nevertheless, as identified by Patrick O'Halloran, several challenges emerge in regard to this structure. Those include the misinterpretation of who the target audience is; the need for context-specific strategies; the inadaptability of Western CVE strategies to other regions; the

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<sup>136</sup> *Supra*. Note 29. p.14-19

incompatibility between PVE and militarised counterterrorism; and the limited effectiveness of UN component capabilities<sup>137</sup>. His observations are very applicable to the Malian case, particularly in regard to identifying combatants, having adapted guidelines to the situation on the ground based on an indigenous approach rather than a Western one, and dealing with limited capabilities. The situation in the field thus correlates with the identified challenges and highlights the limits of the Plan of Action in practice.

One aspect that should particularly be articulated about the Plan of Action is the continuous amalgam between PVE and CVE, which seems to drive the discussion on the difficulties in the field in the wrong direction, and blur peacekeepers' understanding of VE. Indeed, it has been observed that the "lack of clear distinction between P/CVE-specific and P/CVE-relevant programming has created considerable overlap among the many efforts currently being undertaken by the UN and international partners"<sup>138</sup>. While the overlap can be asserted, the collected data reveals that it is not *per se* the distinction between P/CVE-specific and P/CVE-relevant measures that poses an issue. Rather, it is the separation or ambiguity between PVE and CVE that is disturbing the clarity on VE measures, as PVE activities can qualify as CVE-relevant tasks. As such, the disparities should fall under one conceptual framework that then needs clarity, instead of vacillating between CVE and PVE. More so, when it comes to the overlap, PKOs have revealed that no mission is linear, and thus multiple activities with different degrees of intensity take place at the same time. If CVE-specific measures are then qualified as direct actions involving the use of force and CVE-relevant measures merely concerns non-offensive activities such as dialogue, community outreach, education and development programmes, peacekeepers' tasks can become more focused on one notion, namely CVE. Further on, what this understanding reveals is that confusion prevails as to what is expected of peacekeepers in terms of VE groups, just as much from a technical standpoint as from the international community. Nevertheless, while organisation is not always ensured to perfection, it is also the structural system within a mission that enables the implementation of the mandate's provisions into field activity. In fact, UN personnel have the utmost understanding of the field among all stakeholders and thereby know what is needed and how it can be done. This interpretative capability of UN peacekeepers should therefore not be taken for granted, but rather considered when guidelines are being designed. In fact, while the

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<sup>137</sup> O'Halloran, P. 2018. Challenges to Implementing the 2016 United Nations' Plan of Action to Prevent Violent Extremism in Peacekeeping Operations: A Case Study of MINUSMA. *The Canadian Journal of Peace and Conflict Studies*. 50(2). p.45-46

<sup>138</sup> Boutellis, A. & Fink, N. C. October 2016. Waging Peace: UN Peace Operations Confronting Terrorism and Violent Extremism. *International Peace Institute*. p.7

UN staff possesses contextual awareness and can from thereon assimilate the different recommendations, it is other features that inhibit their efficiency on the field. These will be discussed further in Section 4 as other root causes to the challenges in the field are emerging.

The investigation of the UN DPKO report and the UN Plan of Action has revealed that much effort is being put into framing the work of the UN staff in light of its new operating terrain. Nevertheless, there seems to be a continuous discussion on PVE vs CVE, as well as an on-going intricacy to implement guidelines in the field, which renders the provisions of CVE that more complex to understand. Acknowledging the situation on the ground reveals, on the other hand, that the limits of peacekeepers go beyond the legal framework, as they do have the capability to adjust and interpret the different UN documents. Instead, the existence of other root causes to the challenges in the field has necessitated a new understanding of how peacekeeping can be conducted in practice, and thereby consider different methods and means to address some of the issues that the UN personnel has to prevent, contain and resolve.

### *3.2. New War Dynamics*

When peacekeeping was established as one of the UN's tools to ensure global peace and security, there was no anticipatory understanding that its principles would have to evolve with time. Nevertheless, the context in which peacekeeping was designed is far from the intra-state conflicts the world is witnessing today. This new understanding of warfare has received much attention from the academic sphere with the aim to theorise how and what shifts have occurred in the past decades. Amongst these, and of particular interest to this thesis, is the understanding that the actors partaking in warfare activities take on a different character compared to the traditional state actor. Indeed, regional and international organisations, CSOs and NGOs keep flourishing and thereby disturb the simplistic view of warfare. More so, it is on the other belligerent side that new actors are the most prominent. In fact, non-state armed groups have become a new enemy to peace and security, and their way of conducting violence is even more unprecedented. Their recruitment procedures, their transnational networking capabilities and their ingenuity to develop weapons, like Improvised Explosive Devices (IEDs), have posed serious difficulties to the international community. The central question thus revolves around the capacity to counter these new actors and their new means with traditional and 'old schools' ways of conducting containment, deterrence and retaliation. As such, the Malian case is pertinent in understanding the 'New War' dynamics in the context of a peacekeeping operation. This section will therefore investigate two aspects. Firstly, it will emphasise how the new war

paradigm and resolution 2480 correlate to further discuss whether the legal limitations in defining CVE in the mandate are prevailing. Secondly, it will also highlight how the understanding of new actors under the new war doctrine has enabled the UN personnel to adjust its interpretation and management of the situation on the ground. Similarly to how CIL is the foundation of the mandate and thus the activities in the field, the new war theory is part of the contemporary understanding of warfare and thereby allows peacekeepers to grasp the context in which they are deployed.

The justification for looking at new war theory resides in the widespread presence of non-state armed groups, particularly terrorist groups, in the region. It was made clear by Interviewee 1 that non-state armed groups are not necessarily VE groups in the Malian context, as some of them have sided with the government, notably by signing the 2015 Agreement on Peace and Reconciliation. As such, while scholars of new war theory refer to these new actors as non-state armed groups, this research will address them as VE groups to avoid any confusions with other non-state armed groups compliant with the Malian government, such as the CMNA and the Platform (cf. Figure 1). As stated previously, Mary Kaldor, who coined the theory, denotes that “new wars are fought by varying combinations of networks of state and non-state actors – regular armed forces, private security contractors, mercenaries, jihadists, warlords, paramilitaries, etc.”<sup>139</sup>. The complexity of today’s warfare is thus evident based on the multiplicity of actors. While the mandate denotes the asymmetric attacks committed by terrorist groups<sup>140</sup> and “demands that all armed groups reject violence, cut off all ties with terrorist organizations and transnational organized crime”<sup>141</sup>, not much is being said about the VE groups in Mali. Several reasons support this stance, particularly the need for diplomatic language and impartiality. More so, the on-going upsurge of VE groups inhibits the mandate to particularly address who they are. What relates to new actors is thus the way in which peacekeepers are mandated to prevent their proliferation and expansion, as well as counter their violent activities. Nevertheless, while the establishment of robust mandates can be seen as a more contemporary advancement, little modernisation of capabilities seems to appear in the mandate. It is the supplementary documents that allow for a more thorough adaptability to the field, notably with specific guidelines on the use of force in the ROE, and new developments like the three tiers of POC action or the UN Plan of Action to prevent VE. It can thus be forwarded that the idea of prevention and countering are new ways established to address new

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<sup>139</sup> *Supra.* Note 24

<sup>140</sup> *Supra.* Note 59. p.1

<sup>141</sup> *Ibid.*

actors, and thereby accommodates to today's realities. Regardless, this still limits the mandate's direct contribution in terms of CVE definitions, which support the hypothesis of this research. While this argument meant to position the discussion in the contemporary context of warfare, and thereby draw analogies between theoretical contributions and the mandate, the fact remains that the mandate's flexibility is restricted by the principles of peacekeeping and traditional ways of proceeding.

