

UN Peacekeeping and Protection of Civilians in the 21st Century

Case Studies: MONUC and UNAMID

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List of Abbreviations

AFDL	Alliance des Forces Democratiques pour la Liberation du Congo – Zaire
AMIS	African Mission in Sudan
DFS	Department of Field Support
DPA	Darfur Peace Agreement
DPKO	Department of Peacekeeping Operations
DRC	Democratic Republic of the Congo
FDLR	Forces Democratiques de Liberation du Rwanda
GNI	Gross National Income
HRDLS	Humanitarian Recovery, Development and Liaison Section
ICC	International Criminal Court
ICD	Inter-Congolese Dialogue
IDP	Internally Displaced Person
JEM	Justice and Equality Movement
LRA	Lord’s Resistance Army
MLC	Mouvement pour la Liberation du Congo
MONUC	United Nations Organization Mission in the Democratic Republic of the Congo
MONUSCO	United Nations Organization Stabilization Mission in the Democratic Republic of the Congo
NATO	North Atlantic Treaty Organization
NGO	Non-Governmental Organization
OCHA	Office for the Coordination of Humanitarian Affairs
ONUC	United Nations Operation in the Congo
RCD	Rassemblement Congolais pour la Democratie
SLM/A	Sudan Liberation Movement/Army
UN	United Nations
UNAMID	African Union/United Nations Hybrid Operation in Darfur
UNAMIR	United Nations Assistance Mission for Rwanda
UNDP	United Nations Development Program
UNEF	United Nations Emergency Force
UNHCR	United Nations High Commissioner for Refugees

UNICEF	United Nations Children's Fund
UNIKOM	United Nations Iraq-Kuwait Observation Mission
UNITAF	Unified Task Force
UNPROFOR	United Nations Protection Force
UNOSOM	United Nations Operation in Somalia
UNTAES	United Nations Transitional Administration in Eastern Slavonia
USD	United States Dollar
WFP	World Food Program

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Introduction

“We the peoples of the United Nations determined to save succeeding generations from the scourge of war...” (U.N.)

Sixty-five years ago, as the Second World War came to an end, fifty-one countries joined forces to create the United Nations. The founding members believed in universal respect for human rights, justice, equality, dignity and hoped to create an international body capable to prevent further suffering caused by war. They envisioned an Organization capable to maintain international peace and security. Over the last two decades, however, both the numbers and nature of conflicts increasingly affected innocent civilians, trapping them in the midst of genocide, terrorism, ethnic cleansing. As long as the United Nations is not able to efficiently prevent the vulnerable from falling victims of atrocious war crimes, it cannot be the successful, competent, and respected International Organization envisioned by its founders.

The central question this study strives to answer is to what extent have the suggestions on the protection of civilians in United Nations peacekeeping operations been implemented in MONUSCO and UNAMID and whether these missions were successful in terms of civilian protection. The overarching goal is to analyze how efficient are present-day United Nations peacekeeping operations in protecting civilians. To that end, the study discusses various definitions and generations of peacekeeping, the process of establishing a peacekeeping mission, and the historical background of its evolution in respect to civilian protection. Upon

establishing the factors for success, the study examines the implementation of civilian protection in MONUSCO and UNAMID, the largest peacekeeping missions in UN history to date. After assessing the success of civilian protection efforts in MONUSCO and UNAMID, the conclusion presents a look ahead at what are some of the remaining challenges and outlines some of the suggestions that could bring further success if implemented.

In order to present these issues, the study is divided into two main parts. The first part provides the background and progress of peacekeeping to date, as well as a method for assessing success. Chapter 1 examines how peacekeeping is defined and how it evolved throughout UN history. It discusses the inception of the concept of ‘peacekeeping’ as a tool for maintaining international peace and security, and provides an overview of traditional, first generation peacekeeping, as well as complex, second generation peacekeeping in the immediate post-Cold War era. The lessons learned section takes a look at several UN peacekeeping operations in the 1990s which called for a need to reassess peacekeeping strategies.

Chapter 2 then focuses on how a third generation of robust peacekeeping has evolved based on the suggestions regarding protection of civilians in the period post the 1990s. This chapter discusses suggestions incorporated in documents such as the Brahimi Report or the Department of Peacekeeping Operations’ New Horizon document and how these recommendations translated into a new, robust, third generation of peacekeeping. These suggestions initiated a shift in the definitions and understanding of the three core principles of peacekeeping, consent, impartiality, and use of force only in self defense, which defines this new form of so-called ‘robust’ peacekeeping. Upon assessing the required elements for building the necessary capacity of the third generation of peacekeeping to protect civilians, Chapter 2 presents an overview of several of the issues currently facing achieving the

appropriate robustness, namely, the gap between mandate and means, and the issue of third world troop contributing countries.

Chapter 3 serves as a benchmark for measuring success, by addressing the factors which determine the success of a peacekeeping mission, in terms of protection of civilians, and the level to which these factors have been addressed by the recommendations and changes in peacekeeping. The chapter outlines four determinants for success, which range from the leverage of the peace agreement, the effectiveness of the mission's mandate, the level of its understanding of the situation on the ground, and the characteristics and capacity of the peacekeeping operation itself.

The second part of this research provides a closer look at the two largest peacekeeping missions to date, MONUSCO and UNAMID. Chapters 4 and 5 discuss the extent to which the aforementioned recommendations have been implemented in MONUSCO, and UNAMID, respectively, and analyze the degree to which the missions achieved success in protecting civilians, according to the yardsticks presented in Chapter 3. MONUSCO, discussed in chapter 4, provides a significant case study of the evolution of protection of civilians, as the mission evolved from an observer, first generation-type operation, into one of the most robust missions regarding civilian protection. UNAMID, introduced in chapter 5, is of particular significance not only because it is currently the largest peacekeeping mission, but also because it was initiated subsequent to the civilian protection recommendations and can serve as a measure for the extent to which the UN took into consideration the advice it was given. In assessing the success of the missions, these chapters also address those recommendations not put into practice, and the effect this has had on the efficiency of protecting civilians. Chapter 4 and 5 are thus parallel and complementary to each other in demonstrating both the progress and the remaining challenges when it comes to protection of

civilians in peacekeeping operations. Hence, chapter 6 concludes by reflecting upon how the suggestions on protecting civilians have influenced the contemporary success or failure of peacekeeping and outlining some of the continuous challenges in present-day missions and their possible solutions.

