



ENABLING SUPPORT BY MITIGATING RISK

*MONUSCO's Implementation of the
Human Rights Due Diligence Policy in
the Democratic Republic of the Congo*

**CENTER FOR
CIVILIANS IN CONFLICT**
RECOGNIZE. PREVENT. PROTECT. AMEND.

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Cover: May 15, 2019, Kamatsi, Ituri, DRC:
MONUSCO provides security on an exploratory mission to revive the process of disarming militiamen from the Front for Patriotic Resistance in Ituri (FRPI).

Credit: MONUSCO / Michael Ali

ORGANIZATIONAL MISSION AND VISION

Center for Civilians in Conflict (CIVIC) is an international organization dedicated to promoting the protection of civilians caught in conflict. CIVIC's mission is to work with armed actors and civilians in conflict to develop and implement solutions to prevent, mitigate, and respond to civilian harm. Our vision is a world where parties to armed conflict recognize the dignity and rights of civilians, prevent civilian harm, protect civilians caught in conflict, and amend harm.

CIVIC was established in 2003 by Marla Ruzicka, a young humanitarian who advocated on behalf of civilians affected by the war in Iraq and Afghanistan. Building on her extraordinary legacy, CIVIC now operates in conflict zones throughout the Middle East, Africa, Europe, and South Asia to advance a higher standard of protection for civilians.

At CIVIC, we believe that parties to armed conflict have a responsibility to prevent and address civilian harm. To accomplish this, we assess the causes of civilian harm in particular conflicts, craft practical solutions to address that harm, and advocate for the adoption of new policies and practices that lead to the improved well-being of civilians caught in conflict. Recognizing the power of collaboration, we engage with civilians, governments, militaries, and international and regional institutions to identify and institutionalize strengthened protections for civilians in conflict.

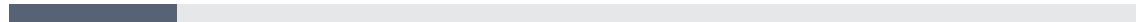
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ACRONYMS

ADF: Allied Democratic Forces

CPS: Child Protection Section

DPO: Department of Peace Operations

DRC: Democratic Republic of the Congo
(*République démocratique du Congo*)

FARDC: Armed Forces of the Democratic Republic of the Congo (*Forces armées de la République démocratique du Congo*)

FDLR: Democratic Forces for the Liberation of Rwanda (*Forces démocratiques de libération du Rwanda*)

FIB: Force Intervention Brigade

HoO: Head of Office

HRDDP: Human Rights Due Diligence Policy

JMAC: Joint Mission Analysis Center

MONUC: United Nations Organization Mission in the Democratic Republic of the Congo (*Mission de l'Organisation des Nations Unies en République démocratique du Congo*)

MONUSCO: United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (*Mission de l'Organisation des Nations Unies pour la stabilisation en République démocratique du Congo*)

MINUSMA: United Nations Multidimensional Integrated Stabilization Mission in Mali (*Mission multidimensionnelle intégrée des Nations Unies pour la stabilisation au Mali*)

MINUSCA: United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (*Mission multidimensionnelle intégrée des Nations Unies pour la stabilisation en République centrafricaine*)

NHRC: National Human Rights Commission

OHCHR: Office of the High Commissioner for Human Rights

PAD/SSR: Political Affairs/Security Sector Reform Section

PNC: Congolese National Police (*Police nationale congolaise*)

SOP: Standard Operating Procedure

SWPA: Senior Women's Protection Advisor

UN: United Nations

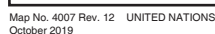
UN AFPs: United Nations Agencies, Funds, and Programs

UNJHRO: United Nations Joint Human Rights Office

UNMAS: United Nations Mine Action Service

UNMISS: United Nations Mission in South Sudan (*Mission des Nations Unies au Soudan du Sud*)

UNPOL: United Nations Police



<https://www.un.org/Depts/Cartographic/map/profile/drcongo.pdf>



April 4, 2019, Beni, DRC: MONUSCO's Force Intervention Brigade (FIB) carried out a mission in the Mamove region of North Kivu in order to assess the security situation. The mission included officials from MONUSCO's substantive sections, as well as FARDC and PNC officers.

I. OVERVIEW

The principle mandated task of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) is to protect civilians.¹ Achieving this objective is challenging in a country where over 100 non-state armed groups operate and commit brutal violations against civilians on a daily basis, including extrajudicial killing, sexual violence, extortion, and kidnapping.² The Congolese government has the primary responsibility for protecting its citizens against these armed groups, but MONUSCO is mandated to provide support to the Congolese national army (FARDC) and national police force (PNC).³ While Congolese security forces do take action to protect civilians, they are also regularly responsible for more than half of the human rights violations committed in the Democratic Republic of the Congo (DRC) each month and have a history of collusion with non-state armed groups.⁴ Therefore, MONUSCO faces a paradox: by providing support to the FARDC and PNC, the Mission could risk endangering the very civilians it is mandated to protect.

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One tool that helps MONUSCO avoid this risk and navigate the tension between its responsibility to support and its mandate to protect is the Human Rights Due Diligence Policy (HRDDP).⁵ The HRDDP is a UN-wide policy stipulating that all UN entities, including peacekeeping missions, must provide support to non-UN security forces in a way that is “consistent with the Organization’s ...obligations under international law to respect, promote and encourage respect for international humanitarian, human rights and refugee law,” with a view to bringing violations by non-UN security forces to an end.⁶ This policy brief aims to promote learning and good practice in the application of the HRDDP by UN peacekeeping missions in contexts where missions are mandated to protect civilians and provide support to host state authorities, including their security forces.⁷

Compliance with the HRDDP is mandatory when missions provide support to non-UN security forces.⁸ The policy requires that missions forgo provision of support to non-UN security forces—ranging from provision of materials and military training to joint patrols and operations—if a high likelihood exists that the beneficiary will commit grave violations of international human rights law, humanitarian law, or refugee law. Where a mission is already providing support, it must intercede with national authorities if violations occur.⁹

To implement the policy, mission leadership must communicate the HRDDP to host authorities, ensuring that national counterparts understand the policy and the steps needed to secure UN support.¹⁰ Before providing assistance, missions undertake risk assessments, in which they analyze the risks and benefits of providing support and apply “mitigating measures” to reduce the likelihood of abuses by national authorities.¹¹ Missions must then monitor the provision of support and suspend or modify assistance if beneficiaries commit grave violations of international humanitarian, human rights, or refugee law.¹² In addition to protecting peacekeeping missions from enabling human

rights violations, the HRDDP is intended to improve host state security forces' compliance with international humanitarian, human rights, and refugee law.¹³

The HRDDP process is vital in today's context of UN peacekeeping.¹⁴ UN peacekeeping missions across the world are facing growing pressure to reduce budgets and personnel and to move toward drawdown and eventual exit.¹⁵ MONUSCO's December 2019 mandate, for example, highlights the need to "progressively transfer" the Mission's tasks to the Congolese government, the UN country team, and other relevant stakeholders to enable MONUSCO's exit. It also requires that the Mission provide advice and assistance to the government on issues including stabilization, resolving intercommunal conflicts, and security sector reform.¹⁶ Moreover, UN peacekeeping missions are often specifically mandated to support host state security forces, including through joint planning and joint operations.¹⁷ In MONUSCO's case, the Mission's December 2019 Mandate directs it to "provide expertise, advice and training to the Congolese security forces to strengthen their capacity" and calls for "joint operations by the FARDC and MONUSCO."¹⁸ Thus, in countries where national security forces are themselves perpetrators of human rights violations, peacekeeping missions must determine how to support—and eventually transition protection tasks to—host state military and police without compromising civilian protection. In this context, effective application of the HRDDP is critical.

MONUSCO's experience implementing the HRDDP will likely prove relevant to other peacekeeping missions operating in challenging conflict environments, as well as to the UN agencies, funds, and programs (UN AFPs), which will continue to be responsible for implementing the policy after MONUSCO's withdrawal from the DRC. The HRDDP was first developed in the DRC, and MONUSCO has implemented the HRDDP since the policy's inception.¹⁹ Over that time period, MONUSCO has learned lessons and adjusted its approach accordingly. The Mission has shifted from determining whether to provide support based primarily on the beneficiary's human rights record to a process based on risk analyses that take a number of contextual factors into account to determine the likelihood of future violations. In addition, the Mission often provides assistance subject to mitigating measures—actions intended to mitigate the risk that Mission assistance might support operations or activities resulting in violations of international humanitarian, human rights, or refugee law by national security forces.

MONUSCO has gradually improved its mitigating measures to ensure that they are realistic and implementable. These measures include, for example, training beneficiaries on international law and requiring that beneficiaries participate in a local monitoring committee (*comité de suivi*). In local monitoring committees, officials from the FARDC, PNC, and MONUSCO, as well as members of the National Human Rights Commission (NHRC), and, in some cases, civil society members, discuss and make recommendations to address the human rights concerns linked to national security forces' activities.²⁰ Moreover, MONUSCO has established a database to support risk analysis, enacted standard operating procedures (SOPs) on HRDDP implementation to guide staff, and invested efforts to engage the Congolese government and military on the policy in order to reduce the tensions that could arise between the Mission and Congolese security forces during implementation. MONUSCO has also created a dedicated secretariat within the Joint Human Rights Office (UNJHRO) to implement the HRDDP. Under the guidance of the Director of the UNJHRO, the HRDDP Secretariat acts as the primary body guiding the process.²¹

Although MONUSCO staff who spoke with CIVIC generally felt that the HRDDP is a necessary and important process that helps the Mission align its protection of civilians mandate with its capacity building role, they also recognized that MONUSCO faces challenges in the policy's implementation. The Mission usually authorizes support—with associated mitigating measures—to

Congolese authorities after the HRDDP review process is concluded.²² However, compliance with the HRDDP sometimes necessitates restricting support to the FARDC and PNC. Restrictions, as well as misperceptions about how the HRDDP is impacting support to Congolese security forces, can lead to tensions within the Mission and between the Mission, members of the host state security forces, and residents of communities under threat.²³ For example, CIVIC's research in Beni found that civilians may rightly or wrongly attribute MONUSCO's absence from the front lines of FARDC operations to concerns about FARDC human rights violations.²⁴ Civilian perceptions demonstrate the importance of strategic communications by MONUSCO to dispel misconceptions about policies like the HRDDP and to outline other constraints preventing Mission support to operations carried out by national security actors. Finally, while MONUSCO takes steps to track the way that Mission support is used, monitoring the implementation of mitigating measures remains an area of substantial difficulty.

This policy brief provides an overview of the evolution and current application of the HRDDP in MONUSCO. It subsequently outlines challenges and lessons learned over the course of MONUSCO's history implementing the HRDDP and highlights good practices developed by the Mission. This policy brief also provides recommendations to peacekeeping missions, the UN Secretariat, and UN Member States on the application of the HRDDP. Although this brief does not provide recommendations to host governments, it should be noted that successful implementation of the HRDDP and coordination between peacekeeping missions and host governments depends on national authorities' willingness to share information and engage in joint planning with peacekeeping missions.