Being aware of these principles, the UN personnel has to adjust to the terrain and understand its capabilities in terms of the evolution in warfare. Indeed, the same measures used to counter a state actor cannot be employed to weaken and dissuade VE groups. While efforts go into offensively countering these groups, the UN staff has had to become innovative in terms of conducting dialogue with these groups. This involves three steps: the capacity of distinguishing civilians and combatants, determining their structural hierarchy and understanding what drives them towards VE. While the ROE sheds light on the distinction between civilians and combatants, it is at the operational and tactical levels that peacekeepers are able to develop operational strategies to identify VE groups and their activities. These tasks remain for the most part confidential, as it contains preliminary information on how the UN personnel should operationalise their tasks. However, the latest VE group identified in Mali, namely Dan Na Ambassagou, reveals that extensive work is put into defining and understanding them. Indeed, focus is put on the group's movements, their tactics, the organisation itself, the weapons they use and their relations with other VE groups<sup>142</sup>. This understanding thus emphasises that most of the capacities to counter VE in the field are developed at the operational and tactical level, rather than at the strategic level. "The mission uses the mandate as a legal backing", as it was observed by Interviewee 2, which suggests that specific guidelines are not emanating from the mandate, but rather develop as the UN personnel gets to understand the intricacy of the conflict. This hints towards the fact that legal lacunae are not the only reason as to why the UN staff struggles to counter VE, safeguard the Malian population and support the political process, as they have the capabilities to interpret the mandate accordingly to the situation in the field. Other root causes to the challenges in the field will be highlighted further on, but what this section has attempted to highlight is how

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<sup>142</sup> These elements emanate from a collection of UN confidential documents. While nothing of confidential nature has been divulged, no UN source has been authorised to use for quoting. For this reason, it is the understanding of the Malian conflict, of VE groups and of intra-state warfare that has resulted in listing these different focal areas.

understanding elements of warfare, in this case the Malian case, provides guidance as to how difficulties can be dealt with.

While the mandate did not encompass much of the theoretical concept, the situation in the field, particularly how the UN staff operates, suggests that adaptability is in place, and understanding how to conduct activities in light of contemporary explanations supports the mission's achievements. Nevertheless, much needs to be done and revised to fully define the situation on the ground, as the conducted survey and the collected data from the interviews also revealed. In fact, there seems to be a common agreement that the mandate needs to be improved to address the context in which a mission is deployed. The survey revealed that 95% of the respondents agreed that the mandate should be improved to address the challenges on the ground, similarly to some of the interviewees who stated that there is room for improvement. Nevertheless, while the discussion on the revision of the mandate is a larger discussion in itself, it can be acknowledged for now that the legal contribution of the mandate towards defining CVE is still lacking, and it is merely the UN personnel's interpretation that allows the mandate's provisions to become effective in the field.

### *3.3. Geopolitics in Action*

A dimension on which resolution 2480 is not silent, in contrast to many of the previously discussed elements, is the collaboration with other actors in the region, namely the French operation Barkhane, the FC-G5S and the EUTM Mali. Collaboration between intervening parties in a conflict zone is nothing new to conflict management and peacebuilding. One could even ascertain that the sole intervention of a UN force gathers different parties, as multiple TCCs participate. Nevertheless, the situation in MINUSMA is of great interest to uncover how regional, international, and third-party agencies interact to ensure safety and security, as well as initiate peace processes.

The mandate is indeed comprehensive in expressing the presence of other intervening forces than the UN mission, as well as the need to collaborate. It "requests the Secretary-General to ensure adequate coordination, exchange of information and, when applicable, support, within their respective mandates and through existing mechanisms, between MINUSMA, the MDSF [Malian Defence and Security Forces], the FC-G5S, the French Force and the European Union missions in Mali"<sup>143</sup>. More so, distinct sections are allocated to each

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<sup>143</sup> *Supra*. Note 59. p.10

security presence, respectively the MDSF<sup>144</sup>, the FC-G5S, the French forces, and the European Union contribution. This insertion has prevailed since the first resolution establishing the Mission in Mali regarding the French forces and the EUTM Mali<sup>145</sup>, and has included the FC-G5S in 2017<sup>146</sup>, following the UNSC's adoption of the task force. What is also noteworthy concerning the mention of these entities is the division of labour among them. As such, the UNSC specifies the FC-G5S's "efforts to address the impact of terrorism and transnational organized crime"<sup>147</sup>; it "authorizes French forces [...] to use all necessary means [...] to intervene in support of elements of MINUSMA when under imminent and serious threat"<sup>148</sup>; and it "encourages the [EU...] to continue its efforts to support Malian authorities in Security Sector Reform and reestablishment of State authority"<sup>149</sup>. While this goes beyond peacekeepers' tasks, it can be suggested that the involvement of other actors in MINUSMA's objectives enables the implementation of CVE measures. In fact, both Barkhane and the FC-G5S have counter-terrorist focused mandates, which fall under CVE-specific measures. Since these efforts are conducted in Mali, one can assume that it benefits the UN personnel's activities to prevent and counter VE groups. Nevertheless, this raises the question of whether outsourcing CVE tasks to external bodies defeats some of the missions' goals, and thereby dismantles the discussion on legal lacunae in the mandate regarding CVE definitions. This interrogation will be addressed in a subsequent section, as it engages further fundamental questions regarding the nature of PKOs. For now, the paramountcy established by the mandate to ensure the collaboration between intervening bodies in Mali calls for an investigation of how the UN staff evaluates the situation.