Chapter 1

Defining Peacekeeping

The United Nations Charter, while defining the purposes, bodies, and procedures of the Organization, as well as the rights and obligations of its Member States, fails to provide a definition of “peacekeeping.” What is more, the term “peacekeeping” does not appear in any of the Charter’s 111 articles. Throughout the years, scholars, journalists, diplomats and academics developed various definitions of peacekeeping. The International Peace Academy defines peacekeeping as “the prevention, containment, moderation and termination of hostilities between or within states, through the medium of a peaceful third party intervention organized and directed internationally, using a multinational force of soldiers, police, and civilians to restore and maintain peace.”(Diehl 1988, 486) Other definitions include “the deployment of a UN presence in the field, hitherto with the consent of all parties concerned, normally involving UN military and/or police personnel and frequently civilians as well,” (Boutros-Ghali 1992) or “non-combat military operations (exclusive of self-defense) conducted by UN authorized forces with the consent of all major belligerent parties, designed to monitor and facilitate an existing truce agreement.” (Quinn 1994) The United States government goes further to define the term “aggravated peacekeeping,” referring to “military combat operations conducted by UN authorized forces and designed to monitor and facilitate an existing truce agreement; initially begun as non-combat operations (exclusive of self-defense) and with the consent of all major belligerents, but which subsequently, due to any number of reasons, become combat operations where UN forces are authorized to use force not only for self-defense but also for defense of their assigned missions.” (Quinn 1994)

Despite not being defined or included in the United Nations Charter, peacekeeping has been one of the central instruments employed by the United Nations in achieving its goal

to “maintain international peace and security.” (U.N.) The UN Charter’s articles 43 through 47 describe the role of the Organization in international military affairs, as well as the establishment of a UN Military Staff Committee. As negotiations over UN’s standing forces envisioned in Article 43 collapsed between 1947 and 1948, and the Military Staff Committee was never established, the UN redesigned its international military role through peacekeeping (Hillen 1998). UN peacekeeping, by providing “essential security and support to millions of people as well as fragile institutions emerging from conflict,” became an “impartial and widely accepted vehicle for both burden-sharing and effective action” in today’s international society (U.N. 2010). Peacekeeping is the only instrument that allows for the deployment of multinational forces in conflict-torn areas, where most individual states lack the will or ability to take unilateral action in preventing escalation or relapse of conflicts. In the words of Ambassador Susan Rice, “the only alternative to the UN [peacekeeping] is that we do nothing and that these conflicts fester, spill over, and create an environment where criminals can operate and where terrorists can find a safe haven.” (Rice 2009)

Although peacekeeping was never included in the United Nations Charter, the second UN Secretary-General Dag Hammarskjold defined peacekeeping as constituting a “Chapter VI and a half,” falling between the Chapter VI peaceful resolution with no use of force, and the more vigorous Chapter VII, consenting to use of any “action by air, sea, or land forces” (U.N.) in order to maintain international peace and security. However, developed during the difficult political environment of the Cold War, peacekeeping started off with a tradition of mandates falling under Chapter VI of the Charter. Early definitions of peacekeeping emphasize the role of the military personnel as monitors or observers of a ceasefire agreement, operating under limited rules of engagement, and able to use force only in self defense (Quinn 1994). Such operations are known as “traditional peacekeeping,” in which the peacekeepers are deployed to monitor buffer zones between the parties to the conflict,

previously determined through a ceasefire agreement (Jett 2000). Also referred to as “first generation” peacekeeping, the largest traditional peacekeeping force would be formed of approximately 6000 peacekeepers (Hillen 1998). Paul Diehl offers one of the complete, most renowned definitions of traditional peacekeeping:

“Peacekeeping is [...] the imposition of neutral and lightly armed interposition forces following a cessation of armed hostilities, and with the permission of the state on whose territory these forces are deployed, in order to discourage a renewal of military conflict and promote an environment under which the underlying dispute can be resolved.” (1993)

Diehl’s definition outlines the founding principles of traditional peacekeeping: consent, impartiality, and limited use of force. Most of the missions deployed during the Cold War were based on these three principles and can be characterized as “first generation” peacekeeping, mandated under Chapter VI of the Charter.

The end of the Cold War brought a significant change in the role and development of peacekeeping operations. “Traditional peacekeeping,” given mainly military observational tasks, evolved into “multidimensional” or “complex” peacekeeping, serving not only to monitor ceasefire agreements, but also to disarm and reintegrate combatants, organize democratic political systems, or monitor human rights (U.N. 2010). Also known as “second generation” (Hillen 1998) peacekeeping, these missions generally operate in a different environment, often facing ongoing violence due to the collapse or mere absence of ceasefire agreements. Unlike the clearly defined inter-state buffer zones in which most first generation peacekeeping missions operate, second generation missions, for the most part, deal with the hostile environment of civil conflicts (Hillen 1998; Jett 2000). Apart from consisting of significantly more tasks, the mandates of complex missions often evolve continuously, according to the situation on the ground. However, in spite of their complex nature, second

generation missions maintain the same three core principles of consent, impartiality and use of force only in self defense, and are often not given the necessary means to achieve their multifaceted mandates.