This policy brief is based on research conducted by CIVIC staff members in 2019 and during the first two months of 2020. Over this time period, CIVIC carried out interviews with 59 MONUSCO civilian officials, 13 MONUSCO military officials, 5 UN Police (UNPOL) officials, 53 humanitarian actors, 69 Congolese civilians, 10 Congolese military officials, 7 Congolese government officials, 49 Congolese civil society leaders, 4 DRC experts, and 17 diplomats. Most of these interviews focused at least partially on the HRDDP process. All of the interviews, however, informed CIVIC's knowledge of the context in which MONUSCO implements the policy. Citations are provided for all interviews that were directly consulted during the drafting of this paper.

LESSONS LEARNED:

LESSON 1: National authorities should have a thorough understanding of the specific measures needed to facilitate UN assistance, including the need to provide timely information related to the requested support; demonstrate willingness to replace commanders who violate international humanitarian, human rights, or refugee law; and undertake anti-impunity measures. To achieve this, peacekeepers should work to ensure that national military commanders, police officers, and other state security officials understand that the HRDDP is primarily focused on mitigating the risk of harm that could occur in the future, even when there are allegations of past violations.

LESSON 2: Mitigating measures should be strong enough to change the behavior of security forces while remaining realistic and implementable.

LESSON 3: Given the tasks required for the policy's application, peacekeeping missions should have capabilities dedicated to the efficient and effective implementation of the HRDDP, including staff, policies, and a comprehensive database.

LESSON 4: Missions should ensure that field staff working most closely with national security forces are actively involved in monitoring national operations receiving support from peacekeepers, and that they share information effectively within the Mission. Missions should be cognizant of the risks facing these field staff officials and take adequate measures to ensure their safety.

LESSON 5: Support from Mission leadership is a key factor in ensuring that the implementation of the HRDDP is adequately prioritized and understood across the UN and Mission components.

LESSON 6: Beyond ensuring that peacekeeping operations do not support violations of international humanitarian, human rights, or refugee law, robust implementation of the HRDDP can have a positive impact on the professionalization and behavior of national security actors.

LESSON 7: All UN entities providing support to non-UN security forces are required to implement the HRDDP. During peacekeeping mission drawdowns, attention should be dedicated to ensuring that UN agencies, funds, and programs (AFPs) taking on roles to support non-UN security forces in the country have adequate tools and capacity to implement the policy without assistance from the peacekeeping mission.

RECOMMENDATIONS

To the UN Secretariat:

- Support peacekeeping missions and Member States in ensuring that personnel deployed to peacekeeping missions have an adequate understanding of the HRDDP and its implementation;
- Engage with UN agency headquarters personnel to ensure that UN AFP staff have a clear understanding of the implementation of the HRDDP and are aware of the application of the HRDDP in their activities;
- Consistently monitor whether missions and UN AFPs have adequate resources to implement the HRDDP;
- Engage with Mission leadership and concerned UN AFPs on the importance of consistent awareness-raising around the HRDDP with national governments, militaries, and police forces.

To Member States:

- Approve and provide adequate resources for missions to have personnel dedicated to HRDDP implementation;
- Continue to mandate strict compliance with the HRDDP for peacekeeping missions that may support national security actors. Note that this requirement applies broadly. Joint operations and patrols, logistical and intelligence support, training, and the provision of materials such as gasoline, rations, and office space must all be undertaken in compliance with the HRDDP;

- Require missions to effectively monitor their operations' impact on civilians in compliance with the HRDDP, including in joint operations with national security actors. This obligation should apply to all operations in which missions have provided any level of support to national security forces, including the provision of materials;²⁵
- Encourage host governments to effectively share information on operations with peacekeeping missions and engage in joint planning at the strategic and operational levels to support HRDDP implementation;
- Mandate missions to consistently engage with national government and military leaders on the HRDDP at the local and national levels, emphasizing the importance of joint planning and the responsibility of Mission leadership in ensuring that national actors understand the HRDDP;
- Through pre-deployment training, ensure UN troops and police have a strong understanding of human rights and the importance of mitigating harm to civilians during operations, including through the HRDDP.

To peacekeeping missions:

- Include an adequate number of dedicated HRDDP posts in the Mission's budget and staffing proposals;
- Establish a dedicated secretariat within human rights components to manage the implementation of the HRDDP, as well as an advisory group comprised of other key mission stakeholders to provide input to the secretariat;
- Effectively sensitize all Mission components, particularly military and UNPOL officers, on their responsibilities in the HRDDP process, which include gathering information to share with the HRDDP Secretariat, monitoring support, and raising awareness of the policy among national security forces;²⁶
- Ensure that Mission officials and national security forces understand that the process is a mandatory precondition for missions to be able to assist national security forces;
- Develop and continuously strengthen a realistic set of mitigating measures that incorporate feedback from military and UNPOL officials in the Mission;
- As part of an overall strategic communications plan, establish plans to sensitize host state governments, national security forces, and civilians on the HRDDP;
- Encourage the establishment of, and strengthen where already established, community monitoring mechanisms wherein community members, Mission officials, and state security forces and/or other host state authorities can discuss and address human rights violations committed by host state security actors.

HUMAN RIGHTS DUE DILIGENCE POLICY ON UNITED NATIONS SUPPORT TO NON-UNITED NATIONS SECURITY FORCES (excerpt)

*The full text of the Human Rights Due Diligence Policy is available at:
https://www.ohchr.org/Documents/HRBodies/SP/AMeetings/20thsession/IdenticalLetterSG25Feb2013_en.pdf*

I. Core principles

1. Support by United Nations entities to non-United Nations security forces must be consistent with the Organization's purposes and principles as set out in the Charter of the United Nations and with its obligations under international law to respect, promote and encourage respect for international humanitarian, human rights and refugee law. Such support should help recipients to attain a stage where compliance with these principles and bodies of law becomes the norm, ensured by the rule of law. Consistent with these obligations, United Nations support cannot be provided where there are substantial grounds for believing there is a real risk of the receiving entities committing grave violations of international humanitarian, human rights or refugee law and where the relevant authorities fail to take the necessary corrective or mitigating measures. For the same reasons, if the United Nations receives reliable information that provides substantial grounds to believe that a recipient of United Nations support is committing grave violations of international humanitarian, human rights or refugee law, the United Nations entity providing such support must intercede with the relevant authorities with a view to bringing those violations to an end. If, despite such intercession, the situation persists, the United Nations must suspend support to the offending elements. Notwithstanding the present policy, existing obligations of human rights, humanitarian and refugee law continue to apply to all United Nations activities.
2. United Nations entities that are contemplating or involved in providing support to non-United Nations security forces must therefore pursue a policy of due diligence, comprising the following key elements:
 - (a) Before support is given, an assessment of the risks involved in providing or not providing such support, in particular the risk of the recipient entity committing grave violations of international humanitarian law, human rights law or refugee law;
 - (b) Transparency with receiving entities about the legal obligations binding the Organization and the core principles governing provision of support; and
 - (c) An effective implementation framework, including:
 - (i) Procedures for monitoring the recipient entity's compliance with international humanitarian, human rights and refugee law;
 - (ii) Procedures for determining when and how to intercede with a view to putting an end to grave violations of any of those bodies of law and for deciding, if need be, upon the suspension or withdrawal of support; and
 - (iii) General operational guidance, as required, by the respective United Nations entities to the country level on implementation of the policy.
3. Adherence to the human rights due diligence policy is important to maintain the legitimacy, credibility and public image of the United Nations and to ensure compliance with the Charter and with the Organization's obligations under international law.
4. Relevant policies and guidelines on specific areas of support, including the guidance notes developed in the inter-agency Security Sector Reform Task Force, must be consistent with the due diligence policy.
5. The present policy is not intended in any way to hinder the normal work of the Organization aimed at encouraging respect for international humanitarian, human rights or refugee law, including developing capacity as well as investigating and reporting on violations of those bodies of law and interceding with relevant authorities to protest those violations, secure remedial action and prevent their repetition. The policy is intended to complement those normal processes.

II. A RISK MITIGATION MODEL: THE EVOLUTION AND IMPLEMENTATION OF THE HRDDP IN THE DRC

The policy that later developed into the HRDDP was created by peacekeepers in the DRC, where it emerged to meet the needs of MONUC, MONUSCO's predecessor.²⁷ In 2009, MONUC provided operational and logistical support to *Kimia II*, an FARDC operation launched against the *Forces démocratiques de libération du Rwanda* (FDLR)—a Rwandan Hutu militia—and other armed groups in eastern DRC.²⁸ The poorly planned operation provoked widespread displacement and retaliatory attacks by armed groups against local communities, including extrajudicial killings and sexual violence.²⁹ Although non-state armed groups were responsible for the majority of violations, the FARDC—which had recently integrated several armed groups into its ranks—also committed rampant violations.³⁰ As public pressure mounted against MONUC's cooperation with the FARDC, MONUC officials developed a “conditionality policy” regulating Mission support to Congolese security forces.³¹

Endorsed by the Security Council in MONUC's 2009 Mandate, the “conditionality policy” centered primarily on a review of potential FARDC beneficiaries' human rights records.³² In response to a request for assistance from national authorities, the Mission could either grant or deny support based on its review. At the time, it lacked the option to approve assistance subject to measures that MONUC or the host state security forces could take to reduce risks to civilians.³³ This “conditionality policy” evolved into the UN-wide HRDDP, which MONUSCO has been mandated to apply since 2013.³⁴

The Mission presently implements a risk mitigation approach that centers on whether the risks of support outweigh the risks of non-support, the likelihood of future violations of international human rights law, humanitarian law, or refugee law, and other contextual and potential risk factors, including reputational risk.³⁵ This approach is in line with the UN Guidance Note on the HRDDP, which states: “A risk is related to an event that has not yet taken place and may never take place. The risk assessment is an evaluation of the likelihood of future events.”³⁶ In determining whether to grant support, the Mission may consider the inherent risks of the potential activity, the human rights records of beneficiaries, whether the commander or unit in question has held individuals accountable for past violations, and what consequences there may be to civilians if support is refused.³⁷ In cases where a risk of violations exists, the Mission may grant support subject to mitigating measures—steps which either the Mission or the recipient must take to lessen the risk that grave violations of international humanitarian, human rights, or refugee law will occur.³⁸

The HRDDP clearance process follows established procedures that outline relevant roles and responsibilities within the Mission, including the MONUSCO officials from whom Congolese security personnel can request support. The process of securing UN assistance generally begins with a request by a Congolese security force to their local MONUSCO interlocutors. In the police context, for example, local PNC may submit requests to UNPOL officials in their region.³⁹ For military support, the FARDC may submit requests to MONUSCO Force Liaison officers (UN military officials responsible for engaging with the FARDC) or to the head of a MONUSCO field office (Head of Office, or HoO).⁴⁰ Certain forms of support, such as medical evacuation for FARDC soldiers, are excluded from the policy.⁴¹ All other requests for support, including the provision of materials such as fuel, office space, or rations, support for Congolese prisons, logistical support for FARDC offensives, or approval for joint FARDC-MONUSCO patrols and offensive operations, must be provided in compliance with the HRDDP.⁴²

Once they receive support requests, MONUSCO interlocutors are responsible for gathering all relevant information regarding the proposed assistance and submitting an initial risk assessment.⁴³ Relevant information can include the names of Congolese beneficiaries, the nature and dates of requested support, the objective of the activity or operation for which MONUSCO will provide assistance, as well as potential risks of support and any recommended mitigating measures.⁴⁴ MONUSCO officials then submit the request to the HRDDP Secretariat within the UNJHRO.

