The Dilemmas of State Consent in United Nations Peace Operations: The Case of the United Nations Operation in Côte d'Ivoire

Giulia Piccolino

Abstract

The consent of the warring parties has always been a prerequisite for starting a UN operation and a key principle of the UN doctrine. However, consent in peacekeeping is often uncertain and fragile as a number of UN operations that have experienced serious difficulties with African state authorities demonstrate. This paper discusses host state consent in contemporary peace operations, with a particular focus on Africa, through the experience of the United Nations Operation in Côte d'Ivoire (UNOCI), a mission that had to struggle for most of its existence (2004-2011) with limited or ambiguous consent from the Ivorian president Laurent Gbagbo. UNOCI tried several options to manage consent, but the tension with the Gbagbo regime developed into open conflict after the 2010 presidential elections, when the imperative to safeguard the election results introduced by the certification mandate clashed with the principle of consent.

Introduction

The year 2010 was a difficult one for United Nations (UN) peacekeeping. On 31 December, the UN Mission in the Central African Republic and Chad (MINURCAT)

officially completed its withdrawal at the request of the Chadian government after less than three years on the ground. President of Chad Idriss Déby insisted that the mission was useless and unable to fulfil its civilian protection mandate. In the same period, President of the Democratic Republic of Congo (DRC) Joseph Kabila asked for the progressive withdrawal of the UN Organization Mission in the Democratic Republic of Congo (MONUC), one of the most important recent UN operations in term of duration, personnel and financial burden. Kabila's request to complete the withdrawal after the 2011 presidential elections was unrealistic, but the mission was downsized and renamed UN Organization Stabilization Mission in the DRC (MONUSCO). In Côte d'Ivoire, after certifying the victory at the polls of opponent Alassane Dramane Ouattara in December, the UN Operation in Côte d'Ivoire (UNOCI) was ordered to leave the country by incumbent president Laurent Gbagbo. The mission refused to comply, but Gbagbo's hostility to its presence meant inability to fulfil its mandate, and the situation developed into open conflict between President Gbagbo and UNOCI in 2011.

The difficulties that the UN experienced in Chad, the DRC and Côte d'Ivoire did not stem from organizational or technical shortcomings but from a more fundamental challenge: the deterioration of the peacekeepers' relationship with the authorities of the African states where they were deployed, which culminated in the withdrawal of consent to UN operations.[1]

---

[1] For a general discussion, see D. Tull, 'When they overstay their welcome: UN Peacekeepers in Africa', German Institute for International and Security Affairs, *Comment Paper* 15, 2011; G. Piccolino and J. Karlsrud, 'Withering Consent but Mutual Dependency? UN Peace Operations and African Assertiveness', *Conflict, Security & Development* 11, 2011, pp. 447-471.

UN difficulties with African host authorities raise a series of questions, both concerning the significance of the principle of consent for the UN and the ambiguities of the ostensibly consent-based relationships of the UN with its African counterparts. First, what is consent in UN peacekeeping? Is the principle of consent just 'organized hypocrisy' or does it still matter and, if yes, in which way for UN operations? Secondly, why is consent so fragile and uncertain? What does the volatility of consent reveal about the relationships of the UN with African authorities? Thirdly, which options are offered to the UN when consent is uncertain and ambiguous or appears to deteriorate?

The first section of this chapter looks at the meaning and relevance of consent in today's peace operations. The second section places consent within the context of Africa's external relations and conceptualizes state consent as a bargaining relation between UN peacekeepers and African rulers. The rest of the chapter illustrates the debate on how the UN can respond to a situation of uncertain consent using UNOCI in Côte d'Ivoire as a case study. Since its deployment in 2004 until the fall of President Laurent Gbagbo in 2011, UNOCI had to struggle with the Ivorian authorities' uncertain consent. In the end, after the 2010 presidential elections, the mission broke with the rule of consent, generating considerable controversy at the international level.

This chapter argues that, although its meaning has been partially altered by recent normative development in UN peacekeeping, state consent still matters very much for UN peacekeepers, in both operational and normative terms. However, the particular nature of the UN's relations with host African states renders consent particularly fragile and problematic, with major implications for the work of UN peacekeepers.

The Meaning of Consent in UN Peacekeeping Today

Consent occupies a central place in the normative structure of UN peacekeeping, but at the same time remains "a contested and not very well specified concept".[2] UN post-Cold War policy documents, including the Report of the Panel on UN Peace Operations (Brahimi Report)[3] and the UN Principles and Guidelines on Peacekeeping (Capstone doctrine),[4] have insisted that the principle of consent remains a bedrock of UN peacekeeping. Yet, defining consent in today's multidimensional peacekeeping is substantially more difficult than in first generation operations.

The official UN Secretariat position on consent is given by the 2008 Capstone doctrine. The latter sees consent as implying "a commitment by the parties to a political process and their acceptance of a peacekeeping operation mandated to support that process".[5] It also establishes a distinction between consent at the 'strategic' and 'tactical' level. Consent from "the main parties to the conflict"[6] is considered an indispensable pre-condition for UN peacekeeping. On the other hand, the Capstone doctrine assumes that UN missions can use force against local 'spoilers'. Thus,

---

[2] I. Johnstone, 'Managing Consent in Contemporary Peacekeeping Operations', *International Peacekeeping* 18, 2011, p. 178.

[3] United Nations (UN), *Report of the Panel on United Nations Peace Operations [Brahimi Report]*, Independent Panel, UN Doc. A/55/305 - S/2000/809, 21 August 2000.

[4] UN, *United Nations Peacekeeping Operations: Principles and Guidelines [Capstone Doctrine]*. New York: United Nations Department of Peacekeeping Operations / Department of Field Support. Online. Available at http://pbpu.unlb.org/pbps/Library/Capstone_Doctrine_ENG.pdf (20 October 2012).

[5] UN, Capstone Doctrine, *op. cit.*, p. 31.

[6] *Ibid.*

examples of 'robust peacekeeping', such as MONUC's military operations in the Ituri region of the DRC in 2005, targeting locally-based militias that were not part of the national peace process, are not seen as violating the principle of consent. On the other hand, the line between peacekeeping and peace enforcement would be crossed in cases of UN peacekeepers confronting one of the main warring parties, including notably the host state authorities.