Assembling a UN PKO

The concepts of “traditional” and “complex” peacekeeping operations have developed directly from UN practice over several decades. As “peacekeeping” was not included in the UN Charter, no framework exists as to how peacekeeping operations should be conducted. Rather, peacekeeping has developed on an ad-hoc basis, tailored to each conflict it addresses. The definitions and interpretations of the aforementioned three bedrock principles of peacekeeping have themselves evolved throughout time, with each new mission. Although the first UN operation attributed the term “peacekeeping” was authorized by the General Assembly, shortly thereafter the Security Council took on the task, as the only body holding the power and responsibility to remove identified “threats to international peace and security.” (U.N.) Nonetheless, the Secretary-General, as well as the General Assembly, can bring peace and security issues to the attention of the Security Council, and recommend peacekeeping as a solution. Historically, the establishment of a peacekeeping mission has also been requested in agreements between Member States in the wake of a conflict (Durch 1993).

The Security Council designs each peacekeeping mission based on the circumstances in which it will operate. As the first step of the customary process, the fifteen Member States forming the Security Council draft a resolution authorizing the operation and deciding its mandate. The draft resolution requires a minimum of nine votes in order to pass, including the affirmative votes of the five permanent members of the Security Council. Therefore, the negative vote of China, Russia, France, Britain, or the United States, represents a veto, and

prevents the passing of the resolution, and the establishment of the peacekeeping mission. Subsequent to the Security Council authorization, the Secretary-General recommends a framework for initiating and carrying out the operation, and periodically reports on the mission's progress towards its mandate. Historically, once the mission was established, the Field Operations Division would provide managerial and logistical support. However, due to the "tremendous increase in the volume and scope" (Hillen 1998) of peacekeeping in the post-Cold War period, the UN Secretariat created the Department of Peacekeeping Operations (DPKO). Established in September 1993, the DPKO currently provides peacekeepers with "day to day executive direction, management and logistical support." (U.N. 2010)

Nonetheless, the mission planning process ultimately falls under the responsibility of the Secretary-General. The principal mission leaders, the Special Representative of the Secretary-General, responsible for the peacekeeping operation as a whole, and the Force Commander, coordinating the military aspects, are both selected by the Secretary-General. Perhaps most importantly, the Secretary-General is entrusted to secure the operation's components from Member States. Civilian police, troops, other personnel, transportation, equipment, supplies, and logistical support are essential elements of a peacekeeping mission which are acquired from voluntary contributions of Member States (Bellamy, Williams, and Griffin 2004; U.N. 2010). Hence, the willingness and support of Member States and the quality of their contributions are critical determinants for the outcome of a peacekeeping operation. Prior to 1990, the Scandinavian states, Canada, and Ireland have been the leading contributors to peacekeeping, recognized in the UN as reliable sources of experienced peacekeepers (Jett 2000). However, as peacekeeping continuously expanded in the post-Cold War era, more than 100 Member States now contribute to UN peacekeeping operations worldwide (Bellamy, Williams, and Griffin 2004).

Lessons from the past

The first UN operation referred to as a “peacekeeping mission,” United Nations Emergency Force I (UNEF I), deployed in 1956 to monitor the ceasefire between Egyptian and Israeli forces in the Suez crisis and operated as a “traditional peacekeeping” mission. UNEF I represents not only the inauguration of the “peacekeeping” concept, but also the source of the principles guiding traditional peacekeeping operations in the subsequent decades: consent, impartiality, and use of force only in self defense (Hillen 1998).

In a surge of over-optimism due to the success of UNEF I in achieving its mandate, the United Nations established the United Nations Operation in the Congo (ONUC) of 1960. ONUC was the first mission to deploy peacekeepers between belligerents in a civil war, the first large-scale operation, but also the first peacekeeping failure (Hillen 1998). ONUC’s mandate contradicted the fundamental principles of peacekeeping developed through UNEF I, by requiring its peacekeepers to “take all necessary steps in consultation with the Congolese government to provide it with such military assistance as may be necessary.” (Ball 1982, 227) The lack of Security Council guidelines as to how ONUC could achieve its mandate would later be recognized as Security Council’s tendency to design vague mandates for controversial missions, in order to “build the voting majority needed to pass them.” (Diehl 1993, 75) While trying to achieve such a vague mandate and restore order through force, 250 of ONUC’s peacekeepers were killed. Although ONUC eventually succeeded in maintaining Congo’s territorial integrity, the Security Council disputes over the increased human and monetary costs led to a reassessment of the future of UN peacekeeping (Jett 2000).

Given ONUC’s experience and the Cold War political climate, the Security Council experienced a political deadlock which prevented further development of the concept of “peacekeeping.” Consequently, between 1967 and 1988 the UN established only three additional peacekeeping operations, all three of which were observer missions based on the

principles of traditional peacekeeping. However, as the Cold War ended, higher political consensus within the Security Council increased the UN's involvement in maintaining international peace and security through peacekeeping. Between 1988 and 1993 alone the UN undertook more peacekeeping missions than ever before. With the U.S. and Russia finally cooperating within the Security Council, peacekeeping entered a new era, in which both traditional and complex operations could be deployed. The change was determined partly by the increase in civil conflicts between ethnic and religious groups, where "civilians, rather than soldiers, are the tactical targets, and fear, brutality, and murder are the foundation on which control is constructed." (Nordstrom and Martin 1992, 261) By 1994, 29 out of 30 ongoing conflicts were intrastate conflicts, leading to an increased need for UN peacekeeping, and an overall surge in newly established missions (Evans 1994). However, as the UN embarked on more ambitious peacekeeping projects dealing with intrastate conflicts, it failed to adapt the traditional peacekeeping principles to the new conflict environment. Therefore, when faced with the situation of broken ceasefires and relapse into conflict in countries such as Somalia, Rwanda or Bosnia, UN peacekeeping did not perform according to expectations, as it lacked the capability to enforce peace and prevent gross human rights violations. Consequently, the 1990s represented a dire time for United Nations peacekeeping, as increased international criticism led to a plunge in peacekeeping prestige and reputation (U.N.).