According to MONUSCO, the HRDDP Secretariat consists of ten international posts and five national posts. The team works under the direct supervision of a Senior Human Rights Officer and is supported by an information, communications, and technology officer in charge of database management and development. The team is part of the UNJHRO and works closely with HRDDP specialists in OHCHR's headquarters in Geneva and New York on policy-level issues.⁴⁵ The HRDDP Secretariat is responsible for proposing recommendations to Mission leadership as to whether support should be approved and under what conditions.⁴⁶

In addition to recommending that the Mission approve or reject support, the HRDDP Secretariat may advise granting support subject to mitigating measures.⁴⁷ The HRDDP Secretariat may also propose that the Mission provide support to some requested beneficiaries but not others. In the context of FARDC military operations, for example, they may recommend support to certain commanders or units with no conditions, recommend support to other commanders or units subject to mitigating measures, and recommend denying support to some commanders or units entirely.⁴⁸

To formulate their recommendations, the HRDDP Secretariat consults a database of information on Congolese security forces.⁴⁹ The information comes primarily from UNJHRO human rights reports, but also draws from a range of publicly available reports and media as well as data gathered by UNJHRO, MONUSCO military officials, and other Mission personnel.⁵⁰ The Secretariat also gains information and receives input on risk assessments and recommendations from a broader group of HRDDP advisors. The advisors include officials from other Mission sections, such as the Joint Mission Analysis Center (JMAC), the Child Protection Section (CPS), the Political Affairs/ Security Sector Reform Section (PAD/SSR), and the Senior Women's Protection Advisor (SWPA).⁵¹ Mission officials informed CIVIC that the advisors provide feedback on risk assessments and recommendations formulated by the HRDDP Secretariat before these recommendations are shared with Mission leadership for validation.⁵²

Once the HRDDP Secretariat has formulated its risk assessments and recommendations, it submits them to MONUSCO's senior leadership, who are responsible for making a final decision on whether MONUSCO will provide support to Congolese security forces and on the modalities and mitigating measures that will be applied.⁵³ When MONUSCO grants support to Congolese security forces, Mission personnel are required to monitor how national security actors use that support and report back to the HRDDP Secretariat regarding the implementation of mitigating measures, as well as any changes to the risk factors. Personnel must specifically ensure that support is used in compliance with the aims identified in the request for support, that mitigating measures are implemented, and that assistance from the Mission does not result in violations of international humanitarian, human rights, or refugee law.⁵⁴ If beneficiaries commit grave violations of international law, the UN-wide HRDDP policy requires that missions cease support until national authorities take adequate steps to curb abuses.⁵⁵



TOP: May 20, 2020, Goma, DRC: A joint night patrol made up of UNPOL, PNC and FARDC officials is undertaken in Goma. The patrol aimed to provide security to communities in the city and surrounding areas. BOTTOM: March 11, 2019, Minembwe, South Kivu, DRC: A delegation of FARDC and MONUSCO officials traveled to Minembwe, South Kivu in order to do an assessment of the security situation in the region.

III. CHALLENGES IN THE IMPLEMENTATION OF THE HRDDP

“They [FARDC officials] think we use the HRDDP process as a reason to not provide any support to them.”⁵⁶

During its research, CIVIC identified challenges in the MONUSCO context that other UN entities may face when implementing the HRDDP. This brief focuses on three. First, the HRDDP requires that UN entities forgo provision of support to non-UN security forces if a high likelihood exists that the beneficiary will commit grave violations of international humanitarian, human rights, and refugee law (henceforth referred to as international law).

Although necessary in some cases, denying support or requiring recipients to undertake significant mitigating measures can lead to frustration among stakeholders who disagree with a UN entity’s implementation of the HRDDP policy. These tensions may also be the product of, or be exacerbated by, misperceptions about the objectives, implementation process, or outcomes of the HRDDP in a given context. Second, host state security forces may not share information that is critical to assessing the risk of requests for support. Third, UN entities may find it difficult to monitor the implementation of HRDDP decisions, including the application of mitigating measures.

Restrictions on support—whether fairly or unfairly attributed to the HRDDP—can result in tensions within MONUSCO and between the Mission, members of host state security forces, and residents of communities under threat.

In the DRC, human rights violations committed by state security forces and the presence within the FARDC of generals who are under international sanctions necessarily restricts support to Congolese security forces in certain circumstances.⁵⁷ As discussed below, restrictions on support—whether fairly or unfairly attributed to the HRDDP—can result in tensions within MONUSCO and between the Mission, members of host state security forces, and residents of communities under threat.

MONUSCO stakeholders interviewed for this policy brief generally recognize the value of the HRDDP.⁵⁸ However, some MONUSCO officials felt that HRDDP implementation interferes with the Mission’s ability to build constructive relationships with Congolese security forces.⁵⁹ One MONUSCO civilian official relayed that the Mission’s military is tasked through the mandate to work with the FARDC to “try to get [a] good relationship,” but that, too often, this objective is “blocked with HRDDP.” The official further noted that there is not a shared vision between civilian and military leadership as to how to work with the FARDC.⁶⁰

Several Mission officials interviewed by CIVIC also relayed that FARDC officials sometimes perceive the HRDDP, or the Mission’s emphasis on human rights more broadly, as an obstacle to UN support to Congolese security forces, which leads to tensions between the Mission and the FARDC.⁶¹ Some FARDC soldiers similarly noted that the Mission’s efforts to uphold and advance human rights—of which the HRDDP is a key component—can be a source of frustration.⁶² For example, one FARDC officer currently deployed in operations against the ADF in the Beni region asserted that the Mission’s priority is not “protecting civilians ...[but] documenting cases of human rights violations.”⁶³



February 4, 2020, Beni, DRC: New MONUSCO Force Commander undertakes maiden operational visit to Beni.

Perceptions that MONUSCO is withholding support to the FARDC because of human rights considerations—whether valid or not—may also provoke anti-Mission sentiment among civilians. Several civilians interviewed for this brief interpreted a lack of visible coordination between MONUSCO and FARDC operations as stemming from the Mission’s unwillingness to protect communities under threat.⁶⁴ In interviews with CIVIC, Congolese civil society activists and civilians have called for more direct MONUSCO assistance to national security forces, particularly in offensive operations against armed groups.⁶⁵ In October 2019, protesters in the Beni region attacked several MONUSCO bases, angered at the Mission’s struggle to prevent repeated massacres by the ADF.⁶⁶ One civilian in the area told CIVIC that cooperation between the FARDC and the Mission would only be good if MONUSCO’s Force Intervention Brigade (FIB) “was able to put aside its human rights and neutralize all threats.”⁶⁷ Another civilian in the region lamented, “MONUSCO is good in observation but not in action. They are trying more to record abuses committed by the FARDC instead of supporting them to fight the enemies of peace.”⁶⁸ While civilians in Beni recognize that the FARDC often commits violations against the local population during operations, some civilians informed CIVIC that they generally supported FARDC operations against the ADF, at least following the recent outbreak of ADF massacres.⁶⁹

When discussing these tensions, it is important to note that some Mission personnel, members of the FARDC, and residents of communities under threat may not be fully aware of the objectives of the HRDDP, how the HRDDP contributes to civilian protection, how and why decisions are taken in the HRDDP process to approve or deny support, and how many factors besides the HRDDP can prevent Mission support to the FARDC. In some cases, for example, the FARDC may not want

or request support from MONUSCO.⁷⁰ Moreover, MONUSCO's support to Congolese security forces is not always visible to civilians. In the ADF context, the Mission has conducted joint patrols with the FARDC and provided the FARDC with logistical support, medical evacuation for injured soldiers, and other forms of assistance that are less apparent to outside actors.⁷¹ Confusion about when the HRDDP is a factor constraining support, as well as confusion about the policy's purpose, implementation, and impact, demonstrate the importance of regular and strategic communication by MONUSCO within and external to the Mission.

The second challenge identified by CIVIC is that the FARDC is sometimes unwilling to provide MONUSCO with the information that it requires to assess the risks of support and make a decision.⁷² To support an operation, MONUSCO must have access to a full list of FARDC beneficiary units and commanders, operational plans, and an explanation of how and when support will be used.⁷³ If the Mission is not aware of the specific FARDC units in an operation because the FARDC does not consistently keep MONUSCO informed of the rotations of units and commanders in the field, for example, MONUSCO cannot effectively determine the risks of providing support. Similarly, the Mission cannot undertake effective risk assessments if the FARDC provides only broad outlines of its operational plans.⁷⁴ Unless the Mission receives necessary information from the FARDC, MONUSCO cannot implement the HRDDP process and thus cannot provide support.⁷⁵

Finally, MONUSCO faces a challenge in monitoring the implementation of HRDDP decisions, including the application of mitigating measures.⁷⁶ MONUSCO has a limited number of personnel dedicated to HRDDP implementation, and these officials are not deployed in all field locations to actively support monitoring. As a result, HRDDP personnel usually rely on MONUSCO military and police officials, as well as heads of field offices and other UNJHRO officials in field locations, to monitor national counterparts' use of Mission support. It is important to note that the Mission can more easily monitor some mitigating measures than others, such as training in international humanitarian law or mandatory participation in a local monitoring committee. However, monitoring legal cases against FARDC officials accused of committing human rights violations, for example, or ensuring that the FARDC uses fuel and bullets supplied by MONUSCO to protect civilians rather than prey on them, is time consuming and difficult.⁷⁷

Despite these challenges, stakeholders interviewed for this policy brief generally recognize the value of the HRDDP, particularly in a context of widespread violations committed by Congolese security forces.⁷⁸ MONUSCO officials told CIVIC that the HRDDP is central to the Mission's capacity to support Congolese forces without enabling human rights violations, and that it therefore contributes significantly to protection of civilians. In addition, one MONUSCO official emphasized that the policy "provides an important safeguard for reputational risk."⁷⁹ Moreover, the Mission has developed good practices to address some of the key challenges to HRDDP implementation.