Several authors have noticed that in contemporary peace operations the line between consent and 'no consent' is blurred in practice. Ian Johnstone observes that consent is often qualified in three ways: it is unreliable (when the main warring parties do not fully control their followers or proxies), under pressure (brought about by aggressive international diplomatic efforts or even economic and military sanctions) or open-ended (the political process supported by the UN is so broad and complex that unforeseen problems can emerge at a later stage). Going further, Michael Lipson has argued that consent in today's peace operations would amount to "organized hypocrisy" – "inconsistent rhetoric and action resulting from conflicting material and normative pressures".[7] He argues that the principle of consent, while retaining normative force, is in contrast with the requirements for effectiveness in the complex environments where contemporary peace operations take place, and thus regularly violated on the ground.[8]

However, although the hypocrisy argument is suggestive, some of the examples of 'robust peacekeeping' brought in support of the notion that consent would be obsolete, such as the DRC and Haiti, are cases of use of force at the 'tactical level' that

---

[7] M. Lipson, 'Peacekeeping: Organized Hypocrisy?', *European Journal of International Relations* 13, 2007, p. 6.

[8] Lipson, *op. cit.*, pp. 20-21.

are consistent with the current UN doctrine. To understand inconsistencies in UN peacekeeping in terms of 'hypocrisy' means, moreover, to neglect the fact that peacekeeping is an evolving, rather than static, field and an essentially contested concept. The evolution of UN peacekeeping in recent years has had a particularly ambiguous impact on host states' consent. While certain post-Cold War normative developments have weakened the rule of host state consent, others have strengthened the centrality of state actors and the importance of gaining and retaining their consent for UN peacekeepers.

A case in point is the current paradigm of state weakness and state fragility. Many contemporary peacekeeping and peacebuilding operations are requested to support state institutions and/or contribute to the reestablishment of state authority across the national territory.[9] In Africa, the weak capacities of most African states and their historical emergence from decolonization as juridical 'quasi-states'[10] have been invoked for interpreting many African current conflicts, such as in Somalia, the DRC, Liberia and Sierra Leone, as crisis of the state.[11] Statebuilding tasks are notably

---

[9] R. Gowan and I. Johnstone, 'New Challenges for Peacekeeping: Protection, Peacebuilding and the "War on Terror"', *Coping with crisis working papers series*, International Peace Academy, 2007, p. 7.

[10] R.H. Jackson*, Quasi-states: Sovereignty, International Relations and the Third World*, Cambridge: Cambridge University Press, 1990.

[11] African countries typically receive the worst scores compared to other regions of the world in the various indexes of 'failure' and 'fragility' that have mushroomed in recent years. Among the most well-known ones, see the Failed States Index issued by the Fund for Peace (Available online: http://www.fundforpeace.org/global/?q=fsi (2 February 2013)) and the State Fragility Index and Matrix 2008 (Center for the Systemic Peace and Center for Global Policy. Available online: http://www.systemicpeace.org/SFImatrix08c.pdf (2 February 2013)).

included in the mandates of MONUSCO, UNOCI, the UN Mission in the Republic of South Sudan (UNMISS), and of the UN Mission in Liberia (UNMIL). The focus on the restoration of state authority reinforces the qualitative difference between state consent and consent from non-state armed actors and the importance, for UN officers, of maintaining and nurturing state consent. Expecting the UN to help them reasserting their control over the national territory, state authorities have an incentive to welcome UN missions and facilitate their work. However, as the post-conflict reconstruction process advances and the state becomes stronger, national authorities' dependency on the UN gradually withers and state officials become more assertive vis-à-vis the UN.[12]

Current peace operations are however also viewed as instruments for protecting the civilian population. Notably, all peace operations currently deployed in Africa – with the exception of the UN Mission for the Referendum in Western Sahara (MINURSO) – include the Protection of Civilians (PoC) in their mandate.[13] Protection mandates place the missions in a difficult and potentially antagonistic position with the host state. In Africa, there are many examples of conflicts where state authorities have been accused of being responsible for egregious human rights violations or of having done nothing to stop them. The cases of Darfur (Sudan) and Côte d'Ivoire, where

---

[12] Piccolino and Karlsrud, op. cit.; D. Edelstein, 'Foreign Militaries, Sustainable Institutions, and Postwar Statebuilding', in R. Paris and T.D. Sisk (eds), The Dilemmas of Statebuilding: Confronting the contradictions of postwar peace operations', London: Routledge, 2009, pp. 81-103.

[13] See DPKO official website: Available online. http://www.un.org/en/peacekeeping/operations/current.shtml (2 February 2013). See also P.D. Williams, 'Enhancing Civilian Protection in Peace Operations: Insights from Africa', *Research Paper*, Africa Center for Strategic Studies, September 2010.

current or former state rulers are under indictment by the International Criminal Court (ICC), are the most visible examples.[14]

Furthermore, peacebuilding mandates focusing on the promotion of democracy and the rule of law, which are also part of most current UN operations, have an ambiguous effect on state consent: on the one hand they may put peacebuilders in conflict with state rulers preoccupied with their political survival above all, and having little interest in democratization and human rights. On the other hand, however, liberal peacebuilding is predicated on the developmental principle of 'ownership'. Although the effective scope and content of ownership is debated,[15] the notion surely encompasses the need of negotiating and obtaining the adhesion of national actors – both state and non-state – to the liberal peace agenda.

To sum up, while the significance of consent may have evolved, consent from host state authorities still matters, not only in a rhetorical sense, for UN peacekeepers. Without state consent, most of the tasks currently ascribed to UN peacekeepers are impossible to execute. The problem is, however, that consent from host state authorities is inherently fragile and volatile. While host states may not raise official objections to

---

[14] Information about the charges raised against Bashir and Gbagbo is available on the website of the ICC: http://www.icc-cpi.int/EN_Menus/ICC/Situations%20and%20Cases/Situations/Situation%20ICC%200205/Pages/situation%20icc-0205.aspx (23 March 2013) and http://www.icc-cpi.int/EN_Menus/ICC/Situations%20and%20Cases/Situations/ICC0211/Pages/situation%20index.aspx (23 March 2013).

[15] For discussions of ownership, see T. Donais, 'Empowerment or Imposition? Dilemmas of Local Ownership in Post-Conflict Peacebuilding Processes', *Peace & Change* 34, 2009, pp. 3-26.

the deployment of peacekeepers, they may have very different priorities from those of UN operations.