The 1991 Iraq-Kuwait Observation Mission (UNIKOM), mandated to establish and monitor a demilitarized zone between Iraq and Kuwait, was the first peacekeeping mission for which the Security Council explicitly invoked its Chapter VII powers (Resolution 687). As conflict had undergone a dramatic change and peacekeeping too needed to become stronger, the pattern of Security Council "acting under Chapter VII" has continued in the

immediate period, with the mission in Somalia (UNOSOM), the former Yugoslavia (UNPROFOR), and Rwanda (UNAMIR) (Jett 2000; Van Creveld 1991).

In its inception, UNOSOM was yet another mission based on consent, monitoring a ceasefire agreement, and protecting UN personnel and convoys. However, as the situation on the ground worsened in December 1992, the Security Council authorized the assistance by the US-led coalition UNITAF, under a robust Chapter VII mandate. By 1993, the Security Council recreated the mission under UNOSOM II, which absorbed most of the UNOSOM and UNITAF forces. Nonetheless, other forces from UN Member States, including three independent United States troops, remained on the ground, despite not being included in UNOSOM II (Sarooshi 1999). The new mission was to prevent the continuation of violence, seize belligerents' small arms, and secure the delivery of humanitarian assistance (Security Council Actions Under Chapter VII - Myths and Realities 2009). Mandated to "use all necessary means to establish as soon as possible a secure environment for humanitarian relief operations in Somalia," UNOSOM II headed for failure once twenty-three Pakistani peacekeepers were killed in an attempt to disarm a local militia group (Resolution 794). Subsequently, the UN-independent United States force under the command of Major-General Garrison pursued the apprehension of the militia leaders responsible for the death of the Pakistani soldiers. On October 3, 1993, eighteen US soldiers were killed, triggering the withdrawal of the US forces, followed by the European governments. By March 1995, all UN troops withdrew from Somalia, as the mission was unable to carry out its mandate (Bellamy, Williams, and Griffin 2004). The ensuing studies of the failure identified the lack of resources, coordination, planning, clear unity of command, and a clear mandate as the causes of UNOSOM II's collapse.

Concurrent with UNOSOM, the Security Council established United Nations Protection Force (UNPROFOR) in former Yugoslavia. Resolution 743 of February 1992

mandated UNPROFOR to monitor the ceasefire agreement between Croatia and Serbia, and “create the conditions for peace and security required for the negotiation” of a peace agreement (Resolution 743). In September 1992, the Secretary-General recommended the Security Council to mandate UNPROFOR to secure the delivery of humanitarian assistance, under “normal peacekeeping rules of engagement,” authorized to use force only in self defense. The Secretary-General further clarified that in the given context, the use of force in self defense includes “situations in which armed persons attempt by force to prevent the UN troops from carrying out their mandate.” (U.N. 1992) Consequently, the Security Council approved the report through resolution 776, and in February 1993 restated the change as it extended UNPROFOR’s mandate (Resolution 807). Although the Council was “acting under Chapter VII of the Charter of the United Nations,” it notably did not mention its specific authorization for the use of force (Security Council Actions Under Chapter VII - Myths and Realities 2009). The Council further augmented UNPROFOR’s mandate in subsequent resolutions, establishing Srebrenica, Sarajevo, Tuzla, Zepa, Gorazde and Bihac as “safe areas,” “free from armed attack.” (Resolutions 819, 824, and 836) For UNPROFOR to deter attacks on the safe areas, the Security Council authorized an increase of merely 7,600 troops out of the 34,000 suggested by the Secretary-General (Bellamy, Williams, and Griffin 2004). Hence, the “safety” of the areas depended more on the “consent of the parties on the ground” rather than on UNPROFOR’s deterrence capacity (Resolution 555). In spite of its Chapter VII mandates, the force therefore operated as a traditional peacekeeping mission, lacking “the operational capability to enforce.” (Fetherson and University of Bradford : Department of Peace 1993) The consequences emerged in July 1995, when, unhindered by the Dutch peacekeeping forces, the Bosnian Serbs massacred over 7,600 Bosnian Muslims, in what was to be known as the “fall of Srebrenica.” (Rohde 1997) Among the “fall’s” causal factors, the Secretary-General identified the unwillingness to use force, the idealistic assessment of the

belligerents' intentions, the lack of a "credible military deterrent," combined with insufficient resources, and the ambiguity of UNPROFOR's mandate (General Assembly Resolution 549). The Bosnian War shortly came to an end, due to NATO's extensive air campaign against the Bosnian Serbs. Nonetheless, the lessons to be learned from failed peacekeeping operations do not end here.

While the UNOSOM II forces were facing the loss of the eighteen US soldiers and UNPROFOR peacekeepers were "detering" attacks on the safe areas, the Security Council was deploying yet another mission mandated to monitor a ceasefire agreement – United Nations Assistance Mission for Rwanda (UNAMIR) of 5 October 1993 (Resolution 872). UNAMIR was deployed subsequent to the Arusha Accords of August 1993, which were to end a civil war between the Rwandan Hutus, under the leadership of President Habyarimana, and the Tutsis, represented by the Rwandan Patriotic Front. The Accords included a ceasefire agreement, a power-sharing deal, and a request for a peacekeeping force to monitor both the ceasefire and the creation of a representative transitional government (Bellamy, Williams, and Griffin 2004). Designed only two days after the death of the eighteen American soldiers in Somalia, UNAMIR was "a grave accident of timing" for the Security Council (Melvern 2000, 79). Embittered by the Somali incident and holding the power of the veto, the United States pushed for a "small and cheap" (Bellamy, Williams, and Griffin 2004, 138) traditional peacekeeping operation, inadequate to manage the transition envisioned in the Arusha Accords (Prunier 1995).