IV. LESSONS LEARNED: HOW MONUSCO HAS IMPLEMENTED A RISK MITIGATION APPROACH

"I have to say that implementation of mitigating measures is something that we are always trying to improve."⁸⁰

MONUSCO has adopted a risk mitigation model, which includes a number of elements that distinguish it from the Mission's previous "conditionality" approach. The modifications—which include consistent engagement with the FARDC to explain the purpose and process of the HRDDP, strengthening mitigating measures, and reinforcing the tools and processes required for implementation—have increased MONUSCO's ability to provide support to Congolese security actors without compromising HRDDP compliance.⁸¹

MONUSCO's steps to improve the implementation of the HRDDP may provide valuable examples of good practices for other peacekeeping missions seeking to collaborate with national security forces while ensuring they do not support violations of international law.

"[Peacekeeping missions should] make it clear to national authorities what the HRDDP is and the benefits of applying it."

– MONUSCO civilian official

LESSON 1

National authorities should have a thorough understanding of the specific measures needed to facilitate UN assistance, including the need to provide timely information related to the requested support; demonstrate willingness to replace commanders who violate international humanitarian, human rights, or refugee law; and undertake anti-impunity measures. To achieve this, peacekeepers should work to ensure that national military commanders, police officers, and other state security officials understand that the HRDDP is primarily focused on mitigating the risk of harm that could occur in the future, even when there are allegations of past violations.

MONUSCO's consistent engagement with FARDC authorities on the HRDDP is central to its efforts to improve the policy's implementation.⁸² The Mission has sought to make the policy more transparent, dispel potential misconceptions that the HRDDP is punitive rather than a means of assessing the risk of future human rights violations, and make clear that the HRDDP is a mandatory, UN-wide policy rather than a tool created by MONUSCO's UNJHRO. The Mission has also worked to explain the steps through which FARDC officials can facilitate UN support.⁸³ As one MONUSCO official noted to CIVIC, missions should "make it clear to national authorities what the HRDDP is and the benefits of applying it."⁸⁴

MONUSCO officials also emphasized the importance of engaging with national military and political leadership at multiple levels in order to help domestic counterparts better understand

the requirements of the HRDDP and necessary steps to increase the probability of support.⁸⁵ In Kinshasa, MONUSCO has established regular meetings with FARDC leadership, which provide a forum to discuss human rights.⁸⁶ At the local level, MONUSCO officials explain the HRDDP to FARDC and PNC interlocutors and address specific human rights concerns.⁸⁷ One MONUSCO official highlighted an example of an FARDC commander who was frustrated by MONUSCO's refusal to work with him. After the official explained that the actions of the commander's troops—rather than just his own actions—might prevent Mission support, the commander began taking remedial measures in response to violations committed by his subordinates.⁸⁸ A second peacekeeper similarly emphasized the importance of explaining the HRDDP to local commanders. The peacekeeper noted that MONUSCO has worked with FARDC commanders to modify requests for support, such as by replacing a particular unit, to increase the likelihood of UN assistance.⁸⁹

LESSON 2

Mitigating measures should be strong enough to change the behavior of security forces while remaining realistic and implementable.

The Mission's efforts to develop realistic and implementable mitigating measures are vital to providing support to national actors that is in compliance with the HRDDP.⁹⁰ In interviews with CIVIC, MONUSCO officials observed that the HRDDP process previously required overly burdensome mitigating measures that could not easily be implemented.⁹¹ Over time, the HRDDP Secretariat has worked in partnership with Force—the Mission's military component—to develop more practicable mitigating measures that take into account the challenges of monitoring the use of MONUSCO support by national actors.⁹²

Common mitigating measures applied by the Mission include the participation of beneficiary units in training on international humanitarian and human rights law, commanders' regular participation in a local monitoring committee (*comité de suivi*), the appointment of legal advisors within the FARDC, regular meetings between Force officials and the FARDC at various levels, joint planning, close observation of support by the Mission, advocacy for the replacement of problematic commanders or units, and advocacy to ensure that remedial steps—such as investigations into commander or unit actions—are undertaken.⁹³ The Mission selects mitigating measures based on the specific beneficiary and the risks of the support requested. Several MONUSCO officials observed, for example, that when the Mission provides support to FARDC offensive operations, assistance may be contingent on close monitoring by MONUSCO military officials.⁹⁴ Examples of these mitigating measures are discussed in more detail in Text Box 2.

Critically, mitigating measures can increase the Mission's capacity to provide support, even when there is some risk of human rights violations. One MONUSCO official noted the prevalence of mitigating measures, relaying to CIVIC that the Mission can provide support in most cases, but that there is usually a required set of mitigating measures applied.⁹⁵ Notably, a MONUSCO civilian official observed that mitigating measures are strengthened when the HRDDP Secretariat develops them in partnership with the Mission's military officials.⁹⁶

Although mitigating measures increase the Mission's capacity to provide support, they do not and should not allow for support in all circumstances.⁹⁷ For example, one MONUSCO military official asserted that the Mission will not assist commanders under UN sanctions under any circumstances, which even extends to travel on MONUSCO aircraft.⁹⁸

LEARNING FROM MITIGATING MEASURES APPLIED BY MONUSCO

Mitigating measures are central to MONUSCO's efforts to increase support to national security forces while mitigating the likelihood of human rights violations.⁹⁹ In interviews with CIVIC, Mission personnel highlighted three important mitigating measures.

Local human rights monitoring committees (*les comités de suivi*): Stakeholders identified mandatory FARDC and PNC participation in and/or the establishment of local monitoring committees as a particularly important mitigating measure.¹⁰⁰ First developed by Congolese authorities in 2007 (before the development of the HRDDP), these committees bring together the FARDC, PNC, MONUSCO officials (including UNJHRO staff), members of the NHRC, and, in some instances, members of civil society for regular meetings in a specific region.¹⁰¹ The meetings provide an opportunity for stakeholders to discuss and address alleged cases of human rights violations attributed to the FARDC and PNC with security forces themselves. MONUSCO officials and community members can share the violations they have documented and urge commanders to take remedial actions.¹⁰² One MONUSCO official from a field office noted that he shares allegations of violations with local commanders in the committee meetings and, in certain instances, makes clear that steps must be taken for MONUSCO support to continue.¹⁰³ In this sense, monitoring committees can provide the FARDC and PNC with the opportunity to proactively address the Mission's human rights concerns.

On a broader level, monitoring committees can serve as a tool for peacekeeping missions to contribute to security sector reform, as several MONUSCO officials described the monitoring committees as an important accountability measure to incentivize Congolese military and judicial actors to hold wrongdoers accountable.¹⁰⁴ They could also be a sustainable accountability mechanism within national security structures that remains after MONUSCO's eventual withdrawal. Although MONUSCO may require monitoring committee meetings as a mitigating measure, the committees themselves are ultimately convened under Congolese government authority.¹⁰⁵ Even after MONUSCO's withdrawal from the DRC, committees could therefore allow local civil society organizations to engage directly with security actors regarding human rights violations and necessary accountability measures.

Legal advisors: Stakeholders also highlighted the appointment of legal advisors within the FARDC as a valuable mitigating measure.¹⁰⁶ One humanitarian actor specifically observed that there is a "tendency for violations to decline ...where you have a legal advisor" within an FARDC operational sector.¹⁰⁷ MONUSCO has limited control over how consistently the FARDC deploys legal advisors on the ground and whether commanders take the advice of legal advisors into account.¹⁰⁸ But by encouraging and providing resources for the training and deployment of legal advisors by national armies, peacekeeping missions can help foster accountability and respect for international humanitarian law within host nation security forces.

Mobile monitoring units: Finally, several MONUSCO officials told CIVIC that, as a mitigating measure, they can send mobile deployments of peacekeepers to an area where operations are ongoing to monitor how aid is being used and whether national security forces commit violations.¹⁰⁹ However, this approach can be resource intensive and may not be possible in all situations where the Mission is asked to provide support to Congolese security actors.

LESSON 3

Given the tasks required for the policy's application, peacekeeping missions should have capabilities dedicated to the efficient and effective implementation of the HRDDP, including staff, policies, and a comprehensive database.

MONUSCO has reinforced the tools and processes that underpin the HRDDP. In interviews with CIVIC, MONUSCO officials emphasized the importance of having staff within UNJHRO specifically dedicated to the HRDDP, as well as having an advisory group providing information to the HRDDP Secretariat.¹¹⁰ One MONUSCO civilian official with experience in other peacekeeping missions observed that “having a dedicated team that works on the HRDDP as [MONUSCO does] seems very useful.” They further asserted that MONUSCO’s application of the policy was more structured than in some other missions.¹¹¹ Another MONUSCO official similarly noted that the HRDDP requires a team of people for effective implementation.¹¹²

Dedicating adequate staff to HRDDP implementation is particularly critical for ensuring a timely process.¹¹³ Over time, MONUSCO has made progress in increasing the speed at which it determines whether it can provide support to a particular activity, unit, or commander.¹¹⁴ Stakeholders estimated that the HRDDP approval process generally takes less than a week.¹¹⁵ Some MONUSCO officials noted to CIVIC that they normally receive results within 48 hours for routine transport requests, but that the length of time required for approval depends on the type of support requested.¹¹⁶ Peacekeeping missions that do not dedicate adequate resources to the HRDDP may face delays in responding to support requests, which can further strain the relationship between a mission and national security forces.

Beyond creating a staffing structure with dedicated HRDDP posts, one of the ways in which MONUSCO has accelerated the HRDDP process is through the use of umbrella clearances.¹¹⁷ Umbrella clearances allow the Mission to approve the provision of certain forms of support for a specific operation over a period of up to three months. During this period, the relevant Mission component is not required to submit another request for assistance.¹¹⁸ Umbrella clearances can then be renewed after a review of how support was used, whether the mitigating measures were implemented, and whether there have been any changes to risk factors. According to one MONUSCO official, umbrella clearances give “more flexibility on the ground for the Force,” allowing them to immediately assist pre-screened FARDC or PNC units in emergency situations.¹¹⁹

“Having a dedicated team that works on the HRDDP as [MONUSCO does] seems very useful.”
– MONUSCO civilian official

MONUSCO has also made efforts to assemble an increasingly robust database compiling information on FARDC and PNC units and commanders.¹²⁰ The database is important because it helps the Mission to effectively assess the risk that support to national security forces will result in violations of international humanitarian, human rights, or refugee law. Missions should dedicate adequate time and resources to ensure that databases are consistently updated.



October 12, 2019, Mushaba, Tanganyika, DRC: The United Nations Joint Human Rights Office (UNJHRO) holds an awareness-raising session for 30 FARDC Officers from the 3303rd Infantry Regiment. The session focused on human rights.

LESSON 4

Missions should ensure that field staff working most closely with national security forces are actively involved in monitoring national operations receiving support from peacekeepers, and that they share information effectively within the Mission. Missions should be cognizant of the risks facing these field staff officials and take adequate measures to ensure their safety.

Despite MONUSCO's dedicated HRDDP resources and personnel, several Mission officials discussed difficulties related to the HRDDP staff's limited presence in field offices outside of the Mission headquarters in Kinshasa and Goma.¹²¹ Describing a significant challenge to HRDDP implementation, one civilian official told CIVIC that "we have to be more on the ground."¹²² This civilian official recommended that when the Mission authorizes support to large FARDC operations, an official from the HRDDP Secretariat should ideally be present to monitor implementation.¹²³ While UNJHRO officials in field locations can support the HRDDP Secretariat when no HRDDP officer is deployed to the field, a temporary—but more regular and mobile—field presence of HRDDP officials could also be beneficial and allow for additional sensitization of the policy within the FARDC and PNC.