Peace Operations in the African Arena

The relationships between peacekeepers and African 'peacekept' – the term employed by Christopher Clapham[16] for the local warring parties of peace operations' recipient countries – are inherently complex and tense. Looking at peacekeeping in the African landscape, it is important to stress that peace operations do not fall into a historical and political void.[17] The view of African elites on UN peacekeeping and peacebuilding is shaped by their previous experience of a long series of intrusive external interventions of different kinds, from colonialism to Cold War sponsorship, development aid and structural adjustment programmes. Peacekeeping shall be seen in a context characterized by long-term dynamics of neo-patrimonial politics[18] and political and

---

[16] C. Clapham, 'Being Peacekept', in O. Furley and R. May (eds.), *Peacekeeping in Africa*, Surrey: Ashgate, 1998, pp. 303–319.

[17] For a discussion of the impact of historical legacies – in particular post-colonial legacies – on peace operations see M. Berdal, *Building Peace after War*, Adelphi Paper 49, Abingdon: Routledge, 2009, and B. Pouligny, *Peace Operations Seen from Below: UN Missions and Local People*, London: Hurst & Co., 2006.

[18] For discussions of African neo-patrimonial politics and its relation to civil wars, see P.D. Williams, *War and Conflict in Africa*, New York: Wiley, 2011; and A. De Waal, 'Mission without end? Peacekeeping in the African political marketplace', *International Affairs* 85, 2009, pp. 99-113.

economic extraversion.[19] Conflict-affected African countries have been compared to a "political marketplace", which functions according to a neo-patrimonial logic.[20] Moreover, because of their weakness and their dependent position within the international system, African states have developed since their independence a whole battery of strategies for capturing external resources for the internal aims of 'state survival', while avoiding the strings of conditionality that often come attached with them.[21] Hence, paradoxically, although African states are considered weak, their leaders may be quite successful at resisting external imperatives.[22]

As Johnston suggests,[23] consent is often granted by 'peacekept' under international pressures to stop military action, engage in negotiations and accept peacekeepers' deployment. Yet, state authorities may have little commitment to engage in the negotiation process and continue to nurture the hope that a military solution is at hand. Liberal reforms promoted by peacekeepers constitute another possible source of tension. In Africa, externally-sponsored post-conflict democratization has been most successful in cases – such as Namibia and Mozambique – where state elites issued from liberation movements could expect post-conflict elections to reinforce their position.[24]

---

[19] J.-F. Bayart, 'Africa in the world: A history of extraversion', *African Affairs* 99, 2000, pp. 217–267; C. Clapham, *Africa and the international system: the politics of state survival*, Cambridge and New York: Cambridge University Press, 1996.

[20] De Waal, *op. cit.*

[21] Clapham, *Africa and the International System*, *op. cit.*

[22] D.M. Tull, 'Weak States and Successful Elites. Extraversion Strategies in Africa', German Institute of International Affairs, *Research Paper* 9, August 2011.

[23] Johnstone, *op. cit.*

[24] C. Zürcher, 'Building Democracy While Building Peace', *Journal of Democracy* 22, 2011, pp. 81-95.

In most cases, however, the democratic reforms peacekeepers are pushing for are at odds with the preferences of state elites. Nevertheless, international peacekeepers also bring opportunities, in the form of security from insurgents, international legitimacy and material resources, such as development aid and technical cooperation. These opportunities are particularly welcome when the threat posed by insurgents is important and access to alternative resources is limited.[25]

Peacekeepers and state authorities are typically engaging in a bargaining process[26] where consent to the deployment of UN peacekeepers is traded by state authorities in exchange for security and external aid. In some cases, however, acceptance of the deployment of peacekeepers may just be a tactical move that can be easily reverted when state authorities perceive the UN presence as no longer useful or even harmful to their interests. Internal rulers have often a strengthened hand on outsiders, because of their better grasp of their own societies and their option to threaten them with violence or non-cooperation, up to the explicit withdrawal of consent.[27]

The 'peacebuilder bargain' creates a dilemma to international peacekeepers and peacebuilders, as they cannot implement their mandate, especially when it involves extension of state authority and the organization of elections, without national authorities' cooperation. The options that they have when they perceive that national authorities are not genuinely cooperative are, however, limited. First, they may choose to confront state authorities, by denouncing non-compliance, exercising pressures and

---

[25] Piccolino and Karlsrud, op. cit.

[26] I. Johnstone, 'Managing consent', *op. cit.*; M. Barnett and C. Zürcher, 'The Peacebuilder's Contract: How External Statebuilding Reinforces Weak Statehood', in Paris and Sisk, op. cit., pp. 25-52.

[27] See Barnett and Zürcher's typology of 'confrontational peacebuilding', *op. cit.*, p. 33.

threatening sanctions. This avenue is risky: it can generate even more resistance and can result into an explicit withdrawal of consent, and confrontation may escalate to violence. Alternatively, peacekeepers can try to accommodate host authorities' interests. One faces here a very tight line between managing consent – creating space for the UN to operate through instruments such as dialogue, negotiation and persuasion – and "abdicating responsibility"[28] – bending to the will of national authorities at the cost of renouncing the other principles that are supposed to guide the work of a peace operation. The UN Security Council can also choose not to deploy an operation at all, or to withdraw, if it perceives that the environment is unfavourable and national authorities are trying to manipulate the UN. Although this option would be equivalent to an admission of defeat, it would have the merit to make the bad faith of state authorities apparent and to avoid a waste of material resources and political efforts.

UNOCI provides an example of an operation that had to strive since its launch in 2003 up to the fall of the incumbent Ivorian regime in 2011 with limited consent from host state authorities. UNOCI tried several options to 'manage consent', which were in the end unsuccessful, as the conflict with Ivorian president Laurent Gbagbo became open after the contested 2010 elections. The mandate of certification of the elections attributed to the head of the mission provided in the end an escape from the constraints of consent. In the next section, UNOCI's experience with state consent will be discussed, as well as the different strategies through which UNOCI tried to respond to the challenges that it was experiencing.

Managing Consent in Practice – The UNOCI Experience

---

[28] Johnstone, *op. cit.*, p. 180.

The launch of UNOCI and its initial mandate

UNOCI was officially established on 27 February 2004 by UNSC Resolution 1528.[29] The operation's mandate outlined two main tasks: to monitor the ceasefire, by deploying along the buffer zone – *zone de confiance* – established between the government-controlled south and the rebel-controlled north; and to assist the government of national reconciliation in the implementation of the January 2003 Linas-Marcoussis peace agreement.