In alignment with the mandate's focus on collaboration to reach a stable and peaceful situation in Mali, much of the experience in the field highlights the necessity to ensure the relations between external agencies. Interviewee 1 commented that "the collaboration with

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<sup>144</sup> The Malian Defence and Security Forces (MDSF) have not been mentioned so far, as most of the focus has been put on the French operation Barkhane and the FC-G5S, for the purpose of this research. This choice is not meant to ignore or demean the MDSF, nevertheless, they are an extension of the government's forces, and thereby do not fall under the category of external intervening body, unlike Barkhane and the FC-G5S do. While their work is of extreme importance, as they enact enforcement regulations, and thereby help the UN personnel to conduct CVE activities, the UNSC has expressed "serious concerns about repeated allegations of violations of international human rights law and international humanitarian law by MDSF in the conduct of counterterrorism operations" (*Supra*. Note 59. p.10). As such, internal challenges within the MDSF encompass several difficulties, both for themselves and for MINUSMA, which supports the choice of not proceeding with an in-depth analysis of the MDSF. Nevertheless, the general challenges that occur with collaborating with other security bodies will be addressed in a subsequent section, and thereby address the MDSF.

<sup>145</sup> UNSC. 25 April 2013. Res. 2100. UN Doc. S/RES/2100

<sup>146</sup> *Supra*. Note 92. p.3-4

<sup>147</sup> UNSC. 8 December 2017. Res. 2391. UN Doc. S/RES/2391. p.1

<sup>148</sup> *Supra*. Note 59. p.11

<sup>149</sup> *Ibid*. p.12

them [i.e. Operation Barkhane and FC-G5S] is not only a benefit but it is actually a necessity for the mission, because without this arrangement, the mission would have closed a long time ago”. Interviewee 2 also observed that

“other enforcement bodies in a peacekeeping theatre are very useful. If you look at Mali for instance, the French are there, the FC-G5S is there, so if you look at these enforcement bodies, you will realise that they have the capability to carry out additional responsibilities and offensive operations, comparatively to the peacekeepers or to MINUSMA itself. Because if you look at the principles of peacekeeping like impartiality, neutrality, and that peacekeepers should not be actors to the conflict, when it comes to us being guided by such principles, you realise that there are certain rules peacekeepers have to follow, but other enforcement bodies are able to play that role effectively.”

Likewise, Interviewee 3 denoted that the MINUSMA mandate “does not permit military components to stage offensive actions, they can only be reactionary”, in contrast to the French forces who have “freedom of action” to conduct activities against VE groups. As such, much of the operational and tactical workforce acknowledged the necessity to have cooperation between the intervening groups, particularly to ensure the success of the mission. More so, they denoted the limits of the mandate in conducting operations against VE groups, notably because of the principles of peacekeeping. Consequently, it seems that one of the exhaustive ways the UN personnel attempts to implement the mission’s tasks, including CVE measures, largely involves other enforcement bodies in the region, particularly to not overstep the normative framework of peacekeeping. Indeed, operation Barkhane conducted 105 combat operations in 2019 against VE groups<sup>150</sup>, and have recently neutralised more than 30 individuals involved in VE activities<sup>151</sup>. It thus becomes quite clear how the French forces are taking on offensive CVE, both by targeting and using forceful measures. While the necessity for this collaboration is recognised, challenges prevail regarding the scope and efficiency of these relations. The

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<sup>150</sup> *Supra*. Note 2. p.20

<sup>151</sup> Kelly, F. January 2020. *Barkhane operations kill more than 30 ‘terrorists’ in Mali*. [Online]. Available at: <https://www.thedefensepost.com/2020/01/24/mali-terrorists-killed-barkhane-mopti-menaka-gao/> [Accessed on 21 May 2020]

conducted survey revealed that 50% of the respondents quantified the collaboration as average, while the remaining respondents shared their views between above and below average. In

How much collaboration do you have with other enforcement bodies (e.g. regional organisations, other intervening bodies)?		
<i>Below Average</i>	<i>Average</i>	<i>Above Average</i>
25%	50%	25%

*Figure 18. Collaboration with other enforcement bodies*

contrast to the mandate and the interviewees who revealed that cooperation is essential, the survey emphasises that the quality of this cooperation is still fragile. This interpretation joins some of the interviewees’ comments on the efficiency of the collaboration, which touched upon the difficulties in information-sharing, coordinating and supporting each others’ objectives. Interviewee 2 denoted in fact that “the coordination, the information-sharing and the joint training need to be made more available for all the enforcement bodies”. Several reasons explain why the effectiveness of the collaboration between intervening agencies is limited, which will be discussed in a subsequent section, as it also explains why peacekeepers face challenges on the ground in terms of countering VE.

Nevertheless, while the necessity of cooperation between intervening agencies has been asserted, both by the mandate and peacekeepers in the field, two major observations can be made. First, there is a need to improve the cooperation’s efficiency to secure and protect the region. In fact, as much of MINUSMA’s work relies on other enforcement bodies, particularly in terms of offensive activities, an improvement of the agencies’ interactions will support the success of the mission. Secondly, as resolution 2480 does not provide any direct provisions concerning countering violent extremism, it seems that CVE is not considered to be part of the mission’s tasks. Rather, in the case of Mali, it has been relayed to the operation Barkhane and the FC-G5S. This raises the broader interrogation on relaying tasks to other agencies and relying on them to achieve outlined objectives. As such, the geopolitical situation does not *per se* relate to the discussion on the legal lacunae of the mandate in encompassing CVE definitions for peacekeepers’ tasks. Instead, the interrogation subsists in terms of questioning whether outsourcing CVE to other enforcement bodies provides clarification on MINUSMA’s activities, namely, to not conduct CVE, particularly the specific measures. As such, the clarification becomes indirect, stating that peacekeepers should simply not conduct CVE and rather rely on Barkhane and the FC-G5S. While this suggests that peacekeepers are restrained

by their principles to partake in CVE activities, it also underlines their capacity to interpret the mandate in their favour and thus reach successful results in terms of dealing with VE groups.

So far, the research has indeed emphasised how peacekeepers strive to implement the mandate according to the situation in the field. Whether this entails the interpretation of other UN recommendations, the understanding of new actors or the cooperation with other enforcement bodies, efforts are made to counter VE within the legal framework provided by the mandate. While the legal lacunae of resolution 2480 to define CVE are still up for discussion, this section has highlighted how the adaptability of peacekeepers circumvent the ambiguities of the mandate, as well as hinted towards other root causes to the challenges in the field, which will be discussed next.

#### **Section 4. MINUSMA: Legal Lacunae Amongst Other Root Causes**

The study of the MINUSMA mandate and the practical case in Mali has revealed, so far, that the mandate is rather ambiguous in terms of outlining what kind of CVE activities the UN personnel can undertake, while the latter has been constrained to adapt its tasks to the situation in the field. Indeed, the prevailing threat of VE groups has required peacekeepers to implement the mandate as thoroughly as possible, whether this required further guidelines from other UN documents or relying on other enforcement bodies in the region. Nevertheless, what has significantly been highlighted is that other causes fuel the challenges that the UN staff encounters on the ground, and thus goes beyond questioning CVE definitions in the mandate. As such, the legal question, other root causes beyond UN regulations and major discrepancies will be discussed to reveal the complexity of the mission and emphasise some fundamental aspects of PKOs.