Consequently, the Security Council authorized only 2,548 troops out of the 8,000 initially suggested by the Department of Peacekeeping Operations. What is more, due to the US' insistence to limit UNAMIR's budget to \$10 million a month, only half of the authorized troops were able to deploy within four months. The budget reduction also affected the mission's resources. Reportedly, UNAMIR lacked elementary supplies like eating utensils,

paper, and flashlights. Several troops, apart from lacking training, did not have basic gear, such as boots. Militarily, out of the twenty-two armored personnel carriers it was to have, UNAMIR received only eight, of which five were functional and did not arrive until March 1994. Moreover, the force had none of the eight military helicopters promised (Barnett 2002). The lack of resources illustrates the lack of international political will to create a strong mission capable of providing security.

While UNAMIR's tasks did include contributing "to the security of the city of Kigali," (Resolution 872) the Security Council did not invoke its Chapter VII powers, nor authorized the use of force other than in self defense. Recognizing the imminent threat to civilians, UNAMIR Force Commander Romeo Dallaire requested the Security Council's approval of a draft set of Rules of Engagement exclusive to UNAMIR. The draft, sent to the UN Headquarters on 23 November 1993, indicated a high possibility of "ethnically or politically motivated criminal acts," which would "morally and legally" commit UNAMIR to "use all available means to halt them." (U.N. 1999) Although the Security Council did not respond to the draft, Dallaire continued his efforts to bring peace and security to Rwanda. On 11 January 1994, the Military Adviser to the Secretary-General received a cable from Dallaire, containing critical information about impending atrocities. The cable detailed the Hutu extremists' strategy to significantly undermine UNAMIR by killing a number of the Belgian peacekeepers and determining the Belgian troops to withdraw from the mission. The tactic was to considerably weaken UNAMIR so that it will be unable to prevent or halt the Hutu extremists' planned extermination of the Tutsis. Dallaire further expressed UNAMIR's intention and ability to prevent the aforementioned atrocities, ending the cable with the memorable "Peux ce que veux. Allons-y. (Where there's a will, there's a way. Let's go.)" (U.N. 1999)

The “will” to prevent the ensuing violence was unfortunately only on Dallaire’s part. The Secretariat’s response directed UNAMIR to take no action and it further emphasized that the mission was not authorized to use force. Three months later, on 6 April 1994, the Hutu extremists launched their plan. Belgium began withdrawing its forces, after ten of its peacekeepers were killed by the Hutu militias. Notwithstanding pressure to request withdrawal, Dallaire persistently attempted to prevent the catastrophe and asked for reinforcement of UNAMIR. However, the Security Council decided against Dallaire’s recommendation and reduced the mission to 270 observers. Constrained by the Security Council decision and overwhelmed by the violence, the remaining peacekeepers were unable to make a difference. In just 100 days, more than 800,000 Tutsis and Hutu moderates were murdered. As the genocide progressed and caught the attention of the international community, the Security Council authorized the deployment of an additional 5,500 troops for UNAMIR, through resolution 918 of 17 May 1994. Furthermore, the Council expanded UNAMIR’s mandate to include securing the delivery of humanitarian assistance, establishing “secure humanitarian areas,” and most importantly, to “contribute to the security and protection of displaced persons, refugees, and civilians at risk.” (Resolution 918) Although the Council did not make reference to Chapter VII, nor did it explicitly authorized UNAMIR to use force, it did recognize that the peacekeepers might “be required to take action in self-defense against persons or groups who threaten protected sites and populations.” (Resolution 918) However, mandated in the midst of the genocide, UNAMIR’s expansion was merely a pretense. The additional 5,500 forces were not able to deploy until late 1994, when the genocide was already coming to an end. For over 800,000 Rwandans, it was too late (Bellamy, Williams, and Griffin 2004).

Chapter 2

Defining “Civilian Protection”

“If the world community has the power to stop it, we ought to stop genocide and ethnic cleansing.” (Kuperman 2004, 1)

The appalling peacekeeping experiences of the 1990s in Somalia, Bosnia, and Rwanda presented a harsh reality for the UN and the international community at large: the conflict environment has changed and the traditional peacekeeping concepts are not enough to maintain peace and security. The evolution of media in the Western world gave rise to the so-called “CNN effect.” (Robinson 2002) Civil conflicts, ethnic cleansing, and mass murders were no longer concepts of a distant reality. News reports brought the suffering of Somalis, Serbs and Rwandans to the living rooms of free citizens throughout the world. Humanitarian organizations, as well as concerned citizens, increasingly pressured leaders to respond to ongoing atrocities and protect those in need. The movement prompted the emergence of a new concept: “civilian protection.”

The International Committee of the Red Cross defines protection of civilians as “all activities aimed at ensuring full respect for the rights of the individual in accordance with the letter and the spirit of the relevant bodies of law.” (Caverzaslo 2001) Humanitarian organizations worldwide embarked on a quest to establish a framework for civilian protection. The existing humanitarian literature has gradually expanded the number of activities falling under “civilian protection,” to now include supporting development, advocating international legal principles, preventing war, ending proliferation of small arms, securing the delivery of humanitarian assistance, focusing on the particular needs of children,

women, and internally displaced populations, obstructing “hate-media,” and “disarming, demobilizing, reintegrating, and rehabilitating ex-combatants.” (Holt and Berkman 2006, 21) Nonetheless, significant ongoing debate over which of these activities correspond to UN peacekeeping operations exists to this day.