Although the Ivorian authorities had ostensibly given their consent to the deployment of UNOCI, the operation's relations with President Laurent Gbagbo and his *Front Populaire Ivoirien* (FPI) party were from the start characterized by tensions and mistrust. Special Representative of the Secretary-General (SRSG) Albert Tévoédjrè was depicted as an enemy of Côte d'Ivoire by the pro-Gbagbo press[30] and UN officers remind that a general atmosphere of hostility surrounded the UN as soon as they started to deploy.[31]

The events that had preceded the launch of UNOCI contribute to explain these difficulties. Before 2004, the Ivorian peace process had been dominated by two main features: the military and diplomatic involvement of France and the strong antagonism between French peacemakers and president Gbagbo.[32] France was Côte d'Ivoire's

---

[29] UN Security Council Resolution 1528, 27 February 2004.

[30] See for instance the commentaries of the FPI newspaper *Notre Voie* at the departure Tévoédjrè from Côte d'Ivoire: A.V. Sanogo, 'Pourquoi Tévoédjré a été limogé', *Notre Voie*, 7 December 2004.

[31] Interview with senior UN officer, Abidjan, 24 August 2011.

[32] For a general discussion of the role of France, see Marco Wyss' contribution in this volume. About the first phase of the Ivorian crisis, see also S.W. Smith, 'La Politique d'Engagement de la France à

13

former colonial master and had historically maintained very strong ties with the country, including a permanent military base in the *de facto* capital Abidjan.[33] Just following the beginning of the civil war in September 2002, the French mission *Licorne* had stopped the fighting and interposed between the Ivorian loyalist forces and the rebels of the *Forces Nouvelles* (FN).[34] Operation *Licorne* was at the centre of a huge debate, as Gbagbo contended that, under the 1961 defence accords between France and Côte d'Ivoire,[35] France should help the *Forces armées nationales de Côte d'Ivoire* (FANCI), the loyalist army, in crushing the rebellion. Gbagbo and his supporters argued that France refused to honour its commitments out of mistrust for a president who had criticized France's neo-colonial role in Côte d'Ivoire. Gbagbo was playing over the ambivalent feelings that France's post-colonial presence in Côte d'Ivoire generated among the Ivorian public.[36] The situation got worse with the French-sponsored Linas-

---

l'Epreuve de la Cote d'Ivoire', *Politique Africaine* 89, 2003, pp.112-126; R. Marshall, 'La France en Côte d'Ivoire: l'interventionnisme à l'épreuve des faits', *Politique Africaine* 98, 2005 , pp. 21-41.

[33] On post-colonial relations between France and Côte d'Ivoire see for instance J.-P. Dozon, *Frères et sujets: la France et l'Afrique en perspective*, Paris: Flammarion, 2003.

[34] I have chosen for the sake of simplicity to use this denomination for the insurgents, who took the name *Forces Nouvelles* (New Forces) only in January 2003.

[35] 'Accord de défense entre les Gouvernements de la République de Côte d'Ivoire, de la République du Dahomey, de la République Française et de la République du Niger', 24 April 1961, Presidency of Côte d'Ivoire. Available at: http://www.cotedivoirepr.ci/files/pdf/Accords_de_defense_entre_la_Cote_d_Ivoire_et_la_France.pdf (16 December 2010). However, the additional protocols to the agreement remain confidential.

[36] About the political exploitation of the rhetoric of 'second independence', see G. Piccolino, 'David against Goliath in Côte d'Ivoire? Laurent Gbagbo's war against Global Governance', *African Affairs* 111, 2012, pp. 1-23. About Ivorian nationalism under Gbagbo and the movement of the *jeunes patriotes*, see

Marcoussis negotiations in January 2003,[37] which were denounced – with some reason – as partial and "neo-colonialist" by Gbagbo's supporters. Nationalist youth groups close to the presidency, the so-called *jeunes patriotes* (young patriots), sparked anti-French riots and demonstrations and the agreement proved soon inapplicable in its integral form.

Aware of its delicate position, the French government had hoped from the start that Operation *Licorne* could be replaced by an operation either managed by the Economic Community of West African States (ECOWAS) or by the UN.[38] However, this proved impossible for several reasons. ECOWAS set up its own military mission ECOMICI at the end of 2002, but technical and financial problems as well as political difficulties delayed the deployment. The insistence of France that the UN get involved in Côte d'Ivoire was frustrated by the attitude of the United States, which blocked any Security Council Resolution on Côte d'Ivoire in the first months of the crisis.[39]

---

also R. Banégas, 'Côte d'Ivoire: Patriotism, Ethnonationalism and other African Modes of Self-writing', *African Affairs* 105, 2006, pp. 535-552; R. Marshall, 'The War of "Who Is Who": Autochthony, Nationalism, and Citizenship in the Ivorian Crisis', *African Studies Review* 49, 2006, pp. 9-43.

[37] For the official English version of the Linas-Marcoussis agreement see Republic of Côte d'Ivoire, *Linas Marcoussis Agreement*, Annex I to the letter dated 27 January 2003 from the Permanent Representative of France to the United Nations addressed to the President of the Security Council, New York: United Nations.

[38] Smith, *op. cit.*, pp. 121-122.

[39] H. Serequeberhan, 'Le réengagement français dans les conflits africains et le défi ivoirien', *Annuaire Français de Relations Internationales 2005* VI, pp. 323-339.

The involvement of the UN in Côte d'Ivoire was thus slow and gradual. In February 2003, UNSC Resolution 1464[40] eventually endorsed the Linas-Marcoussis agreement, gave to Operation *Licorne* and to ECOMICI a Security Council mandate and nominated a UN SRSG for Côte d'Ivoire. In May, the UN reinforced its political presence by establishing the UN Mission in Côte d'Ivoire (MINUCI). Almost one year passed before the UN turned MINUCI into UNOCI, a full-scale peace operation that also integrated the troops of ECOMICI. For financial and security reasons, however, the Security Council decided to maintain Operation *Licorne*, with its separate chain of command, as a rapid reaction force alongside UNOCI.[41]

The fragility of the political process that UNOCI was in charge of supporting and the presence of Operation *Licorne*, had important implications for UNOCI and for host state consent.

If consent, in line with the UN Capstone doctrine, depends on the commitment of the warring parties to a 'political process', Côte d'Ivoire was a case of 'consent under pressure'.[42] Gbagbo felt that he had been forced to engage in the peace process by the French, who had stopped the fighting and pressured him into going to the negotiation table. However, even at the eve of the Linas-Marcoussis talks, he remained openly critical of peace talks that would have put on the same level both belligerents.[43] Yet,

---

[40] UN Security Council Resolution 1464, New York, 4 February 2003.

[41] The UN Secretariat had notably proposed, as an alternative, the creation of a larger UN mission: see UN, 'Report of the Secretary General on the UN mission in Côte d'Ivoire submitted pursuant to SC Resolution 1514 (2003) of 13 November 2003', New York, 6 January 2004.