Even with greater mobility, however, capacity constraints will likely prevent HRDDP officials from widely monitoring the policy's implementation in the field. Therefore, it is vital that Mission leadership empower and require other peacekeeping officials in field locations to regularly share information on the policy's implementation with the HRDDP Secretariat. MONUSCO's UNJHRO and military and UNPOL officials can play particularly important roles in monitoring the movements of FARDC troops and units and in requesting information from national security forces on the use of Mission support.

LESSON 5

Support from Mission leadership is a key factor in ensuring that the implementation of the HRDDP is adequately prioritized and understood across the UN and Mission components.

MONUSCO officials emphasized to CIVIC that support from leadership is important for the Mission's effective application of the HRDDP.¹²⁴ MONUSCO's application of the policy involves high-level Mission civilian and military officials conducting regular meetings with Congolese counterparts, and it requires that the Mission leadership sign off on all forms of support provided to national security actors. Moreover, the HRDDP Secretariat depends on information from military, police, and civilian staff at all levels to monitor how the FARDC and PNC use Mission support. Clear support from Mission leadership can ensure that all peacekeepers understand the value of the policy and will actively participate in implementation and monitoring. Given the importance of buy-in across peacekeeping missions, mission leadership should support HRDDP application and ensure that personnel are aware of their role in the process.

LESSON 6

Beyond ensuring that peacekeeping operations do not support violations of international humanitarian, human rights, or refugee law, robust implementation of the HRDDP can have a positive impact on the professionalization and behavior of national security actors.

MONUSCO officials who spoke with CIVIC expressed the view that the application of the HRDDP has had a positive impact on FARDC behavior.¹²⁵ One civilian official in a field office noted that when they call local FARDC leadership about violations, commanders take positive steps to curb them or rotate problematic troops.¹²⁶ Another official emphasized the fact that the HRDDP forces the FARDC to think about human rights, asserting that if it "wasn't for this [policy], they wouldn't ...initially even start that conversation."¹²⁷ A third official stated that there is greater awareness of international humanitarian law among the FARDC and asserted that there is willingness to hold perpetrators of violations accountable.¹²⁸ Moreover, in interviews with CIVIC, civilians themselves have often identified closer coordination and collaboration between MONUSCO and the FARDC as a factor that contributes to a reduction in violations against them.¹²⁹ Given that the HRDDP incentivizes compliance with international humanitarian, human rights, and refugee law, the policy can serve as an important tool for civilian protection as well as for the fight against impunity.¹³⁰

LESSON 7

All UN entities providing support to non-UN security forces are required to implement the HRDDP. During peacekeeping mission drawdowns, attention should be dedicated to ensuring that UN agencies, funds, and programs (AFPs) taking on roles to support non-UN security forces in the country have adequate tools and capacity to implement the policy without assistance from the peacekeeping mission.

This policy brief has focused on the implementation of the HRDDP by MONUSCO. However, all UN entities in the DRC are responsible for applying the policy when providing support to Congolese security forces and government officials with direct authority or control over security forces.¹³¹ In interviews with CIVIC, two Mission officials noted that some agencies, like UNMAS, that provide support to non-UN security forces are already regularly submitting requests for HRDDP clearance to the Secretariat.¹³² Nonetheless, stakeholders in the DRC informed CIVIC that processes for implementing the HRDDP are stronger in MONUSCO than among UN agencies and stressed the importance of ensuring that all UN actors have the tools and capacity to implement the policy.¹³³

MONUSCO's UNJHRO is both a part of the peacekeeping Mission and a subsidiary body of the UN Office of the High Commissioner for Human Rights (OHCHR). OHCHR will likely continue to operate in the DRC after MONUSCO's drawdown, and given their experience implementing the HRDDP within MONUSCO, they should be given a central role in ensuring that UN AFPs apply the HRDDP. Moreover, if UN AFPs are asked to take on roles in support of national security forces as MONUSCO reduces its presence over the coming years, they may need to develop more robust practices for implementing the HRDDP. Therefore, lessons and good practices documented in this policy brief may be valuable for UN AFPs.

V. Conclusion

Since the UN Security Council first mandated that MONUSCO implement the HRDDP in 2013, the Mission has adjusted and refined the HRDDP process. MONUSCO's objective has been to facilitate support to the FARDC and PNC that is in line with its mandate while mitigating the likelihood of enabling grave violations of international law. To this end, the Mission has developed a risk mitigation model that considers a range of factors to determine whether the dangers of support outweigh the benefits. For newer peacekeeping missions, MONUSCO's example provides valuable information and lessons learned.

Peacekeeping missions should particularly note the challenges MONUSCO has confronted in HRDDP implementation. When compliance with the policy results in restrictions on support to host state security forces, the HRDDP can lead to tensions within missions and between mission officials, members of the national security forces, and residents in communities under threat. These tensions are likely to be exacerbated when they are fueled by misperceptions of the objective, implementation, or impact of the HRDDP. Despite these challenges, MONUSCO officials widely recognize the value of and the need for the HRDDP in countries where national security forces have limited training on international law, regularly commit violations against the population, and have a history of collusion with non-state armed groups.

Despite these challenges, MONUSCO officials widely recognize the value of and the need for the HRDDP in countries where national security forces have limited training on international law, regularly commit violations against the population, and have a history of collusion with non-state armed groups.

MONUSCO has shown that peacekeeping missions can at least partially address these challenges through consistent engagement with the government and security actors at the national and field levels to explain the requirements of the policy and the steps national actors can take to be eligible for Mission support. As one MONUSCO civilian official emphasized to CIVIC, the Mission seeks “transparency, all the way down.”¹³⁴ Mission personnel have also worked to establish more realistic and implementable mitigating measures, established dedicated HRDDP posts within UNJHRO to support analysis, accelerated the speed of the HRDDP process, and built a robust database to track violations committed by national security actors. Like most initiatives, successful implementation of the HRDDP requires support from Mission leadership. It also requires military and police personnel deployed to field locations to take an active role in monitoring the implementation of mitigating measures, the conduct of national forces, and the ways in which UN support is used during national operations.

It is important to note that the HRDDP is only one tool for the mitigation of harm against civilians that can occur as an unintended consequence of a peacekeeping mission's actions. Policy-makers and peacekeepers should explore how this policy can contribute to a broader strategic decision-making process for determining how engagement with national security actors can promote protection of civilians. The HRDDP should be implemented alongside other tracking, analysis, planning, and review processes to minimize any potential harm caused by peacekeeping missions.¹³⁵

In a context where civilians face myriad threats from both armed non-state actors and national security forces, MONUSCO has sought to find a balance: providing support to the FARDC and PNC while reducing the risk of incidentally supporting human rights violations. MONUSCO's efforts to improve the HRDDP process offers important guidance for missions tasked with protecting civilians and providing support to non-UN security actors that may violate international law. Ultimately, despite the challenges the policy may pose, the HRDDP remains a critical safeguard for peacekeeping missions in difficult conflict environments.

Endnotes

- 1 UN Security Council Resolution 2502, UN Doc. S/RES/2502 (2019), para. 29.
- 2 Office of the High Commissioner for Human Rights (OHCHR), *Human rights situation and the activities of the United Nations Joint Human Rights Office in the Democratic Republic of the Congo*, UN Doc. A/HRC/42/32 (August 14, 2019). For an overview of the emergence and spread of armed groups in the eastern Democratic Republic of the Congo (DRC) over the past few decades, see Jason Stearns, Judith Verweijen, and Maria Eriksson Baaz, “The National Army and Armed Groups in Eastern Congo: Untangling the Gordian Knot of Insecurity,” Rift Valley Institute: Usalama Project, 2013. For a breakdown of the armed groups currently operating in the DRC, see “Armed Groups,” *Kivu Security Tracker*, accessed 26 January, 2019, <https://kivusecurity.org/about/armedGroups>.
- 3 “FARDC” is the French acronym for the Armed Forces of the Democratic Republic of the Congo (*Forces armées de la République démocratique du Congo*). “PNC” is the French acronym for the National Congolese Police (*Police nationale congolaise*).
- 4 “Armed Groups in Eastern DRC,” *The New Humanitarian*, <https://www.thenewhumanitarian.org/news/2013/10/31/armed-groups-eastern-drc>; OHCHR, *Human rights situation and the activities of the United Nations Joint Human Rights Office in the Democratic Republic of the Congo*; Group of Experts on the Democratic Republic of the Congo, *Final Report of the Group of Experts on the Democratic Republic of the Congo*, UN Doc. S/2019/469 (June 7, 2019); Stearns, Verweijen and Eriksson Baaz, “The National Army and Armed Groups in Eastern Congo.”
- 5 First instituted in a *note verbale* from the Secretary-General dated October 25, 2011, the HRDDP is a UN-wide policy and applies to all UN entities, including UN peacekeeping operations, special political missions, offices, agencies, funds, and programs that engage in providing support to non-UN security forces. This policy brief focuses on the implementation of the HRDDP in the UN peacekeeping context.
- 6 United Nations Secretary-General, “Human rights due diligence policy on United Nations support to non-United Nations security forces,” UN Doc. A/67/775, S/2013/110 (March 5, 2013), para. 1.
- 7 MONUSCO’s current mandate requires that the Mission implement the HRDDP. UN Security Council Resolution 2502, UN Doc. S/RES/2502 (2019), paras. 18, 28, 29(i)(e), 29(ii)(f). A number of other UN missions are also mandated to implement the HRDDP, including MINUSCA in the Central African Republic (UN Security Council Resolution 2499, UN Doc. S/RES/2499 (2019), para. 33(a)(iv)), UNMISS in South Sudan (UN Security Council Resolution 2459, UN Doc. S/RES/2459 (2019), paras. 7(a)(vii), 21), and MINUSMA in Mali (UN Security Council Resolution 2480, UN Doc. S/RES/2480 (2019), paras. 31, 36, 41).
- 8 The HRDDP policy refers to “non-United Nations security forces.” The associated Guidance Note indicates that this term should be interpreted broadly. It covers, for example, military, police, corrections, and prison officials. “Human rights due diligence policy on United Nations support to non-United Nations security forces” (2013), para 1; United Nations, “Human Rights Due Diligence Policy on United Nations Support to Non-United Nations Security Forces: Guidance Note and text of the Policy,” 2015, 8. It should be noted that paragraph 9 of the 2013 policy contains a short list of the types of support that do not require HRDDP compliance, including medical and casualty evacuation, as well as training on international humanitarian, human rights, and refugee law.
- 9 “Human rights due diligence policy on United Nations support to non-United Nations security forces” (2013), para. 1.
- 10 “Human Rights Due Diligence Policy on United Nations Support to Non-United Nations Security Forces: Guidance Note and text of the Policy” (2015), 25.
- 11 “Human rights due diligence policy on United Nations support to non-United Nations security forces” (2013), para. 14; “Human Rights Due Diligence Policy on United Nations Support to Non-United Nations Security Forces: Guidance Note and text of the Policy” (2015), 25. It should be noted that the guidance note uses both “mitigatory measures” and “mitigating measures” in reference to the same concept.
- 12 “Human rights due diligence policy on United Nations support to non-United Nations security forces” (2013), para. 26.
- 13 *Ibid.*, para. 1.
- 14 The Department of Peace Operations (DPO) and its predecessor recognized the HRDDP’s importance in the 2015 and revised 2019 Policy on the Protection of Civilians in United Nations Peacekeeping, stressing that “all activities [undertaken with host state security forces] must be in conformity with the HRDDP.” See paragraphs 11, 29, and 52 of the revised 2019 policy.
- 15 For more information on this topic, see the following sources: Center for Civilians in Conflict, *Charting a Future for Peacekeeping in the Democratic Republic of the Congo*, October 2019; Samuli Harju, “Time is Running Out for UN Peacekeeping Missions as Member States Haggle Over Budgets,” Center for Civilians in Conflict, June 28, 2019, <https://civiliansinconflict.org/blog/time-running-out-for-pk-missions/>.
- 16 UN Security Council Resolution 2502, UN Doc. S/RES/2502 (2019), paras. 29(ii)(a), 29(ii)(d), 29(ii)(f), 48.
- 17 For example, the 2019 Mandate for MINUSMA, the UN peacekeeping mission in Mali, requires the Mission to support the redeployment of Malian security forces to the north and center of the country through “operational, logistical and transportation support during coordinated and joint operations, planning, strengthened information sharing, and medical evacuation.” See UN Security Council Resolution 2480, UN Doc. S/RES/2480 (2019), paras. 28(a)(iii), 28(b)(ii). The 2019 Mandate for MINUSCA, the UN peacekeeping mission in the Central African Republic, requires that the Mission “provide enhanced planning and technical assistance and limited logistical support for the progressive redeployment of a limited number of Central African Armed Forces (FACA) units ...engaged in joint operations with MINUSCA that include joint planning and tactical cooperation.” See UN Security Council Resolution 2499, UN Doc. S/RES/2499 (2019), para. 33(a)(iv).
- 18 UN Security Council Resolution 2502, UN Doc. S/RES/2502 (2019), paras. 18, 29(ii)(f).
- 19 For more information on the genesis of the HRDDP in the context of UN peacekeeping support to the FARDC, see the following sources: Arthur Boutellis, “From Crisis to Reform: Peacekeeping Strategies for the Protection of Civilians in the Democratic Republic of the Congo,” *Stability: International Journal of Security and Development* 2, no. 3 (September 2013): 1–11; Jérémie Labbé and Arthur Boutellis, “Peace Operations by Proxy: Implications for Humanitarian Action of UN Peacekeeping Partnerships with non-UN Security Forces,” *International Review of the Red Cross* 95, no. 891/892 (2013): 539–559; Judith Verweijen, “Strange Battlefield Fellows: The Diagonal Interoperability between Blue Helmets and the Congolese Army,” *International Peacekeeping* 24, no. 3 (2017): 263–387.