Within UN peacekeeping missions, however, the struggle to define protection appears to come to an end. The United Nations Stabilization Mission in the Democratic Republic of the Congo (MONUSCO), in its latest efforts to conceptualize civilian protection, defines it as follows:

“All activities aimed at ensuring the safety and physical integrity of civilian populations, particularly children, women, and other vulnerable groups, including IDPs [internally displaced populations]; preventing the perpetration of war crimes and other deliberated acts of violence against civilians; securing humanitarian access; and ensuring full respect for the rights of the individual, in accordance with relevant national and international bodies of law, i.e. human rights law and international humanitarian law.” (Holt et al. 2009, 187)

Robust Peacekeeping and its Problems

Following the peacekeeping failures at the end of the 1990s the United Nations peacekeeping has undergone a period of self evaluation. Prompted by the degrading reputation of UN peacekeeping, and aspiring to build a peacekeeping strategy that will be able to accomplish the UN goals set forth in the Charter, Secretary General Kofi Annan, commissioned a Panel of ten diplomats and peacekeeping scholars to conduct a comprehensive review of UN peace operations and provide recommendations for

improvement. The report, commonly referred to as the “Brahimi Report”, after the panel’s chairman, Lakhdar Brahimi, provides an analysis of UN’s capacity for effective peacekeeping, along with detailed recommendations. Although reiterating the three core principles of consent, impartiality, and use of force only in self defense as the basis of UN peacekeeping, the report strives to re-conceptualize these principles, based on the lessons learned throughout the 1990s. The report thus recognizes that, particularly in intrastate conflicts, there is a possibility that consent is used as a tool by the local parties, either for tactical advances or for limiting the impact of the mission. Impartiality is emphasized as different from neutrality, and redefined as “adherence to the principles of the Charter and to the objective of a mandate that is rooted in those Charter principles.” (Brahimi 2000, para. 50) In cases in which one of the parties to the conflict evidently acts as the aggressor, the peacekeeping mission has the moral duty of intervening and using force. Impartiality thus becomes rooted in judgment, unprejudiced, based on the situation at hand and independent of either side of the conflict, unlike neutrality, which provides equal treatment in the absence of judgment. Accordingly, the use of force expands beyond self-defense, to include implementation of the mandate and protection of the mission components. Rules of engagement should permit the use of force to a high enough level to serve as a credible deterrent against attacks not only on the mission, but also on those the mission is mandated to protect. (General Assembly Resolution 305)

While the re-conceptualization of the core principles represents significant progress regarding the capacity of peacekeepers to protect civilians, the often ambiguous language of the report leads to limitations on the action paths available to the peacekeepers. Although it stresses that the peacekeepers must be prepared for situations in which consent erodes, the report does not provide any guidance for cases in which consent is inexistent from the start. In cases in which civilian lives are put at risk, the status quo remains, as a UN peacekeeping

mission cannot be deployed in the absence of consent. Moreover, including the reference to the principles of the Charter in the new definition of impartiality provides room for further ambiguity. Article 2 of the Charter, defining its principles, includes a state's right to sovereignty, along with the principle of non-interference, apart from the Security Council's Chapter VII powers. Therefore, "adherence to the principles of the Charter" (Brahimi 2000, para. 50) could mean not just impartiality in terms of use of force, but also impartiality in terms of respecting a state's sovereign rights. Such ambiguity could evidently be cited by a state in attempts to prevent the mission from taking actions for the protection of civilians.

Nonetheless, the re-conceptualization of the core principles in the Brahimi Report has given rise to a new, third generation of peacekeeping. As it is often referred to, robust peacekeeping "demonstrates willingness, capacity and capability to deter and confront, including through the use of force when necessary, any obstruction to the implementation of its mandate." (U.N. 2009, 1) For protection of civilians mandates, the concept of 'robustness' in third generation peacekeeping missions is of utmost importance, as it provides the leeway to take action against aggressors. However, as these missions involve a higher degree of complexity, the necessary robustness can only be achieved by fulfilling several vital requirements, both at the headquarters and at the field level. At the field level, the mission must be headed by competent leaders, able to make informed decisions during pressuring times, and assuming the responsibility that comes with their power. Not just the mission leadership, but the troops as well, must be provided with the adequate training that builds up their capacity to function under great stress, at an accelerated pace when needed, for extended periods of time (U.N. 2009). Furthermore, it is vital to the protection of civilians that the training encompasses notions of human rights, in order for the peacekeepers to fully understand the end goals of peacekeeping and civilian protection, and make use of force in the best manner towards reaching those goals (Blocq 2010). The mission must also be

capable of conducting reliable risk analysis, subsequent to which it can plan according to potential scenarios. In addition, the mission must have the necessary technology and logistics, possibly the most important requirement for robustness in the field. Modern technology gives way to intelligence gathering, which enables the prompt intervention of peacekeepers in the wake of a planned attack on civilians, while logistical support such as helicopters, armed personnel carriers or efficient weapons have a direct effect on their protection capacity. At the headquarters level, robustness is primarily achieved through a high degree of commitment from the Security Council in terms of the clarity and credibility of the mandate. Ambiguity in the mandate language leaves room for reinterpretation and could present an obstacle for taking action towards protection. Apart from the Security Council, the Secretariat, together with the Department of Peacekeeping Operations (DPKO) and the Department of Field Support (DFS) must ensure that the troop contributing countries are well informed of the existing common standards in the field, and are provided with the necessary training. At the same time, the troop contributing countries themselves must demonstrate willingness to commit to the mandate and assume the risks that might arise from their involvement in the mission, as emphasized by the Brahimi Report (Brahimi 2000).

However, the discrepancy between the troop contributing countries and those envisioning the mission's mandate proves to be problematic. It so appears that while western powers emphasize the importance of robustness through mandate, support and capabilities, their willingness falls short of providing peacekeeping troops. Thus, third world countries are currently ranking as top contributors to peacekeeping, in terms of troops, giving rise to a challenging gap between the mandate and the means to implement it. While the mandate itself might be robust enough, listing numerous tasks, and allowing the use of force for the protection of civilians, the lack in resources and training exhibited by those in the ground leads to reduced robustness on the field, and to incapacity of efficiently protecting the

population, as mandated. In this context, robustness appears to be endorsed by the Northern hemisphere, but implemented by the much less financially off Southern hemisphere, giving rise to the infamous gap between the Security Council mandate and the means of efficient implementation.