[42] Johnstone, *op. cit.*, p. 170.

[43] S. Smith, 'Laurent Gbagbo: "Il n'y a pas de transition à organiser, il y a un ordre légal à rétablir!"', *Le Monde*, 16 January 2003.

while avoiding admitting it publicly, Gbagbo and his associates were conscious of the weakness of the national army and knew that without France's intervention in 2002 the rebels would have advanced towards Abidjan. As long as an FN attack remained a possibility, they presumably saw UNOCI, and even more so Operation *Licorne*, as 'buffers' that, at least, guaranteed the preservation of the military status quo. In fact, in spite of the frequently expressed criticism of France's policy, during the first two years of the crisis the Ivorian regime never mentioned the possibility of a withdrawal of *Licorne*. Its relationship with France was very ambivalent, and phases of reconciliation regularly followed moments of tension.[44]

The presence of Operation *Licorne* was a double-edged sword for UNOCI. From the military point of view, the operation was a great asset. However, looking at the principle of consent, the coexistence between UNOCI and Operation *Licorne* was problematic. It can be said that, at the time of its deployment, Operation *Licorne* had also received the 'consent' of the Ivorian government, but this consent stemmed from a different rationale. Operation *Licorne* had found its initial legal justification not in the UN doctrine but on different grounds, the protection of the French community in Côte d'Ivoire and the Franco-Ivorian defence agreements.[45] Although the interpretation of the agreements was controversial, there is little doubt that they had been originally designed as a means to protect the incumbent government, rather than to foster a process of dialogue between conflicting parties. France's subsequent effort to present Operation

---

[44] Smith, op. cit. L. D'Ersu, 'La crise ivoirienne, une intrigue franco-française', *Politique africaine* 105, 2007, pp. 85-104..

[45] For a discussion of *Licorne* by the point of view of international law, see L. Balmond, 'Sur quelques enseignements de l'"Opération *Licorne*"', *Arès* XXI, 2004, pp. 83-96.

Licorne as a peace operation aiming at promoting a political solution, apparently placing it in line with the UN approach to peacekeeping, went against the preferences of Gbagbo, who had hoped that the French could support him against the insurgents.[46]

Although the Linas-Marcoussis agreement required extensive international support for its implementation, the fact that Gbagbo and his supporters militated for reducing the political space of external actors meant that UNOCI was given a mandate that was "broad in terms of areas to be covered" but "limited in the sense that the mission was to 'assist' the Ivorian government in almost all areas".[47] Paradoxically, UNOCI's position was complicated by the fact that Côte d'Ivoire was not a 'failed state' to the same degree as other post-conflict African countries where the UN had carried out peace operations, such as neighbouring Liberia and Sierra Leone.[48] This implied that UNOCI had to work all the time alongside state institutions and its position in the 'peacebuilder bargain' was considerably weaker.

UNOCI was facing a difficult dilemma. Consent was indispensable for carrying out a mandate that implied the cooperation of the Ivorian parties. However, if the mission interpreted too strictly its consent-based mandate, it risked to be reduced to insignificance and impotence. If, on the other hand, UNOCI chose to put pressure on the

---

[46] D'Ersu op. cit..

[47] G. Yabi, 'Côte d'Ivoire', in M. Edgren-Schori, D. García-Orrico et al., *Security Council Resolutions Under Chapter VII*, Madrid: Fundación par las Relaciones Internationales y el Diàlogo exterior (FRIDE), 2009, p. 155. For a discussion of UNOCI's mandate and its limitations, see also A.J. Bellamy and P.D. Williams, 'Local Politics and International Partnerships: The UN Operation in Côte d'Ivoire (UNOCI)', *Journal of International Peacekeeping*, 2012, 16(3-4), pp. 252-281.

[48] Interviews with UNOCI political officer, Abidjan, 16 July 2010, and with senior UNOCI officer, Abidjan, 28 July 2010.

Ivorian regime, it could compromise its relations with Gbagbo and host state consent in a definitive manner.

2003-2007 Managing consent through dialogue or pressure

Fostering consent in Côte d'Ivoire meant revitalizing the political process on which consent depended. Thus, the initial response to the hostility of the Ivorian president consisted in efforts to renegotiate some aspects of the Linas-Marcoussis agreement and make it more acceptable to the Ivorian participants, especially Gbagbo. UN Secretary-General Kofi Annan was personally involved in one of the new rounds of peace talks, which was hold in Ghana at the end of July 2004. In November 2004, however, a violation of the ceasefire by the Ivorian loyalist forces gave a new blow to the peace process and marked the peak of the Franco-Ivorian antagonism. Airstrikes on the rebel-controlled North, baptized by the Ivorian regime *Opération Dignité* (Operation dignity), degenerated into a quasi-war between Côte d'Ivoire and France after the still mysterious bombing of a French military camp by the loyalist troops.[49] UNOCI was not directly involved in the clashes, which however highlighted the problems that the UN were facing in Côte d'Ivoire: the risk of an overall collapse of a peace process that posed on fragile grounds, the ambiguities of the consent-based mandate with respect to cease-fire violations, and the tendency of France to act independently from the UN, rather than as a support force.

---

[49] About the November 2004 events, see Y. Konaté, 'Côte d'Ivoire: le canari d'eau de Jacques Chirac', *Politique Africaine* 97, 2005, pp. 117-132.

In the wake of these events, the Security Council adopted Resolution 1572,[50] by which it established an arms embargo and nominated a Sanction Committee in charge of targeted sanctions against those responsible for egregious human rights violations and obstructions to the peace process. Resolution 1572 could have led UNOCI to go beyond its consent-based mandate. Its impact was however counterbalanced by the fact that South African president Thabo Mbeki, just appointed mediator by the African Union (AU), thought that more meaningful progresses could be made by restoring trust among the conflict parties. In the end, the adoption of targeted sanctions was postponed and UNOCI was given a limited mandate with respect to the arms embargo that only allowed the mission to monitor its respect.[51]

A subtler source of tension with the principle of consent emerged by the outcome of the Pretoria talks sponsored by Mbeki, where the role that the UN was supposed to play in the post-conflict electoral process was discussed. Elections would have been organized by a revised Ivorian Independent Electoral Commission (IEC), but a "competent authority acting in the name of the international community" was to be mandated "to guarantee transparency and the strict respect of the rules governing the election".[52] The role of the 'competent authority' was not 'consensual' in the sense that its decisions were supposed to be independent from the will of the parties and motivated only by concern about the fairness of the electoral process. In fact, the unprecedented decision of the UN Secretary-General to nominate a High Representative for Elections

---

[50] UN Security Council Resolution 1572, New York, 15 November 2004.