##### *4.1. The Legal Lacunae*

The central question that needs to be addressed concerns the legal contributions of the MINUSMA mandate, and whether they are lacking or absent. In fact, this research set out the following hypothesis: The lack or absence of CVE definitions in the MINUSMA mandate presents real-time challenges for countering violent extremism on the ground. Whether the answer is yes, no or maybe depends on several variables that have been explored so far, notably the content of the mandate and supplementary recommendations, as well as the practice in the field. The difficulty in answering this interrogation stems from the different standpoints that

can be taken, namely the total inclusion, the total absence or the partial insertion of CVE definitions in the mandate, which have been touched upon throughout this analysis and will be discussed respectively.

In fact, one can suggest that peacekeepers should be the ones conducting CVE, and thereby claim that the mandate is silent on the concept. Peacekeepers are on the frontline in a conflict zone and have to face the direct impact of VE. While the principle of impartiality inhibits them to target any actor, the imminent threat to which they are exposed calls for immediate response. This response is being waved as protection of civilians and self-defence, but the experience from the field suggests that more clarity is needed in terms of outlining the direct response against VE groups. Minimal support is given to this stance, as the international community strongly agrees that PKOs' mission is not meant to conduct CVE or CT.

This viewpoint leads to the argument that peacekeepers should not be involved in CVE, and thus asserts that resolution 2480 provides sufficient legal clarity on CVE. Indeed, the mandate emphasises which enforcement bodies are authorised to conduct such activity, notably the operation Barkhane and the FC-G5S, and thereby clarifies that it is not part of the PKO's tasks. Other documents have supported this view, notably the HIPPO report, which firmly states that PKOs should "not be mandated to conduct counter-terrorism operations and, in situations where a United Nations mission operates in parallel with counter-terrorism forces, the respective role of each presence be clearly delineated"<sup>152</sup>. As such, the attitude is rather unanimous in terms of asserting the omission of PKOs from CVE activities. Nevertheless, CVE is an intricate complex with multiple dimensions that leads to consider a middle ground.

Understanding the position of peacekeepers on CVE as a partial activity can be emphasised by the fact that due to the situation in the field, peacekeepers find themselves compelled to act out against VE, whether this is to protect civilians, implement the mandate or defend themselves. Insofar, the mandate provides guidelines on what can be done yet, it needs to include further provisions, particularly in terms of CVE-specific measures. It has been argued that peacekeepers do partake in CVE-relevant activities, such as dialogue, community outreach, education and development programmes, supporting the political process or engagement women in restoring stability. More so, examples have also illustrated how some of peacekeepers' activities relate to CVE-specific tasks such as "the show or use of force to prevent, deter, pre-empt and respond to situations in which civilians are under threat of physical

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<sup>152</sup> *Supra*. Note 8. p.47-48

violence”<sup>153</sup>. As such, while CVE-relevant measures, which largely relate to PVE as established by the international community, have been accepted, the UN personnel is also taking on several CVE-specific actions, which all calls for the need to review the legal clarity of the mandate on CVE definition. It seems that the problematic revolves less around whether peacekeepers should or should not conduct CVE, but instead addresses the need to clarify what is authorised in light of CVE activities. In fact, CVE is still a blurred concept in the context of PKOs. This can be explained by the withhold to involve PKOs in CVE, and more largely the UN itself. Nevertheless, there seems to be a need to acknowledge that the political dimension at the UNSC level is different from what happens in the field, and thus that the capabilities of peacekeepers should be extended and adequately adapted to the field.

This understanding of a partial insertion of CVE in the mandate is what this research has come to identify. Indeed, the analysis of the mandate highlighted that guidelines on CVE-relevant activities are provided to peacekeepers. Other documents, including the ROE and UN recommendations, which fall in line with the mandate, also served to sharpen the UN personnel’s position on CVE, particularly CVE-relevant tasks. In addition to the legal understanding of CVE, the experience from the field underlined that peacekeepers take on CVE activities, including CVE-specific tasks, which refutes the idea that the UN personnel is excluded from CVE. Yet, what this research has emphasised so far is the extension of the problematic, which goes beyond question the legal contributions of the MINUSMA mandate. Particularly, the political stance of the UNSC and the need to adjust PKOs’ mandate to the field have revealed that other root causes present challenges to the situation in the field, which will be discussed subsequently.

#### *4.2. Issues beyond Regulations*

Having established the legal contribution of the mandate based on its content and its adaptability, the observation of other root causes to the challenges in the field is paramount to evaluate the extensive impact of the legal discussion. In fact, by determining other factors that disturb the conduct of PKOs in the field, the paramountcy of legal definition might be relegated to these other causes. The necessity of having a legal framework cannot be discarded, even in PKOs missions where all actions are legally backed by the mandate. Nevertheless, the international scenery, the complexity of the mission and the multiparty interventionism have

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<sup>153</sup> *Supra*. Note 73. p.8

required the consideration of other root causes to the challenges in the field, particularly to provide a comprehensive understanding of the Malian situation. As such, five main causes will be touched upon in this section. Before dwelling into these five causes, some general challenges can be defined as a by-product of the root causes. These include an increase in the activities of terrorist groups, continuous targeting of MINSUMA staff and international forces, an increase of attacks against civilians and numbers of IDPs, an increase in human rights violations, and continuous insecurities affecting agriculture, fishing and livestock<sup>154</sup>. While these challenges were identified in the first quarter of 2020 in Mali, other effects can be linked to each of the root causes.

One of the most cited causes to the challenges in the field is the lack of sufficient UN personnel and adequate training. While MINSUMA is composed of 15,610 individuals from more than 59 countries<sup>155</sup>, it was a general observation in the survey that more staff and training is needed to adequately respond to the situation. Interviewee 1 noted that heavy security is needed when the civilian component goes out into the population, and because of limited staff, these outings are not possible on a bigger scale. More so, it leads to significant insecurities, as “one of the main challenges is also being able to deliver security, for [peacekeepers] and the people [they] go to. [The UN personnel] fears that when [it] goes to a population, the next day [civilians] are being persecuted for having talked with UN personnel”<sup>156</sup>. In terms of training, “many TCCs [have] not provided their troops with specific training to face terrorist groups, resulting in a lack of preparedness and ability”<sup>157</sup>. Not only does this result in the incapacity to ensure security, it also leads to disorganisation in conducting the mission’s objectives. Whether it involves language barriers, a mismatch in tactical learning or a general lack of knowledge of VE groups, the necessity to align peacekeepers’ training and operational capacities is essential. Some of the reasons for this lack of manpower stem from TCCs’ reticence to provide troops due to the danger of the situation<sup>158</sup>, as well as the political impediments. Interviewee 2 also commented that peacekeepers “are exposed to a lot of threat and danger in the field, and the most important thing is to have adequate training, because then [the UN personnel] understands the dynamics of the conflict”. As such, the cause-effect relation between the lack of UN

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<sup>154</sup> UNSC. 20 March 2020. Report of the Secretary-General. UN Doc. S/2020/223

<sup>155</sup> MINUSMA. 2020. *Personnel*. [Online]. Available at: <https://minusma.unmissions.org/en/personnel> [Accessed on 24 May 2020]

<sup>156</sup> Comments by Interviewee 1 on the challenges in MINUSMA.