- 20 CIVIC interview with MONUSCO civilian official, #9, Kinshasa, February 2019; CIVIC interview with MONUSCO civilian official, #35, Goma, March 2019; CIVIC interview with MONUSCO civilian official, #55, conducted via telephone from Goma to Kinshasa, March 2019; CIVIC interview with humanitarian actor, #237, Kinshasa, November 2019; CIVIC interview with MONUSCO civilian official, #244, Kinshasa, December 2019; CIVIC interview with MONUSCO civilian official, #248, field office (specific location withheld), December 2019; CIVIC interview with MONUSCO civilian official, #249, conducted via WhatsApp from Kinshasa to Goma, December 2019; CIVIC interview with MONUSCO civilian official, #260, Kinshasa, December 2019; CIVIC interview with humanitarian actor, #263, Kinshasa, December 2019. Attempts to address violations by national security forces may include recommending that judicial and administrative measures are taken.
- 21 CIVIC interview with MONUSCO civilian official, #248, field office (specific location withheld), December 2019; CIVIC interview with MONUSCO civilian official, #249, conducted via WhatsApp from Kinshasa to Goma, December 2019; CIVIC interview with MONUSCO civilian official, #260, Kinshasa, December 2019. According to MONUSCO's website, "The United Nations Joint Human Rights Office (UNJHRO) was created in February 2008 and is comprised of the MONUSCO Human Rights Division (HRD) and the former Office of the UN High Commissioner for Human Rights in the DRC (OHCHR/DRC). The two offices have been fully integrated and the UNJHRO functions in accordance with their two mandates." See <https://monusco.unmissions.org/en/human-rights>, accessed 28 April, 2020. It should also be noted that MONUSCO's UNJHRO has benefitted from substantial external funding from donors for HRDDP implementation.
- 22 CIVIC interview with MONUSCO civilian official, #55, conducted via telephone from Goma to Kinshasa, March 2019; CIVIC interview with MONUSCO civilian official, #260, Kinshasa, December 2019; CIVIC interview with MONUSCO civilian official, #311, conducted via WhatsApp from Kinshasa to Goma, January 2020.
- 23 CIVIC interview with MONUSCO civilian official, #9, Kinshasa, February 2019; CIVIC interview with MONUSCO civilian official, #20, Kinshasa, February 2019; CIVIC interview with MONUSCO civilian official, #35, Goma, March 2019; CIVIC interview with MONUSCO civilian official #216, Goma, October 2019; CIVIC interview with MONUSCO military official, #221, conducted via WhatsApp from Kinshasa to Goma, November 2019; CIVIC interview with UNPOL official, #239, Kinshasa, November 2019; CIVIC interview with civil society leader, #241, Kinshasa, November 2019; CIVIC interview with MONUSCO civilian official, #244, Kinshasa, December 2019; CIVIC interview with MONUSCO civilian official, #247, field office (specific location withheld), December 2019; CIVIC interview with MONUSCO civilian official, #249, conducted via WhatsApp from Kinshasa to Goma, December 2019.
- 24 CIVIC interview with civilian, #276, Beni, December 2019; CIVIC interview with civilian, #280, Beni, December 2019; CIVIC interview with civil society leader, #300, Mbau (Beni region), December 2019; CIVIC interview with civil society leader, #307, Beni, December 2019. CIVIC's research in Beni was conducted from December 2019 to February 2020 following the launch of FARDC military operations against the Allied Democratic Forces (ADF) armed group in the Beni region in October 2019. According to written correspondence with MONUSCO on May 8, 2020, the FARDC launched this operation unilaterally and did not request MONUSCO support prior to beginning the operation. A MONUSCO press statement relayed that there was not joint Mission-FARDC planning ahead of the operation. "Opération Militaire à Beni: 'Nous avons un mandat d'appui aux FARDC, mais ce n'est pas une opération conjointe,' précise Leila Zerrougui," *MONUSCO*, November 19, 2019, <https://monusco.unmissions.org/opération-militaire-à-beni-«-nous-avons-un-mandat-dappui-aux-fardc-mais-ce-nest-pas-une-opération>.
- 25 As noted later in this brief, certain forms of support, such as medical evacuation or training on international humanitarian, human rights, or refugee law, do not require implementation of the HRDDP process.
- 26 As noted above, the HRDDP is a UN-wide policy. It applies to UN AFPs as well as peacekeeping missions. Thus, it is vital that UN AFP officials are effectively sensitized on the implementation of the policy. However, CIVIC's research has focused specifically on the implementation of the HRDDP within peacekeeping missions.
- 27 The United Nations Organization Mission in the Democratic Republic of the Congo, known by its French acronym MONUC, was originally deployed to the DRC in 1999. Its initial objective was to monitor the Lusaka Ceasefire Agreement between the DRC and five surrounding states, and act as a liaison between the parties to the Agreement. In 2010, the Security Council changed the name of the Mission to the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) to better reflect its mandate's activities. "MONUC: United Nations Organization Mission in the Democratic Republic of the Congo," *Peacekeeping.un.org*, <https://peacekeeping.un.org/mission/past/monuc/background.shtml>.
- 28 Boutellis, "From Crisis to Reform," 8; Gisela Hirschmann, "Cooperating with Evil? Accountability in Peace Operations and the Evolution of the United Nations Human Rights Due Diligence Policy," *Cooperation and Conflict* 55, no. 1 (March 2020): 29.
- 29 "DR Congo: Civilian Cost of Military Operations is Unacceptable," *Human Rights Watch*, October 13, 2019, <https://www.hrw.org/news/2009/10/13/dr-congo-civilian-cost-military-operation-unacceptable>; Verweijen, "Strange Battlefield Fellows," 9.
- 30 Hirschmann, "Cooperating with Evil?" 26; Verweijen, "Strange Battlefield Fellows," 9.
- 31 Hirschmann, "Cooperating with Evil?" 28–29; UN Security Council, *Thirtieth report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo*, UN Doc. S/2009/623 (December 4, 2009), para. 13.
- 32 CIVIC interview with MONUSCO civilian official, #55, conducted via telephone from Goma to Kinshasa, March 2019; CIVIC interview with humanitarian actor, #237, Kinshasa, November 2019; CIVIC interview with MONUSCO civilian official, #260, Kinshasa, December 2019; CIVIC interview with humanitarian actor, #263, Kinshasa, December 2019.
- 33 CIVIC interview with MONUSCO civilian official, #55, conducted via telephone from Goma to Kinshasa, March 2019; CIVIC interview with MONUSCO civilian official, #260, Kinshasa, December 2019; CIVIC interview with humanitarian actor, #263, Kinshasa, December 2019.
- 34 The Office of the High Commissioner for Human Rights and the Department of Peacekeeping Operations spearheaded the development of the HRDDP in 2010. The HRDDP was adopted as official UN policy applicable to all UN peacekeeping missions and AFPs in 2011 and made public in 2013. See Labbé and Boutellis, "Peace Operations by Proxy," 554. MONUSCO has been mandated to apply the HRDDP since 2013. See UN Security Council Resolution 2098, UN Doc. S/RES/2098 (2013), para. 12(b).
- 35 CIVIC interview with MONUSCO civilian official, #55, conducted via telephone from Goma to Kinshasa, March 2019; CIVIC interview with MONUSCO civilian official, #260, Kinshasa, December 2019; CIVIC interview with humanitarian actor, #263, Kinshasa, December 2019.
- 36 "Human Rights Due Diligence Policy on United Nations Support to Non-United Nations Security Forces: Guidance Note and text of the Policy" (2015), 15.