[51] UN Security Council Resolution 1584, New York, 1 February 2005.

[52] UN, 'Letter dated 23 May 2005 from the Permanent Representative of South Africa to the United Nations addressed to the President of the Security Council', New York, 24 May 2005.

(HRE) independent from UNOCI and from the UN SRSG suggested that the UN was aware of the difficulty to conciliate the consent-based mandate of UNOCI with the new task.[53]

A new paralysis in the peace process was, however, leading to an indefinite postponement of the elections. In order to avoid an institutional deadlock, the Peace and Security Council of the AU met on 6 October 2005, taking a series of decisions that were subsequently endorsed by UN Security Council Resolution 1633.[54] Prime Minister of the national unity government Seydou Diarra was replaced by former governor of the Central Bank of West African States (*Banque Centrale des États de l'Afrique de l'Ouest*, BCEAO) Charles Konan Banny. At the same time, a ministerial-level International Working Group (IWG) was mandated "to evaluate, monitor and follow-up the peace process",[55] establishing what was seen at the time a sort of 'international trusteeship' on Côte d'Ivoire. Resolution 1633 also used for the first time the term 'certification' for describing the mandate of the HRE.[56]

UNOCI was actively involved in the IWG as Tévoédjrè's successor Pierre Schori was given the co-presidency of the new organ. Such an involvement contributed to the deterioration of the relations with President Gbagbo and his supporters and to the

[53] UN Security Council Resolution 1603, 3 June 2005. About the role of the UN in overseeing the Ivorian electoral process, see L.-A. Théroux-Bénoni, 'Lessons for UN Electoral Certification from the 2010 disputed presidential poll in Côte D'Ivoire', *Africa Initiative Policy Brief*, Waterloo (Ontario): Centre for International Governance Innovation (CIGI), 2012,

[54] AU, 'Communiqué of the 40th Meeting of the Peace and Security Council', Addis Ababa, 6 October 2005. UN Security Council Resolution 1633, New York, 21 October 2005.

[55] AU, *op. cit.*, par. 10-V.

[56] L.-A. Théroux-Benoni, *op. cit.*

further fragilization of host state consent. In January 2006, the *jeunes patriotes* took the streets, claiming that a statement of the IWG, which acknowledged the expiration of the Ivorian National Assembly and pleaded for a non-extension, constituted an attack against the Ivorian institutions. They paralysed Abidjan for three days and encircled the headquarters of UNOCI. In the volatile town of Guiglo, the situation degenerated as UN peacekeepers opened fire on the demonstrators, killing five.[57] It was the first time that UNOCI openly clashed with the followers of the Ivorian president. In the wake of these events, targeted sanctions were for the first time adopted against two pro-Gbagbo youth leaders and one FN commander.

In the meantime, rumours circulated that Gbagbo was engaging in diplomatic steps for obtaining the replacement of Operation *Licorne* with a South African-led peacekeeping mission under the aegis of the AU. Although these rumours only concerned the possible expulsion of the Operation, the president apparently also insisted that the UN had to be excluded from the management of the Ivorian peace process.[58] Thus, consent from the Ivorian authorities looked at the mid-2006 more fragile than ever.

Moreover, international pressure did not seem to produce the hoped outcome. UNSC Resolution 1721 of November 2006[59] responded to the lack of advances in the peace process by reaffirming and detailing the special powers of the prime minister and the international support for him. Given the lack of enforcement mechanisms, the

---

[57] See International Crisis Group (ICG), *Côte d'Ivoire: La Paix comme Option*, Africa Report 109, 2006.

[58] 'Nouveau processus de sortie de crise: Voici les propositions de Gbagbo à Mbeki et Compaoré', *Le Temps*, 28 September 2006.

[59] UN Security Council Resolution 1721, New York, 1 November.

Resolution was judged by many UN officers unrealistic.[60] Indeed, if the 'trusteeship' option was to be pushed to its ultimate consequences, it would have meant that the principle of consent had to be overcome. Yet, even if UNOCI were given a different mandate and different resources, leading the country to post-conflict elections without the cooperation of the Ivorian warring parties would have still been hardly possible. While the deadlock seemed unsolvable, this time the initiative came unexpectedly by the part of Gbagbo himself.

The Ouagadougou Political Agreement: successful management of consent?

In October 2006, after the vote of UNSC Resolution 1721, Gbagbo declared that he would seek a new roadmap for peace through 'direct dialogue' with the FN. On 4 March 2007, the Ouagadougou Political Agreement (OPA) was signed and FN leader Guillaume Soro was designated as the new transitional prime minister. On substantial matters, the agreement differed little by the Linas-Marcoussis accord but the implementation formula changed. Responsibility for the conduct of the transition was transferred to Gbagbo and to Soro, thus eliminating the impartial prime minister equidistant from the parties to the conflict that was a cornerstone of the transitional arrangement set for by Linas-Marcoussis.[61]

---

[60] Interview with UN officer from the Department of Political Affairs (DPA), Abidjan, 5 August 2010.

[61] République de Côte d'Ivoire, 'Accord Politique de Ouagadougou (APO)', edition including complementary agreements and implementing decisions, Abidjan: Centre d'Information et de la Communication Gouvernementale, 2010. For an analysis of the agreement see T. Charles and S.P.A. Handy, 'L'Accord politique de Ouagadougou. Vers une sortie de crise pérenne en Côte d'Ivoire?', *Annuaire Français de Relations Internationales 2008* IX, 2008, pp. 653-667.

For the first time since 2002 the Ivorian parties had taken the initiative to go to the negotiation table. In this sense, the OPA seemed to lay down new grounds for consent-based peacekeeping in Côte d'Ivoire: differently from Linas-Marcoussis, which had been perceived as an agreement to some extent imposed, it represented a political process initiated and freely accepted by the conflict participants.

For Gbagbo and his supporters, the OPA was also a way to curtail international influence over the peace process, while responding to international criticism by showing that the warring parties were committed to peace implementation. Ivorian actors insisted that the peace process was now "nationally owned". Diplomats close to the Gbagbo regime were candid in admitting that one of the objectives of the direct dialogue was "to keep the UN out"[62] and it seems that a total marginalisation of UNOCI was what the Ivorian authorities initially had in mind and the UN feared.[63] UN officers were, however, able to persuade the Ivorian parties that excluding UNOCI was not realistic, as the support of an impartial actor was still needed in order to implement many practical aspects of the new agreement. Eventually, the Ivorian presidency seemed to be satisfied with a solution that implied curtailing UNOCI's political influence.