<sup>157</sup> Vermeij, L. 2015. *MINUSMA: Challenges on the Ground*. Norwegian Institute for International Affairs. p.3

<sup>158</sup> *Ibid.* p.2

personnel and adequate training, and the increasing insecurities in Mali suggests that other root causes are in fact part of the landscape that shapes the challenges in the field.

More so, whether based on the collected data or the mere observation of the situation, it is quite clear that a lack of means, capabilities and resources lead to some of the main challenges that peacekeepers face. In fact, without appropriate armament, transportation and funding, peacekeepers are inhibited to effectively carry out some of the mandate's provision, such as establishing a secure environment, protecting civilians, defending themselves and supporting the political process. While MINUSMA's budget has almost doubled since the establishment of the mission in 2013, from 609,491,300\$<sup>159</sup> to 1,105,667,000\$<sup>160</sup> in 2020, this increase correlates largely with the extension of the mission's responsibilities, such as the expansion of UN sites across the country due the proliferation of VE groups. Despite this financial contribution, Interviewee 2 raised that the lack of armament impedes peacekeepers to implement the robustness of their mandate. Interviewee 1 also noted that inconsistencies of the network in Mali inhibits the movement of information, and thus prevents peacekeepers from sharing information across the country and reaching local populations in remote areas. The struggle to protect civilians and defend themselves is a direct consequence of the lack means, similarly to the difficulty in establishing a secure environment. More so, it limits peacekeepers ability to gather information on VE groups<sup>161</sup> and support the political process in the country. Indeed, capabilities and funding are needed to collect intelligence, help election processes and set up good offices, and thereby ensure the successful results of the mission.

Nevertheless, MINUSMA is not the only intervening agency in Mali, and causes involving other enforcement bodies like Barkhane, the FC-G5S, the MDSF and the EUTM Mali all present challenges in the field. While the struggle of the two latter entities merely concerns the lack of homogenous training, it is the collaboration with Barkhane and FC-G5S that has engaged most of this research's attention. Indeed, difficulties in sharing information, coordinating activities and aligning operational training lead to challenges in the field, notably the prevention and countering of VE groups, and thus the protection of civilians and the international staff. As mentioned previously, Interviewee 2 denoted that "the coordination, the information-sharing and the joint training need to be made more available for all the enforcement bodies". More so, Interviewee 1 commented

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<sup>159</sup> UNGA. 21 October 2013. Res. 68/538. UN Doc. A/RES/68/538

<sup>160</sup> UNGA. 20 March 2020. Res. 74/745. UN Doc. A/RES/74/745

<sup>161</sup> *Supra*. Note 137. p.46

“there is some type of collaboration [between MINUSMA, Barkhane and the FC-G5S], but when states operate under their own jurisdiction, they report directly to their headquarters. Some of the operations will be confidential so they do not, for obvious reasons, share all information. They do share some information, the UN shares information, but if all [intervening agencies were] under one group, things would be different. Now, it is a matter of confidential information, or state secret that will not be shared with the UN. So, it is difficult in terms of logistic arrangements.”

As such, misinformation on the situation in the field, poor coordination in dealing with VE groups and other threats to the population, and the incapacity to reach successful results in restoring peace are all effects of the lack of collaboration between intervening bodies in Mali. Their difficulties in terms of logistical arrangements are also an element of MINUSMA’s own struggles.

Indeed, logistical difficulties, which also appeal to the lack of personnel and means, represent a major challenge to peacekeepers. The logistics include the movement of UN staff across the Malian territory, the scatter of individuals and the poor infrastructure of the country. Indeed, the UN personnel struggles to move around the country because of the size of the country and the poor road conditions. In fact, Interviewee 1 asserted that “logistical challenges are a difficulty; Mali is a very big country and moving from one place to another is a very big challenge”. These limitations impact peacekeepers’ capacity to identify VE activities and ensure security on the whole territory, as well as reach populations outside the bigger agglomerations. In this regard, Interviewee 1 commented that reaching out to different people on a regular basis presents a real challenge as the UN personnel cannot go everywhere, and when they go, they are only able to speak to a few people in main localities. A worrying effect of this limitation concerns the incapacity to execute immediate response operations when attacks against civilians occur. One issue is to be noticed about such activities in the first place, but once peacekeepers are informed that VE attacks are being conducted, they might not be close enough to act timeously. As such, the logistics of PKOs are a paramount aspect than requires particular consideration and improvement if missions are to succeed in fully implementing their mandate.

The last identified challenge to peacekeepers in the field is the use of a one-way-fits-all solution to counter VE. Whether it is the mandate’s provisions on POC or the supplementary UN recommendations that provide general guidelines, it has been raised that more specificities are needed for each PKO. Indeed, some of the respondents of the conducted survey commented that “international actors assume that there is a universal solution to counter terrorism”. More so, it has been denoted that “Western CVE strategies and programs [, which] tend to require effective social welfare, education, health, and community policing services [...], cannot be transferred wholesale”<sup>162</sup> to states in which PKOs are deployed. While resolution 2480 strives to account for the correct context in Mali, the provided measures to ensure security and restore peace have been questioned in terms of accuracy to the situation. As such, whether this relates to the idea that PKOs only have one streamlined operative framework or that the latter is built on a Western approach, the fact remains that a misconception of the situation in the field and inadequate solutions emanate from the designed mandate.

Cause-effect mapping of the challenges in the field	
Causes	Effects
Lack of UN personnel and adequate training	<ul style="list-style-type: none"> <li>• Increase of insecurities in the region</li> <li>• Inability to protect civilians and defend themselves</li> <li>• Disorganisation in carrying out the mandate’s provisions</li> </ul>
Lack of means, capabilities and resources	<ul style="list-style-type: none"> <li>• Incapacity to establish a secure environment</li> <li>• Inability to protect civilians and defend themselves</li> <li>• Struggle to support the political process</li> </ul>
Lack of collaboration between enforcement bodies	<ul style="list-style-type: none"> <li>• Misinformation on the situation in the field</li> <li>• Poor coordination of CVE, POC and defence</li> <li>• Incapacity to reach successful results in restoring peace</li> </ul>
Lack of logistical abilities and coordination	<ul style="list-style-type: none"> <li>• Incapacity to identify VE activities and ensure security on the whole territory</li> <li>• Inability to be in contact with all the population</li> <li>• Incapacity to execute timeously response operations</li> </ul>
Lack of a conflict specific approach	<ul style="list-style-type: none"> <li>• Misconception of the situation in the field</li> <li>• Inadequate solutions</li> </ul>

*Figure 19. Cause-effect mapping of the challenges in the field*

<sup>162</sup> *Supra.* Note 137. p.45

In addition to the legal contribution of the mandate on CVE, several causes have been established in regard to the challenges in the field (cf. Figure 19). Their analysis has revealed that the operating theatre in Mali is extremely complex and goes beyond the legal absences in resolution 2480 to outline peacekeepers' tasks in regard to dealing with VE groups. This understanding raises a larger discussion on the nature of PKOs and how they are expected to operate in volatile and unstable situations. As such, while understanding the root causes of the real-time challenges has emphasised that much improvement subsists in achieving successful results, some of the fundamental discrepancies need to be addressed, particularly to grasp why, after seven years of deployment, the number of attacks, killed civilians and violations of human rights are still increasing.