- 37 CIVIC interview with MONUSCO military officer, #221, conducted via WhatsApp from Kinshasa to Goma, December 2019; CIVIC interview with humanitarian actor, #237, Kinshasa, November 2019; CIVIC interview with MONUSCO civilian official, #249, conducted via WhatsApp from Kinshasa to Goma, December 2019; CIVIC interview with MONUSCO civilian official, #260, Kinshasa, December 2019; CIVIC interview with humanitarian actor, #263, Kinshasa, December 2019; "Human Rights Due Diligence Policy on United Nations Support to Non-United Nations Security Forces: Guidance Note and text of the Policy" (2015), 19–20. The HRDDP Guidance Note lists a range of factors that missions should consider.
- 38 CIVIC interview with MONUSCO civilian official, #55, conducted via telephone from Goma to Kinshasa, March 2019; CIVIC interview with MONUSCO military officer, #221, conducted via WhatsApp from Kinshasa to Goma, December 2019; CIVIC interview with MONUSCO civilian official, #260, Kinshasa, December 2019; CIVIC interview with humanitarian actor, #263, Kinshasa, December 2019; "Human Rights Due Diligence Policy on United Nations Support to Non-United Nations Security Forces: Guidance Note and text of the Policy" (2015), 25.
- 39 CIVIC interview with UNPOL officer, #238, Kinshasa, November 2019; CIVIC interview with UNPOL official, #239, Kinshasa, November 2019; CIVIC interview with MONUSCO civilian official, #248, field office (specific location withheld), December 2019; CIVIC interview with MONUSCO civilian official, #260, Kinshasa, December 2019.
- 40 CIVIC interview with MONUSCO civilian official, #199, field office (specific location withheld), October 2019; CIVIC interview with MONUSCO military officer, #221, conducted via WhatsApp from Kinshasa to Goma, December 2019; CIVIC interview with MONUSCO military official, #242, Kinshasa, December 2019; CIVIC interview with MONUSCO civilian official #314, field office (specific location withheld), January 2020.
- 41 "Human rights due diligence policy on United Nations support to non-United Nations security forces" (2013), para. 9(e).
- 42 CIVIC interview with MONUSCO military official, #242, Kinshasa, December 2019; CIVIC interview with MONUSCO civilian official, #248, field office (specific location withheld), December 2019; CIVIC interview with MONUSCO civilian official, #260, Kinshasa, December 2019; CIVIC interview with MONUSCO civilian official #314, field office (specific location withheld), January 2020.
- 43 CIVIC interview with MONUSCO military officer, #221, conducted via WhatsApp from Kinshasa to Goma, December 2019; CIVIC interview with UNPOL officer, #238, Kinshasa, November 2019; CIVIC interview with UNPOL official, #239, Kinshasa, November 2019; CIVIC interview with MONUSCO civilian official, #260, Kinshasa, December 2019.
- 44 CIVIC interview with MONUSCO military official, #221, conducted via WhatsApp from Kinshasa to Goma, November 2019; CIVIC interview with UNPOL official, #239, Kinshasa, November 2019; CIVIC interview with MONUSCO civilian official, #260, Kinshasa, December 2019.
- 45 Written correspondence with MONUSCO personnel, April 17, 2020.
- 46 CIVIC interview with MONUSCO military officer, #221, conducted via WhatsApp from Kinshasa to Goma, December 2019; CIVIC interview with MONUSCO civilian official, #244, Kinshasa, December 2019; CIVIC interview with MONUSCO civilian official, #260, Kinshasa, December 2019.
- 47 CIVIC interview with MONUSCO civilian official, #55, conducted via telephone from Goma to Kinshasa, March 2019; CIVIC interview with humanitarian actor, #237, Kinshasa, November 2019; CIVIC interview with MONUSCO civilian official, #260, Kinshasa, December 2019.
- 48 CIVIC interview with MONUSCO military official, #242, Kinshasa, December 2019; CIVIC interview with MONUSCO civilian official, #260, Kinshasa, December 2019; CIVIC interview with humanitarian actor, #263, Kinshasa, December 2019.
- 49 CIVIC interview with MONUSCO civilian official, #252, Kinshasa, December 2019; CIVIC interview with MONUSCO civilian official, #260, Kinshasa, December 2019; CIVIC interview with humanitarian actor, #263, Kinshasa, December 2019.
- 50 CIVIC interview with humanitarian actor, #237, Kinshasa, November 2019; CIVIC interview with MONUSCO civilian official, #249, conducted via WhatsApp from Kinshasa to Goma, December 2019; CIVIC interview with MONUSCO civilian official, #260, Kinshasa, December 2019; written correspondence with MONUSCO personnel, April 17, 2020.
- 51 CIVIC interview with MONUSCO civilian official, #55, conducted via telephone from Goma to Kinshasa, March 2019; CIVIC interview with humanitarian actor, #237, Kinshasa, November 2019; CIVIC interview with MONUSCO civilian official, #260, Kinshasa, December 2019.
- 52 CIVIC interview with MONUSCO civilian official, #55, conducted via telephone from Goma to Kinshasa, March 2019; CIVIC interview with MONUSCO civilian official, #213, Goma, October 2019; CIVIC interview with MONUSCO civilian official, #244, Kinshasa, December 2019.
- 53 CIVIC interview with MONUSCO civilian official, #55, conducted via telephone from Goma to Kinshasa, March 2019; CIVIC interview with MONUSCO civilian official, #311, conducted via WhatsApp from Kinshasa to Goma, January 2020; CIVIC interview with MONUSCO civilian official, #312, location withheld, January 2020.
- 54 CIVIC interview with MONUSCO civilian official, #55, conducted via telephone from Goma to Kinshasa, March 2019; CIVIC interview with UNPOL official, #207, field office (specific location withheld), October 2019; CIVIC interview with UNPOL official, #239, Kinshasa, November 2019; CIVIC interview with MONUSCO military official, #242, Kinshasa, December 2019; CIVIC interview with MONUSCO civilian official, #244, Kinshasa, December 2019; CIVIC interview with MONUSCO civilian official, #260, Kinshasa, December 2019; CIVIC interview with MONUSCO civilian official, #311, conducted via WhatsApp from Kinshasa to Goma, January 2020; CIVIC interview with MONUSCO civilian official, #312, location withheld, January 2020.
- 55 "Human Rights Due Diligence Policy on United Nations Support to Non-United Nations Security Forces: Guidance Note and text of the Policy" (2015), 27.
- 56 CIVIC interview with MONUSCO military officer, #221, conducted via WhatsApp from Kinshasa to Goma, December 2019.
- 57 CIVIC interview with MONUSCO civilian official, #55, conducted via telephone from Goma to Kinshasa, March 2019; CIVIC interview with MONUSCO military official, #221, conducted via WhatsApp from Kinshasa to Goma, November 2019; CIVIC interview with MONUSCO civilian official, #244, Kinshasa, December 2019; CIVIC interview with MONUSCO civilian official, #311, conducted via WhatsApp from Kinshasa to Goma, January 2020. See also, "DR Congo: EU, US sanction top officials," *Human Rights Watch*, June 1, 2019, <https://www.hrw.org/news/2017/06/01/dr-congo-eu-us-sanction-top-officials>; "Traque des ADF : l'inspecteur général de l'armée, John Numbi à Beni," *Radio Okapi*, December 5, 2019, <https://www.radiookapi.net/2019/12/05/actualite/securite/traque-des-adf-linspecteur-general-de-larmee-john-numbi-beni>.
- 58 CIVIC interview with MONUSCO civilian official, #9, Kinshasa, February 2019; CIVIC interview with MONUSCO military official, #57, Goma, March 2019; CIVIC interview with MONUSCO civilian official, #244, Kinshasa, December 2019; CIVIC interview with