By UNSC Resolution 1765,[64] which endorsed the OPA, the role of UNOCI was redefined as one of providing financial, and to some extent technical, support to an internally defined process. The ability of UNOCI to provide security was reduced, as the buffer zone was dismantled and a new internal body put in charge of election

---

[62] Interview with senior Ivorian diplomat, Abidjan, 18 August 2010.

[63] Interview with officer of the UN Department of Political Affairs (DPA), Abidjan, 5 August 2010. Interview with senior UNOCI officer, Abidjan, 28 July 2010.

[64] UN Security Council Resolution 1765, New York, 16 July 2007.

security. The post of HRE was also eliminated, although, under demand of the FN and the Ivorian opposition, the 'certification' mandate was transferred to the UN SRSG and to a newly created 'certification cell' within UNOCI.[65]

If one assumed that the OPA proved a viable framework and that the commitment of the warring parties to its implementation was genuine,[66] the fact that UNOCI had less influence over the peace process was not a worrying development but rather represented a return of UNOCI to its original mandate. In this sense, Côte d'Ivoire could have looked at the mid 2007 as a successful case of consent management. In spite of the hostility manifested by the Ivorian regime UNOCI had been able to stay in Côte d'Ivoire and open clashes with the Ivorian authorities had been limited to the 2006 episode. International pressures, although by themselves unable to re-launch the peace process, had eventually convinced the Ivorian parties that they had abandon their unconstructive attitude and find a viable agreement.

An alternative interpretation was that the Ivorian parties had not abandoned their antagonism and their 'winner take all' approach to politics. They had realized that the situation of no war no peace was internally and internationally untenable. However, the OPA was a short term and opportunistic arrangement, rather than a fundamental step in the resolution of the crisis. The marginalization of the UN helped the Ivorian parties – which profited, in political and economic terms, from the division of the country – to pursue their game of postponement and mutual deception. In fact, presidential elections, scheduled for 2005 according to the electoral calendar, were postponed many times

[65] Théroux-Bénoni, op. cit.

[66] This is notably the view hold by A.B. Bah, 'Democracy and civil war: citizenship and peacemaking in Côte d'Ivoire', *African Affairs* 109, 2010, pp. 597-615.

between 2007 and 2010. The Disarmament, Demobilization and Reintegration (DDR) process, another centrepiece of the OPA, stalled in spite of the conclusion of a series of complementary agreements dealing with it.[67] Thus, the mission of *accompagnement* of UNOCI proved more ambiguous than what the term suggested.

As the time passed and the road map envisaged by the OPA was not met, disillusionment was the prevailing feeling at UNOCI's headquarters. It seemed that, for avoiding endangering consent and falling back to the 2006 scenario, the UN had chosen a position of passivity and acquiescence. Attempts to block the peace process were rarely denounced in public by UN senior officers and the Sanction Committee avoided adopting any further targeted sanctions. Particularly significant was the UN SRSG's acquiescence in February 2010, when the Gbagbo camp accused the chairman of the IEC of fraud, and the president dismissed both the IEC and the government.[68]

In spite of the apparently passive aptitude of UNOCI towards the Ivorian parties, certain aspects of the UN mandate that went beyond the logic of *accompagnement* still bore the seeds of a potential conflict with the principle of consent, particularly the mandate of certification, now conferred to the UN SRSG. The problematic aspect of the certification mandate was all the more notable as South Korean Young Jin Choi, who had taken the lead of UNOCI after the conclusion of the OPA, interpreted it in a particularly strong manner – not just as assessing the fairness of elections, but also safeguarding the respect of the results, even by employing force if necessary.[69]

---

[67] République de Côte d'Ivoire,'Accord Politique', *op. cit.*

[68] Bah, *op. cit.*

[69] Interview with senior UN officer, Abidjan, 24 August 2011. According to the interviewed, Choi insisted personally on the inclusion in a leaflet on the certification released by UNOCI of a few lines

A second aspect of UNOCI's mandate that could still clash with the principle of consent was the task of protecting civilians, although its scope was limited to the mission's area of operations. Between 2007 and 2010, the human rights situation through the country had improved, but a rapid deterioration was always a possibility. Its protection mandate could lead UNOCI to clash with the Ivorian regime on the respect of human rights and humanitarian law.

The 2010 elections and the collapse of consent

As time passed by, the continuous postponement of the presidential election appeared unsustainable. In October 2010, time eventually appeared ripe. Pressure on Gbagbo was mounting and he had been convinced by opinion polls that he was now in a position to win. Those expectations turned out wrong: Gbagbo came ahead of the other candidates in the first round, but in the second round the alliance concluded between the main opposition parties proved to work and former Prime Minister Alassane Ouattara obtained most of the votes. The follow-up demonstrated that Gbagbo was not prepared to relinquish power even in such circumstances. The FPI-controlled Ivorian Constitutional Council tried to reverse the results by invalidating the vote in northern districts favourable to the rival and proclaimed the incumbent president the effective winner of the elections.[70]

---

stating that the UN SRSG would have safeguarded the results "by all means at his disposal" (UNOCI, 'Certification des Elections en Côte d'Ivoire/The Certification of Elections in Côte d'Ivoire', para. 9, available online. English version available at: www.onuci.org/pdf/faqcertificationen.pdf (3 March 2013)).

[70] For an analysis of the electoral process and its results, see T. Basset, 'Winning Coalition, Sore Loser: Côte d'Ivoire's 2010 Presidential Elections', *African Affairs* 110, 2011, pp. 469-479; European Union

In his certification of the elections, the UN SRSG argued that the alleged frauds were either minor or non-existent.[71] While the certification mandate led to an irreparable break between UNOCI and Gbagbo, it provided a partial way out from the principle of state consent. By officially designating a winner of the elections, the certification changed Gbagbo's status, from head of the Ivorian state to illegitimate authority. The international recognition of Ouattara as the elected president – which deprived Gbagbo of the cover of sovereignty – was arguably the factor that allowed UN peacekeepers to ignore the order to leave the country given by the 'illegal' government nominated by Gbagbo. The latter, however, remained without any doubt one of the main warring parties to the conflict, and his withdrawal of consent had major consequences, both in normative and operational terms. UNOCI was prevented from operating normally and, in the months following the elections, harassment and even physical aggression against UN peacekeepers became a frequent occurrence. The mission concentrated on protecting the elected president and his government, trapped in their headquarters of the *Hotel du Golf*, but seemed unable to stop the wave of political repression unfolding in Abidjan. The situation escalated in February, when in an Abidjan neighbourhood reputedly favourable to Ouattara a guerrilla movement started to conduct attacks on the loyalist forces. In response the incumbent regime took a series

Election Observation Mission, 'Côte d'Ivoire: Election Présidentielle 31 octobre – 28 novembre 2010. Rapport Final', Brussels: 2011. About the post-election crisis and the following international intervention, see also Marco Wyss' contribution in this volume.