#### *4.3. Fundamental Discrepancies*

The ambition of this research has been to discuss the legal definition of CVE in the mandate and evaluate whether these are lacking or totally absent. The question has raised the complexity of the situation, as well as suggested that a more detailed definition of CVE should be incorporated in the mandate to directly mention CVE, and whether it should encompass relevant and/or specific measures. More so, the additional root causes have emphasised that other factors also present real-time challenges to peacekeepers in the field, thus underlining that the interrogation on the correlation between CVE and PKOs deserve a larger depiction. Indeed, some fundamental discrepancies between both topics highlight that it is not solely a legal question. The normative framework plays in fact an essential role in how PKOs should be conducted and poses impediments as to what CVE activities can be undertaken. As such, this last section will shed light on two arguments, namely the fundamental disparities between the objectives of the mandate and the situation in the field, as well as between the principles of PKOs and the concept of CVE.

It has been addressed extensively throughout this research that there is an imbalance between what the mandate authorises peacekeepers to do and what the situation looks like in the field. In fact, while most provisions in resolution 2480 address soft power instruments such as dialogue, cooperation and political support, which all fall under CVE-relevant or PVE measures, the Malian context has revealed that an offensive stance, and thus the use of force, is needed in several instances. The aggressivity of VE groups, including how they conduct attacks, radicalise the vulnerable population and spread general fear, call for adequate capabilities. More so, the first report of 2020 on the situation in Mali revealed that attacks,

killings and violations of human rights are continuously increasing<sup>163</sup>, which suggests that something is not working. While this is not solely because of a lack of legal definition on CVE in the mandate but rather a combination of multiple root causes, the disparity still suggests that major inconsistencies prevail between MINUSMA's objectives and the situation on the ground. The question thus goes beyond interrogating whether there are lacks or omissions in the mandate, and instead enquires whether the Malian context is not being considered sufficiently to address all the variables. If 95% of the respondents of the conducted survey determine that the mandate needs to be revised to address the challenges on the ground, the inadequacy of the mandate cannot be ignored. Regardless, setting the critic of the mandate aside, the nature of PKOs reveals that greater challenges prevail in terms of attributing CVE capabilities to peacekeepers.

Indeed, it has been asserted that CVE should merely not be part of a PKO's mandate, and thus that the UN personnel should not conduct CVE activities. While this has been refuted, as the practice of PKOs has emphasised that peacekeepers already partake in CVE, it is the intention of CVE that struggles to be merged with the objectives of PKOs. Indeed, CVE, or CT, is meant to directly target and eliminate VE groups, particularly in an offensive way. On the other hand, PKOs principles, especially the principle of impartiality, render the tasks of peacekeepers particularly difficult in terms of using force. Specific authorisations have been given to use forceful means, namely the protection of civilians, the defence of the mandate and the self-defence of UN staff yet, these motives remain protective, which is quite opposing to the idea of targeting. In other words, it is a paradox between have an offensive or a defensive stance. While the impartiality of the UN is not the central focus of this research, its history serves to explain why peacekeepers have come to adopt such a principle. It resides in fact in the very nature of the UN, namely the preservation and restoration of peace. Nevertheless, the political dynamic of the UN, particularly the UNSC, has clouded this aspect, which in turn questions whether the UN should remain entirely impartial. Insofar, does this mean that efforts can be made to implement a specific unit within MINUSMA to specifically deal with CVE, similarly to the FIB in the DRC, and thereby adjust to PKOs principle and the mandate's objective? The 2020 report published in March denoted that MINUSMA's adaptation plan "envisages the reconfiguration of the military component which includes the establishment of a Mobile Task Force to enhance the Mission's ability to project force throughout the

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<sup>163</sup> *Supra.* Note 154

country”<sup>164</sup>. This idea of projecting force comes close to the idea of offensive activities, nevertheless, it still needs to be asserted by the mandate, and thereby authorised by the UNSC.

This last point seems to relate to the dichotomy between impartiality and neutrality. In fact, being neutral in a conflict entails some level of targeting, as peacekeepers would not be neutral in implementing the mandate’s provisions. Kofi Annan stated in fact that “impartiality does not, and must not, mean neutrality in the face of evil”<sup>165</sup>. While this provides more room for interpretation, particularly in terms of conducting CVE, the mandate still remains silent on the concept and does not address such neutrality. One thing that has emanated from the collected data is that confusion and ambiguities do not benefit peacekeepers’ objectives, and thus considering the concept of neutrality might just add to this blurriness. Nevertheless, what has been essential to grasp throughout this research is that, despite legal limitations and other root constraints, peacekeepers should be equipped with all necessary means when confronted with a situation like the one in Mali, where violence, atrocities and brutalities have become the new normal.

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<sup>164</sup> *Supra*. Note 154. p.16

<sup>165</sup> Annan, K. January 1999. *Podium: Impartiality does not mean neutrality*. [Online]. Available at: <https://www.un.org/sg/en/content/sg/articles/1999-01-22/podium-impartiality-does-not-mean-neutrality> [Accessed on 24 May 2020]

## Chapter 4. Conclusion

As a result of analysing the mandate and its supplementary UN recommendations, the scope of the mandate, the practice in the field and other root causes to the challenges on the ground, this research has advanced significant observations in terms of understanding the relation between PKOs and CVE. Some concluding remarks will thus be outlined in order to discuss the prospects of PKOs being deployed in VE zones.