When discussing the effect of the gap between mandate and means on protection of civilians and the practice of peacekeeping, it is important to first determine what the political environment in which peacekeeping missions initiate is. United Nations headquarters politics have an effect on each element of the peacekeeping mission – from the development of the peacekeeping mandate, to securing the troops and resources, to the capacities of the peacekeepers to implement their mandates. As the United Nations is an organization formed of individual Member States, each pursuing its own political agenda dictated by its home government, an objective analysis of peacekeeping operations must take into consideration the political environment of the organization. Dennis C. Jett, in “Why Peacekeeping Fails,” raises the issue that member states of the United Nations continue to pursue their national interests through the organization. Such pursuit leads to the use of peacekeeping as “pork barrel of patronage jobs,” and not as a way of contributing to the common good, as the founders of the organization envisioned (Jett 2000). Furthermore, the failures at the end of the 1990s combined with the persistent antagonism between third world countries versus first world countries led developed countries to become reluctant to participate in peacekeeping operations. While the earlier peacekeeper troops were provided by developed countries, today the largest troop contributors are underdeveloped countries such as Bangladesh, Pakistan, Nepal, Rwanda or Ghana (U.N. 2011).

Moreover, underdeveloped countries increasingly use troop contributing as means of generating income, both for the state, and for the individuals involved (Bellamy, Williams, and Griffin 2004; Scobell 1994; Berman and Sams 2000). United Nations reimburses

contributors at a rate of 1,028 United States dollars (USD) per soldier per month in basic pay, complemented by a 73 USD per month “allowance for personal clothing, gear, equipment and personal weapons and ammunition” (General Assembly Resolution 63/697) payable directly to each individual on the ground. In addition, specialists, which make up 10 percent of infantry contingents and formed police units, and 25 percent of support contingents, are rewarded an additional 303 USD per month (General Assembly Resolution 63/697). The reimbursement adds up to a total of 12,336 USD per year per soldier, and a total of 15,972 USD per year per specialist which the United Nations pays to the contributing Member State. Bangladesh, the largest troop contributor to the United Nations peacekeeping operations, with 10,589 (U.N. 2011) police, military experts, and troops, has a per capita Gross National Income (GNI), defined as an individual’s income per year, of 580 USD (World.Bank 2011).

Pakistan, the second largest troop contributor after Bangladesh, with a contribution of 10,553 (U.N. 2011) police, military experts, and troops, has a per capita GNI of 1000 USD (World.Bank 2011). India, the third largest contributor, with 8,488 (U.N. 2011) police, military experts, and troops on the ground, has a per capita GNI of 1,220 USD (World.Bank 2011). The pattern continues with the subsequent larger troop contributors, in terms of their per capita GNI: Nigeria – 1,190 USD, Egypt – 2,070 USD, Nepal – 440 USD, Jordan – 3,980, Rwanda – 490 USD, Ghana – 1,190 USD (World.Bank 2011).

Bangladesh reportedly gains 200 million USD per year in United Nations subsidies for its peacekeeping troops (Buerk 2006), and has earned approximately 766 million USD in a 15 year period of troop contributing (Aoi, De Coning, and Thakur 2007). The United Nations subsidizes contributing Member States equally, despite any difference in their level of development. Therefore, while Pakistan pays its soldiers the standard national wages (Krishnasamy 2002), capitalizing on the peacekeeping revenue, Ghana pays its soldiers 20 out of the 32 USD per day received from the United Nations (Aoi, De Coning, and Thakur

2007). Taking into consideration that Ghana's minimum wage as of February 2011 is 3.73 Ghana cedi, evaluated at 2.45 United States dollars (USD) (CitiFM 2011), Ghana rewards its soldiers with the equivalent of 28.16 Ghana cedi per day – almost ten times its minimum wage. While the peacekeeping profit could be beneficiary to the development of impoverished nations, the negative consequences significantly surpass the positive ones. Due to the economic incentives of participating in peacekeeping operations, and the low level of development, the high level of competition leads to an increase in the level of corruption in the respective troop-contributing countries. Therefore, the troop members are not selected entirely on merit, but also on “connections” and “favors.” (Aoi, De Coning, and Thakur 2007) For example, if a new Ghanaian troop is in the process of being formed, approximately 60% of the soldiers will be selected through the normal procedures and the remaining 40% will be given under a “protocol list.” (Aoi, De Coning, and Thakur 2007)

In terms of Member States pursuing their interest through the United Nations, Pakistan provides an exemplary case, as it perceives peacekeeping to be “a vehicle for promotion and cultivation of national interests on the global scene.” (Krishnasamy 2002) Pakistan's involvement in peacekeeping has been thus aimed at improving its international image, mainly in an attempt to draw attention and gain support of major powers over its cause in the Kashmir region. Likewise, Pakistan's initial contribution to peacekeeping, and its subsequent emergence as the leading troop provider, has been perceived as yet another approach to its competition with India. (Krishnasamy 2002) Nonetheless, India, as the third largest troop provider, has also been improving its image through peacekeeping, although pursuing the more ambitious goal of obtaining a permanent seat on the Security Council (Bullion 1997).