- MONUSCO civilian official, #247, field office (specific location withheld), December 2019; CIVIC interview with MONUSCO civilian official, #248, field office (specific location withheld), December 2019.
- 59 CIVIC interview with MONUSCO civilian official, #35, Goma, March 2019; CIVIC interview with MONUSCO military official, #212, Goma, October 2019; CIVIC interview with MONUSCO civilian official #216, Goma, October 2019; CIVIC interview with humanitarian actor, #263, Kinshasa, December 2019.
- 60 CIVIC interview with MONUSCO civilian official #216, Goma, October 2019.
- 61 CIVIC interview with MONUSCO civilian official, #9, Kinshasa, February 2019; CIVIC interview with MONUSCO military official, #221, conducted via WhatsApp from Kinshasa to Goma, November 2019; CIVIC interview with MONUSCO civilian official, #249, conducted via WhatsApp from Kinshasa to Goma, December 2019; CIVIC interview with MONUSCO civilian official #314, field office (specific location withheld), January 2020.
- 62 CIVIC interview with FARDC officer, #290, Beni region, December 2019; CIVIC interview with FARDC officer, #291, Beni region, December 2019; CIVIC interview with FARDC officer, #292, Beni region, December 2019; CIVIC interview with FARDC officer, #295, Beni region, December 2019; CIVIC interview with FARDC officer, #296, Beni region, December 2019; CIVIC interview with FARDC officer, #297, Beni region, December 2019; CIVIC interview with FARDC officer, #298, Beni region, December 2019. For analysis of international law training and understanding among FARDC officers, see also: Center for Civilians in Conflict, *From Mandate to Mission: Mitigating Harm in UN Peacekeeping Operations in the DRC*, January 2017, 25.
- 63 CIVIC interview with FARDC Officer, #294, Beni region, December 2019.
- 64 CIVIC interview with civilian, #274, Beni, December 2019; CIVIC interview with civilian, #276, Beni, December 2019; CIVIC interview with civilian, #280, Beni, December 2019; CIVIC interview with civil society leader, #299, Beni, December 2019; CIVIC interview with civil society leader, #300, Mbau (Beni region), December 2019.
- 65 CIVIC interview with MONUSCO civilian official, #41, conducted via VCT from Goma to Beni, March 2019; CIVIC interview with humanitarian actor, #198, field office (specific location withheld), November 2019; CIVIC interview with civil society leader, #241, Kinshasa, November 2019; CIVIC interview with civilian, #264, Beni, December 2019; CIVIC interview with civilian, #265, Beni, December 2019; CIVIC interview with civilian, #266, Beni, December 2019; CIVIC interview with civilian, #267, Beni, December 2019; CIVIC interview with civilian, #268, Beni, December 2019; CIVIC interview with civilian, #276, Beni, December 2019; "Goma : la LUCHA manifeste contre les tueries, exige le départ de la MONUSCO et le limogeage des généraux 'affairistes' des FARDC," *Actualite.cd*, December 6, 2019, <https://actualite.cd/2019/12/06/goma-la-lucha-manifeste-contre-les-tueries-exige-le-depart-de-la-monusco-et-le-limogeage>.
- 66 "Congo: Protesters storm UN base in Beni," *Deutsche Welle*, November 25, 2019, <https://www.dw.com/en/congo-protesters-storm-un-base-in-beni/a-51407396>.
- 67 CIVIC interview with civilian, #280, Beni, December 2019.
- 68 CIVIC interview with civilian, #276, Beni, December 2019.
- 69 CIVIC interview with civilian, #264, Beni, December 2019; CIVIC interview with civilian, #265, Beni, December 2019; CIVIC interview with civilian, #267, Beni, December 2019; CIVIC interview with civilian, #270, Beni, December 2019; CIVIC interview with civilian, #273, Oicha, December 2019; CIVIC interview with civilian, #275, Beni, December 2019; CIVIC interview with civilian, #276, Beni, December 2019.
- 70 CIVIC interview with humanitarian actor, #240, conducted via WhatsApp from Kinshasa to Goma, November 2019; CIVIC interview with civil society leader, #241, Kinshasa, November 2019; CIVIC interview with MONUSCO civilian official #314, field office (specific location withheld), January 2020; written correspondence with MONUSCO personnel, April 17, 2020.
- 71 Daniel Levine-Spound, "Backlash in Beni: Understanding Anger against the UN Peacekeeping Mission in the DRC," Center for Civilians in Conflict, December 2019, <https://civiliansinconflict.org/blog/backlash-in-beni/>.
- 72 CIVIC interview with MONUSCO civilian official, #36, Goma, March 2019; CIVIC interview with MONUSCO military official, #221, conducted via WhatsApp from Kinshasa to Goma, November 2019; CIVIC interview with MONUSCO military official, #242, Kinshasa, December 2019; CIVIC interview with humanitarian actor, #263, Kinshasa, December 2019.
- 73 CIVIC interview with MONUSCO military officer, #221, conducted via WhatsApp from Kinshasa to Goma, December 2019; CIVIC interview with UNPOL official, #239, Kinshasa, November 2019; CIVIC interview with humanitarian actor, #263, Kinshasa, December 2019.
- 74 CIVIC interview with MONUSCO military official, #221, conducted via WhatsApp from Kinshasa to Goma, November 2019; CIVIC interview with MONUSCO military official, #242, Kinshasa, December 2019; CIVIC interview with humanitarian actor, #263, Kinshasa, December 2019.
- 75 CIVIC interview with MONUSCO military officer, #221, conducted via WhatsApp from Kinshasa to Goma, December 2019; CIVIC interview with MONUSCO military official, #242, Kinshasa, December 2019; CIVIC interview with MONUSCO civilian official #314, field office (specific location withheld), January 2020.
- 76 CIVIC interview with humanitarian actor, #237, Kinshasa, November 2019; CIVIC interview with MONUSCO civilian official, #260, Kinshasa, December 2019; CIVIC interview with MONUSCO civilian official, #312, location withheld, January 2020; CIVIC interview with MONUSCO military official, #315, Kinshasa, February 2020.
- 77 CIVIC interview with MONUSCO civilian official, #260, Kinshasa, December 2019; CIVIC interview with MONUSCO civilian official, #314, field office (specific location withheld), January 2020; CIVIC interview with MONUSCO military official, #315, Kinshasa, February 2020.
- 78 CIVIC interview with MONUSCO civilian official, #9, Kinshasa, February 2019; CIVIC interview with MONUSCO military official, #57, Goma, March 2019; CIVIC interview with MONUSCO civilian official, #244, Kinshasa, December 2019; CIVIC interview with MONUSCO civilian official, #247, field office (specific location withheld), December 2019; CIVIC interview with MONUSCO civilian official, #248, field office (specific location withheld), December 2019.
- 79 CIVIC interview with MONUSCO civilian official, #244, Kinshasa, December 2019.
- 80 CIVIC interview with MONUSCO civilian official, #55, conducted via telephone from Goma to Kinshasa, March 2019.
- 81 CIVIC interview with MONUSCO civilian official, #55, conducted via telephone from Goma to Kinshasa, March 2019; CIVIC interview with MONUSCO civilian official, #249, conducted via WhatsApp from Kinshasa to Goma, December 2019; CIVIC interview with MONUSCO civilian official, #260, Kinshasa, December 2019; CIVIC interview with MONUSCO civilian official, #311, conducted via WhatsApp from Kinshasa to Goma, January 2020.

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- 106 CIVIC interview with MONUSCO civilian official, #9, Kinshasa, February 2019; CIVIC interview with humanitarian actor, #237, Kinshasa, November 2019; CIVIC interview with humanitarian actor, #240, conducted via WhatsApp from Kinshasa to Goma, November 2019.
- 107 CIVIC interview with humanitarian actor, #251, Kinshasa, December 2019.
- 108 CIVIC interview with MONUSCO civilian official, #9, Kinshasa, February 2019; CIVIC interview with humanitarian actor, #251, Kinshasa, December 2019; CIVIC interview with humanitarian actor, #263, Kinshasa, December 2019.
- 109 CIVIC interview with MONUSCO civilian official, #35, Goma, March 2019; CIVIC interview with MONUSCO military official, #46, Goma, March 2019; CIVIC interview with MONUSCO military official, #221, conducted via WhatsApp from Kinshasa to Goma, November 2019.
- 110 CIVIC interview with MONUSCO civilian official, #247, field office (specific location withheld), December 2019; CIVIC interview with MONUSCO civilian official, #260, Kinshasa, December 2019; CIVIC interview with MONUSCO civilian official, #312, location withheld, January 2020.
- 111 CIVIC interview with MONUSCO civilian official, #247, field office (specific location withheld), December 2019.
- 112 CIVIC interview with MONUSCO civilian official, #311, conducted via WhatsApp from Kinshasa to Goma, January 2020.
- 113 CIVIC interview with MONUSCO civilian official, #247, field office (specific location withheld), December 2019; CIVIC interview with MONUSCO civilian official, #260, Kinshasa, December 2019; CIVIC interview with MONUSCO civilian official, #312, location withheld, January 2020.
- 114 CIVIC interview with UNPOL official, #239, Kinshasa, November 2019; CIVIC interview with MONUSCO civilian official, #247, field office (specific location withheld), December 2019; CIVIC interview with MONUSCO civilian official, #311, conducted via WhatsApp from Kinshasa to Goma, January 2020; CIVIC interview with MONUSCO civilian official, #314, field office (specific location withheld), January 2020.
- 115 CIVIC interview with MONUSCO civilian official, #35, Goma, March 2019; CIVIC interview with UNPOL official, #239, Kinshasa, November 2019; CIVIC interview with MONUSCO civilian official, #247, field office (specific location withheld), December 2019.
- 116 CIVIC interview with UNPOL official, #239, Kinshasa, November 2019; CIVIC interview with MONUSCO civilian official, #247, field office (specific location withheld), December 2019.
- 117 CIVIC interview with MONUSCO civilian official, #164, Goma, October 2019; CIVIC interview with MONUSCO military official, #221, conducted via WhatsApp from Kinshasa to Goma, November 2019; CIVIC interview with MONUSCO civilian official, #311, conducted via WhatsApp from Kinshasa to Goma, January 2020; CIVIC interview with MONUSCO civilian official, #312, location withheld, January 2020.
- 118 CIVIC interview with MONUSCO military official, #221, conducted via WhatsApp from Kinshasa to Goma, November 2019; CIVIC interview with humanitarian actor, #237, Kinshasa, November 2019; CIVIC interview with MONUSCO civilian official, #311, conducted via WhatsApp from Kinshasa to Goma, January 2020; CIVIC interview with MONUSCO civilian official, #314, field office (specific location withheld), January 2020.
- 119 CIVIC interview with MONUSCO civilian official, #312, location withheld, January 2020.
- 120 CIVIC interview with humanitarian actor, #237, Kinshasa, November 2019; CIVIC interview with MONUSCO civilian official, #252, Kinshasa, December 2019; CIVIC interview with MONUSCO civilian official, #260, Kinshasa, December 2019; CIVIC interview with MONUSCO civilian official, #311, conducted via WhatsApp from Kinshasa to Goma, January 2020.
- 121 CIVIC interview with MONUSCO civilian official, #55, conducted via telephone from Goma to Kinshasa, March 2019; CIVIC interview with MONUSCO civilian official, #249, conducted via WhatsApp from Kinshasa to Goma, December 2019; CIVIC interview with MONUSCO civilian official, #312, location withheld, January 2020.
- 122 CIVIC interview with MONUSCO civilian official, #312, location withheld, January 2020.
- 123 Ibid.
- 124 CIVIC interview with MONUSCO civilian official, #55, conducted via telephone from Goma to Kinshasa, March 2019; CIVIC interview with MONUSCO civilian official, #248, field office (specific location withheld), December 2019; CIVIC interview with MONUSCO civilian official, #311, conducted via WhatsApp from Kinshasa to Goma, January 2020.
- 125 CIVIC interview with MONUSCO civilian official, #248, field office (specific location withheld), December 2019; CIVIC interview with MONUSCO civilian official, #260, Kinshasa, December 2019; CIVIC interview with MONUSCO civilian official, #312, location withheld, January 2020; CIVIC interview with MONUSCO civilian official, #314, field office (specific location withheld), January 2020.
- 126 CIVIC interview with MONUSCO civilian official, #248, field office (specific location withheld), December 2019.
- 127 CIVIC interview with MONUSCO civilian official, #314, field office (specific location withheld), January 2020.
- 128 CIVIC interview with MONUSCO civilian official, #244, Kinshasa, December 2019.
- 129 Center for Civilians in Conflict, *From Mandate to Mission*, 22.
- 130 The MONUSCO mandate highlights the importance of the Congolese government's fight against impunity and directs the Mission to support these efforts. UN Security Council Resolution 2502, UN Doc. S/RES/2502 (2019), paras. 29(i)(g), 29(ii)(f).
- 131 "Human rights due diligence policy on United Nations support to non-United Nations security forces" (2013), para. 1.
- 132 CIVIC interview with MONUSCO civilian official, #260, Kinshasa, December 2019; CIVIC interview with MONUSCO civilian official, #312, location withheld, January 2020.
- 133 CIVIC interview with humanitarian actor, #132, Kinshasa, October 2019; CIVIC interview with humanitarian actor, #217, Kinshasa, October 2019; CIVIC interview with MONUSCO civilian official, #248, field office (specific location withheld), December 2019; CIVIC interview with MONUSCO civilian official, #260, Kinshasa, December 2019; CIVIC interview with MONUSCO civilian official, #311, conducted via WhatsApp from Kinshasa to Goma, January 2020.
- 134 CIVIC interview with MONUSCO civilian official, #311, conducted via WhatsApp from Kinshasa to Goma, January 2020.
- 135 UN peacekeeping missions are required to take steps to prevent harm that could result from a mission's presence, activities, or operations, including operations in support of national security forces. For more information, see: the 2019 revised DPO Policy on the Protection of Civilians in United Nations Peacekeeping, paras. 35, 59, 60, and Annex I para. 20(b); MONUSCO's most recent mandate, para. 29(i)(a); and Center for Civilians in Conflict, *From Mandate to Mission*.



April 1, 2019, North Kivu, DRC: A MONUSCO helicopter takes off from Nyange, Masisi Territory. Credit: MONUSCO/Anne Herrmann