[71] Y.J. Choi, 'Statement on the Certification of the Result of the Second Round of the Presidential Election Held on 28 November 2010', UNOCI, Abidjan, 3 December 2010.

of indiscriminate actions, such as the shelling of a marketplace in the popular Abobo neighbourhood.

In reaction, under France's and Nigeria's initiative, the Security Council met and adopted Resolution 1975. The Resolution, adopted on 30 March 2011, was framed as 'civilian protection' and authorised UNOCI 'to prevent the use of heavy weapons against the civilian population'[72] by all necessary means. The implementation of Resolution 1975 was all the more delicate as, by the time of its adoption, the former FN, now re-baptised *Forces Républicaines de Côte d'Ivoire* (FRCI) and allied with Ouattara, were starting a major military offensive, encountering minimal resistance until their entry into Abidjan. Resolution 1975 could thus easily be read as a covert authorisation for UNOCI to support the FRCI against Gbagbo.[73]

While the battle for Abidjan intensified, UN peacekeepers were attacked and the mission's headquarters were repeatedly shelled by the pro-Gbagbo forces. Eventually, the exasperation and the prospect of a disastrous extension of the conflict persuaded UNOCI to intervene. On 4 April, UNOCI started a first helicopter attack over Gbagbo's last strongholds, also targeting the presidential residence in further raids. Operation *Licorne* stepped in and its military strength played a determinant role in the eventual success of the raids. After a failed effort to obtain Gbagbo's negotiated surrender, the

---

[72] UN Security Council Resolution 1975, 30 March 2011, para. 6.

[73] About the adoption of Resolution 1975 and the conflicting interpretations of the Resolution by different members of the Security Council, see also A.J. Bellamy and P.D. Williams, 'The new politics of protection? Côte d'Ivoire, Libya and the responsibility to protect', *International Affairs*, 2011, 87(4), pp. 834-835 and Bellamy and Williams, 'Local politics', op. cit., pp. 65.

attacks resumed on 10 April. The day after, Gbagbo's troops were finally conquered and the former president was taken into custody.

UNOCI's action notably raised criticism of two Security Council members, Russia and South Africa, which accused the mission of having gone beyond Resolution 1975.[74] UN SRSG Choi, however, strongly defended the actions undertaken by UNOCI, arguing that the UN had played a crucial role in both defending democracy and protecting the civilian population.[75] Choi was supported by UN Secretary General Ban Ki Moon, who stated that UNOCI had acted in self-defence and to protect civilians in conformity with its mandate.[76]

Conclusions

The emergence of robust peacekeeping and of the responsibility to protect in the last decade have led some authors to proclaim prematurely the 'death of consent', which would have turned into 'organized hypocrisy'. However, at a closer look, the norm of consent, particularly when it comes to consent from the host state authorities, has still a fundamental impact on the work of UN peacekeepers, although the necessity to maintain consent may clash with other norms and principles supported by the UN. This

---

[74] Williams and Bellamy, 'Local politics', op. cit., p. 66. Interview with South African diplomat, Abidjan, August 2011.

[75] P. Cherruau and A. Khady Sé, 'Après l'élection, Gbagbo a perdu contact avec la réalité', interview with Young-jin Choi, *SlateAfrique*, 25 April 2011. Available at: http://www.slateafrique.com/1641/election-laurent-gbagbo-perdu-contact-avec-realite (30 April 2011).

[76] Williams and Bellamy, 'Local politics', op. cit., p. 66.

is why, in contemporary multidimensional operations, managing consent requires a delicate balance between firmness and flexibility.

The case of UNOCI proves the continuous importance of consent in UN peacekeeping. Discussions about UNOCI have focused almost exclusively over the actions undertaken by the mission after 2010 and UNOCI has been labelled an example of 'the new politics of protection'.[77] However, a deeper analysis shows that, until the 2010 elections, maintaining and nurturing consent constituted one of the major preoccupations of the mission. This preoccupation was partially in contrast with the other main imperative that drove the work of UNOCI, namely to ensure that the peace process progressed, in spite of the game of duplicity and manipulation played by the Ivorian parties. Born as a fully consent-based mission, UNOCI was gradually attributed a series of tasks that posed potential challenges to the principle of consent. After the parenthesis of 2005-2006, UNOCI's senior officers became very cautious in avoiding any open clash with the Ivorian state authorities. However, the excessively complaisant attitude showed by UNOCI between 2007 and 2010 could have contributed to the outbreak of the post-election crisis, encouraging Gbagbo's expectation that his electoral hold up was not going to meet significant resistance.

With the events of 2010-2011, UNOCI had to radically reconsider its position. Clearly, UNOCI's actions violated the principle of consent as delineated by the Capstone doctrine. Two main warring parties were engaged in violent conflict, and the use of force was pursued at the strategic level. Somewhat paradoxically, a UN mission that was at its beginning constrained by a narrow mandate of 'assistance' to national authorities ended up breaking with the principle of consent. An innovative mandate –

---

[77] Bellamy and Williams, 'The new politics', op. cit.

the certification – led to an irreducible conflict between the safeguard of election results, and thus democracy, and the principle of consent.

It is difficult to tell if UNOCI will constitute a precedent. In particular, the impact of the certification mandate over the principle of consent may lead the Security Council to exercise more caution in the future in attributing again this task to a peacekeeping mission, and the warring parties to avoid asking the UN to play this role. Moreover, although much of the responsibility for the course of action taken by UNOCI goes to SRSG Choi, who was convinced that the UN had the right and duty to break with the principle of consent for defending the election results, UNOCI would have probably been unable to intervene militarily without Operation *Licorne* and without the diplomatic support of a large section of the so-called 'international community'.[78] Given also the current difficulty for peacekeeping missions in securing well-trained troops, it is arguable that UNOCI's break with the norm of consent will remain an exceptional case.

---

[78] See Marco Wyss' contribution in this volume.