### *Section 1. Concluding Remarks*

This research initially set out the following problem statement: the lack of specificity within the wording of the mandate concerning CVE measures produces ambiguities which leads to the ineffectiveness of the UN personnel to fully accomplish the purpose of MINUSMA. As such, the assumption stemmed from the observation that plausible dichotomies were present between the wording of the mandate and the situation in the field. These disparities particularly encompassed the conduct of CVE activities, based on the fact that VE groups and their attacks are continuously increasing, both in size and in violence, on the Malian territory. As such, to uncover the hypothesis of whether legal lacks or omissions were the sources of peacekeepers' challenges, four aspects were covered in the analysis. Based on a legal examination of the mandate and its supplementary recommendations, namely the UN DPKO report on POC, the HIPPO report and the UN Plan of Action on the prevention of VE, the research initially emphasised that the mandate presents paramount absences regarding direct provisions to peacekeepers on CVE. This concerned particularly CVE-relevant measures, as similarities were established between the theoretical delimitation of CVE-relevant tasks on the one hand, and the mandate's provision and other UN documents on the other. While this contributed with guidance on how the UN personnel can conduct CVE, the mandate remained mostly silent on the concept. This scope proved to pose serious limitations to peacekeepers' efforts in the field, as both the conducted survey and the interviews underlined the difficulties in implementing the mandate. In fact, the practice from the field highlighted the struggles to protect civilians, the limits of the ROE and the difficulties of the deradicalisation process. Nevertheless, being confronted to on-going violence, peacekeepers showed resilience in their tactics to prevent and contain VE, whether this is by interpreting the mandate according to the situation in the field, understanding the conflict in light of new war dynamics, or relying on other enforcement

bodies. Most of all, the understanding of the situation in the field revealed that other and much deeper root causes than legal lacunae in the mandate fuel the challenges on the ground, particularly the lack of UN personnel and capabilities, the incoordination between intervening forces, the lack of logistics and the inadaptability to adjust to the particular context. As such, the legal ambiguities concerning CVE definitions in the mandate were relegated and raised other impediments to the mission's success.

Regardless, the initial problematic that was raised in this research regarding the correlation between the mandate's ambiguity on CVE and the challenges that peacekeepers encounter in the field has been affirmed comprehensively, based on both the wording of UN documents and the practice on the ground. Setting aside the result of these observations, the further understanding that other root causes fuel the difficulties in the field has revealed that fundamental interrogations emanate from the correlation between PKOs and CVE. Indeed, while hypothesising that the mandate's omission of CVE definitions leads to challenges in the field, a central question has been raised regarding the very nature of PKOs. Based on the principles of peacekeeping, dichotomies have emerged between the conduct offensive activities against VE groups and the normative framework of impartiality. This disparity will be discussed in the subsequent section as it will emphasise deeper issues that obstruct PKOs achievements and their capabilities to successfully ensure security, restore peace and stabilise the local political sphere.

## *Section 2. Prospects*

Two significant positions need particular attention to determine the prospects of PKOs' in VE settings. The first revolves around the incompatibility between conducting activities in a hostile environment and having to remain impartial. The second concerns the development of PVE and the acknowledgement of the evolving scenery in which PKOs are deployed, which leads to consider the most adequate path for peacekeepers.

Firstly, the problem that emanates from the disparity between impartiality and CVE lies in the fact that PKOs were never designed to counter VE. Instead, they strive to implement peace-related processes, whether this is peacekeeping, peace-building or peace-making. Much effort is allocated to the respect of this principle, particularly in terms of not becoming a party to the conflict, which means that peacekeepers cannot conduct targeted operations. Paradoxically, this last aspect is what CVE entails. Indeed, the idea of countering VE attacks suggests that offensive stances are taken rather than defensive ones. Instead, CVE has been

outsourced to other enforcement bodies, in the case of Mali, to the Operation Barkhane and to the FC-G5S. Similar observations can be made in regard to the case in the DRC, where the FIB has taken over counterterrorism efforts. As such, while some PKOs have been expanded into a robust peacekeeping operation, it mostly concerns their prerogative to use all necessary means to protect civilians, themselves and the mandate. Robust peacekeeping can thus not be understood as a general increase of the use of force to contain all security measures, as it has to align with the principle of impartiality. Several reasons explain why PKOs have not been mandated to counter VE. In addition to obstructing the principle of peacekeeping and the fundamental nature of ‘keeping peace’, the political process of the UNSC significantly influences what peacekeepers can and cannot do. When interests are colliding, limitations and conditions are put on the UN personnel’s ability to carry out the mandate. Nevertheless, the severity of the situation in the field goes beyond political discordances and is the direct evidence that changes need to be made if the UN staff is expected to achieve successful results. This understanding is timidly being accepted by the international community. Similarly to Kofi Annan’s statement, the HIPPO report has also asserted that impartiality must “mean adherence to the principles of the Charter and to the objectives of a mandate that is rooted in those Charter principles. Such impartiality is not the same as neutrality or equal treatment of all parties in all cases for all time, which can amount to a policy of appeasement”<sup>166</sup>. The acknowledged violence of the field has raised the distinction between impartiality and neutrality, and particularly posited that peacekeepers should not remain neutral in judging when the use of force is necessary. A modest example of this understanding was emphasised by Interviewee 2, who explained that when peacekeepers directly witness atrocities, the ROE authorises them to act accordingly. This remains vague as to whether it falls under the concept of CVE or merely POC and self-defence. Nevertheless, progress is slowly improving peacekeepers’ material and operational capabilities.

This development of peacekeepers’ conditions concerns the establishment of PVE and the careful acknowledgement of the context in which PKOs are deployed. This mostly resides in the latest UN contribution to PKOs, namely the UN 2016 Plan of Action. In essence, the quest to establish a PVE framework illustrates that focus is given to PKOs and their difficulty to face the challenges in the field. Nevertheless, the deliberate absence of forceful measures in the PVE framework suggests that the guidelines are still not adjusted to the context. Most of the PVE efforts revolve around a sociological approach, but when it comes to deradicalisation,

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<sup>166</sup> *Supra*. Note 51. para.50. p.9

even at the earliest stage, conflict and hostility are inevitable. More so, the way in which some scholars interchangeably discuss PVE and CVE blurs the definition of each concept. A clear distinction between them is thus necessary, particularly to ensure that CVE is being considered in its own scope and eventually becomes a partial or integral part of PKOs capabilities. In fact, the establishment of PKOs' means and methods comes down to the context in which peacekeepers are being deployed. The Secretary-General has accurately asserted the situation in Mali for the first quarter of 2020, denoting the continuous increase of attacks against UN personnel and international forces, killings of civilians and violations of human rights. If PKOs are to be deployed in such theatres, serious efforts should be made to ensure that they have all necessary means to achieve the mission's objectives. This was affirmed first-hand by Mahamat Saleh Annadif, the Special Representative of the Secretary-General and Head of the Mission, following the killing of three UN peacekeepers in Northern Mali on the 10 May 2020. In fact, he stated that the UN "must combine all efforts to identify and apprehend those responsible for these terrorist acts so they can answer for their crimes before the justice system"<sup>167</sup>. Since the deployment of the mission, there has been an evident acknowledgement of VE activity in Mali and the impact it has on MINUSMA and the population. While the improvement of UN capabilities is not increasing at the same speed as the number of atrocities committed by VE groups, the political intricacy is at large fault for the prevailing obstructions and needs to be held accountable for the repercussions it has on the security in Mali. Not only are there internal issues within the UN system, the involvement of other intervening agencies in the region renders the geopolitical situation extremely complex. MINUSMA's latest adaptation plan to establish a Mobile Task Force to project force across the region is a way for peacekeepers to take matters into their own hands, as they have the knowledge of the field and the awareness of the needed solutions. Yet, adjusting the mandate itself to include specific provisions on CVE seems to be a tedious task. Nevertheless, the professionalism of the deployed UN staff and its ability to interpret the mandate, evaluate the situation and adjust its operational and tactical strategies have emphasised its resilience in countering violent extremism.

No universal peacekeeping model is capable of addressing all situations in which peacekeepers encounter challenges. Instead, while the development of PVE is providing instruments to understand how to avoid an escalation of a volatile situation and diminish the existing tensions, there needs to be a framework that permits peacekeepers to act when these

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<sup>167</sup> United Nations Peacekeeping. May 2020. *UN peacekeepers killed in improvised explosive attack in Mali*. [Online]. Available at: <https://peacekeeping.un.org/en/un-news/un-peacekeepers-killed-improvised-explosive-attack-mali> [Accessed on 25 May 2020]

stages have passed. With their innovative and unpredictable capabilities, VE groups seem to be a step ahead of the traditional warfare setting, which compels one to reflect on how peacekeeping missions can effectively operationalise their peace enforcement mandate when there is no longer a peace to keep but instead a peace to restore. Whether this entails the skirting of the mandate or adjusting and construing the given guidelines to the situation in the field, peacekeepers do not give up. António Guterres, the current Secretary-General of the UN, noted that “too often, U.N. peacekeepers face an impossible task in countries that are still at war and where there is no real peace to keep”<sup>168</sup>. Regardless of the prevailing challenges, the UN personnel in Mali has proven that ingenious methods, awareness of the field and a sense of humanity can alleviate a state from succumbing to violent extremism.

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<sup>168</sup> Guterres, A. 2017. *U.N. Secretary-General António Guterres: My Vision for Revitalizing the United Nations*. [Online]. Available at: <https://www.newsweek.com/2017/01/20/davos-2017-un-secretary-general-antonio-guterres-opinion-540326.html> [Accessed on 25 May 2020]

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## Appendix 1. Interviewees

- Interviewee 1

This interview was conducted on the 1 May 2020 on the phone. The interviewee requested to remain anonymous and will therefore solely be referred to as ‘Interviewee 1’. The individual was not speaking in his/her official capacity. However, it can be mentioned that the individual is a Civil Affairs Officer deployed with MINUSMA.

- Interviewee 2

This interview was conducted on the 2 May 2020 on the phone. The interviewee requested to remain anonymous and will therefore solely be referred to as ‘Interviewee 2’. The individual was not speaking in his/her official capacity. However, it can be mentioned that the individual is a Lieutenant Colonel in the Ghana Army. The individual has been deployed with several PKOs, notably UNAMSIL in Sierra Leone, UNIFIL in Lebanon, UNMIL in Liberia, MONUSCO in the Democratic Republic of Congo and UNMISS in South Sudan.

- Interviewee 3

This interview was conducted on the 4 May 2020 on the phone. The interviewee requested to remain anonymous and will therefore solely be referred to as ‘Interviewee 3’. The individual was not speaking in his/her official capacity. However, it can be mentioned that the individual is a Sergeant in the Ghana Army. The individual has been deployed with several PKOs, notably UNIFIL in Lebanon and UNMIL in Liberia. The individual also commented that, as a peacekeeper at the tactical level, he/she is well informed about other PKOs, particularly MINUSMA in Mali. As such, some of his/her comments were made based on this knowledge.

## Appendix 2. Interview Guide

*Topic of the thesis:* Countering Violent Extremism in UN Peacekeeping Operations

*Additional information:* The use of the term ‘violent extremism’ can be interchanged with ‘terrorist groups’.

1. Have you been involved in UN Peacekeeping Operations?
  - Where and when?
  
2. Are the provisions in the mandate clear enough concerning countering violent extremism? Yes / No
  - If “Yes”, how does the UN Mandate address VE?
  - If “No”, how does the lack of clarity affect the Mission’s efforts at CVE?
  
3. Are the tactical and operational directives mostly building on the mandate or on the rules of engagement/directive on the use of force?
  
4. What are the challenges UN personnel face on the ground with regard to CVE?
  
5. How does the UN personnel implement the Mandate of UN Peacekeeping Operations in light of these challenges?
  
6. How can the Mandate of UN Peacekeeping Operations better deal with the issue of Violent Extremism?
  
7. Is it beneficial to have collaborative relations with other enforcement bodies on the ground?
  - If “Yes”, in what way?
  - If “No”, what are the challenges?

## Appendix 3. Survey

### Violent Extremism in Peacekeeping Operations

Hello! I am completing a research on violent extremism in peacekeeping operations, and your knowledge on the topic would be of great help! Your anonymity is evidently respected 100% throughout. I thank you in advance for taking a couple of minutes out of your day to fill this survey.

**Are you currently deployed with a UN Peacekeeping Operation? \***

- Yes  
 No

**If "Yes", Please provide the name of the mission**

**Names and dates of previous deployment(s) (E.g. MINUSMA, 2018)**

**How clear are the provisions in the mandate regarding countering violent extremism/terrorism? \***

- 1 2 3 4 5  
Unclear      Very clear

**How clear are the provisions in the rules of engagement/the directive on the use of force regarding countering violent extremism/terrorism? \***

- 1 2 3 4 5  
Unclear      Very clear

**The UN approved the Plan of Action to Prevent Violent Extremism in 2016. Are you aware of its provisions? \***

- Yes  
 No

**Do you know the difference between 'Preventing Violent Extremism' measures and 'Countering Violent Extremism' measures? \***

Yes

No

**If you know the difference, kindly explain it.**

**How well are the provisions in the mandate adapted to the challenges on the ground? \***

1 2 3 4 5

Not at all      Very well adapted

**How well are the rules of engagement/the directive on the use of force adapted to the challenges on the ground? \***

1 2 3 4 5

Not at all      Very well adapted

**How well are the provisions in the mandate explaining the authorised use of force on the ground? \***

1 2 3 4 5

Not at all      Very well explained

**How well are the rules of engagement/the directive on the use of force explaining the authorised use of force on the ground? \***

1 2 3 4 5

Not at all      Very well explained

**How big a threat is violent extremism/terrorism to peacekeeping operations' objectives? \***

1 2 3 4 5

Not at all      Very big threat

**How much assistance do you receive from Non-Governmental Organisations (NGOs) and Civil Society Organisations (CSOs) to deal with violent extremism/terrorism? \***

1 2 3 4 5

None at all      So much

**How much collaboration do you have with other enforcement bodies (e.g. regional organisations, other intervening bodies)? \***

1 2 3 4 5

None at all      So much

**Should the mandate be improved to address the challenges on the ground? \***

Yes

No

**What challenges do you face in regard to countering violent extremism? \***