The effect of the aforementioned issues inherent within the United Nations system can be best seen in the often inadequate level of training and education of peacekeepers, as well

as the lack of capacity at a logistical level. The soldiers often do not have a clear understanding of the human rights that gave rise to their protection mandate, and they do not clearly identify with these rights, which results in occasional reluctance to use force when needed. Holding limited funds, underdeveloped countries are unable to provide the troops with the necessary military strategic training and to obtain the equipment and armament crucial to a successful implementation of a complex mandate (Krishnasamy 2002) which requires protection of civilians. Furthermore, the high monetary incentives lead to deployment of unprofessional troops, sent in by governments seeking profits, undermining the United Nations' case. One such example would be the 1993 infamous case of the Bulgarian troops in Cambodia, for the establishment of which the Bulgarian government "offered a deal to inmates, pledging them pardons" if they volunteer to partake in the peacekeeping mission in Cambodia. The result was a Bulgarian "battalion of criminal lunatics, drunk as sailors, [raping] vulnerable Cambodian women and [crashing] their U.N. Land Cruisers with remarkable frequency." (Cain, Postlewait, and Thomson 2004) While many recognize the need for the developed world to become more involved in peacekeeping operations, Jett underlines the fact that if developed countries would take leadership, they would face aversion and accusations of imperialism from the underdeveloped countries. Conversely, such aversion and accusations never made themselves heard when the developed countries pay approximately 97% of the United Nations budget.

Chapter 3

Assessing peacekeeping success, in terms of protection of civilians

In the previous chapters I have often mentioned several of the “failures” of peacekeeping, particularly those at the end of the 1990s. However, these were not the general rule in peacekeeping missions, and there certainly are missions which have been regarded as successful (two of the often cited examples being El Salvador and Mozambique). But what exactly made these missions a success? And what is success of a peacekeeping mission, to begin with? Throughout academia, the views on this matter are divided. The intricacy of devising a universal model for achieving success is twofold: first, with different types of peacekeeping missions, different standards for success apply, and second, it is difficult to assess the extent to which an operation is responsible for spoilers not directly in its control.

The minimal standard for assessing success, as arising from the literature, is completion of mandate. As mandates differ with each mission, however, it becomes rather difficult to objectively evaluate and compare success based on this standard alone (Stedman, Rothchild, and Cousens 2002; Druckman et al. 1997). Thus, to a higher degree, success can be defined in terms of curbing the level of violence and bringing the underlying conflict to an end (Diehl 1993). The issue with this assessment is that often times the conflict is of changing nature, and the factors which initiate the violence may differ from those which provide for the continuation of the conflict (King 2005). Furthermore, such emphasis on limiting the violence leads merely to a negative peace¹ and does not necessarily provide a safe and threat-free environment for the civilian population. Scholars have thus discussed even more demanding standards for success. Roland Paris advocates evaluating a mission

¹ Negative peace: the condition characterized by the absence of war or “direct violence” (US Military Dictionary)

based on the successful implementation of a lasting peace, rooted in market democracy (2004), while John Burton emphasizes the creation of permanent and effective conflict resolution institutions (Burton 1987, 1990). Much more expansive criteria are suggested by Cousins, Kumar, and Wermester, who stress the need for a stable peace, as well as effective democratic and judicial systems (Cousens, Kumar, and Wermester 2001). Similarly, Druckman and Stern define success based on the “contribution of peacekeeping to larger values such as world peace, justice, and the reduction of human suffering.” (Druckman et al. 1997, 152) In this case, success is based on the much more extensive implementation of a ‘positive peace’², in which violent threats to civilians are eliminated.

Although ideally a peacekeeping mission, especially robust missions entrusted with peacebuilding tasks, would reach a stable positive peace by the time of its withdrawal, this standard is often much too high and might seem unachievable, as it depends on numerous external factors. Given this study’s focus on protection of civilians, success will be more narrowly defined as the elimination of threats to the safety of civilians, for both the short and the long term, throughout the duration of the mission and upon its withdrawal. Thus, the prime criteria for success considered for this study, as it directly affects civilian protection, is the extent to which the mission has limited violent conflict, and implicitly reduced human suffering, as well as contributed to the establishment of a safe, self-sustainable conflict-free environment. To this end, I have identified four variables, detailed below, which come into play in determining the success of a mission: effectiveness of the mandate, understanding of the situation, leverage of the peace agreement, and, last but not least, the characteristics and capacity of the peacekeeping force itself.

² Positive peace: The condition characterized by the existence of peaceful social and cultural beliefs and norms; the presence of justice at all levels (economic, social, and political); the shared democratic use of power; and non-violence. (US Military Dictionary)

As previously discussed, assessing the success of a peacekeeping operation based on the implementation of the mandate is not sufficient. The mandate, however, is the starting point of a mission and its importance must not be downplayed. The effectiveness of the mandate first manifests itself in the level of ambiguity in language, and the number of tasks assigned. There is currently no established quantifiable definition of what a mandate is, nor what it should include or how it should be written. Often times, in order to gain consensus within the Security Council, mandates include ambiguous language, which is open to the interpretation of the warring parties and those meant to implement it, and can lead to humanitarian tragedies such as Srebrenica. The danger arises when the actors to a conflict attempt to manipulate the ambiguity of the mandate language to their advantage, hampering the ability of the peacekeepers to act efficiently. Furthermore, lack of clarity in mandate language puts great responsibility on the shoulders of the mission's leadership, as they are left to implement the mandate based on their own interpretation. While this might at times be beneficial, the possibility exists that, particularly when dealing with robustness and use of force, the mission's leadership is reluctant to assume the risk of a more aggressive interpretation of the mandate, which would provide greater levels of security to the population. A first important characteristic of the mandate must thus be clarity.

A second vital characteristic is feasibility. The mandate must be a reflection of the complexity of the situation on the ground, and must be operational. Evidently, the more complex the conflict, the more tasks will be mandated to the mission. However, the tasks must be achievable, given the capacity of the mission and the complexity of the conflict. For protection of civilian mandates it is important to also look at whether protection was mandated as the main task, or if it was just one task among many others, which would significantly affect the distribution of resources towards achieving the mandated tasks. The mandate must also include a framework for the transition from peacekeeping to

peacebuilding, and to local ownership of the peace process. In order to be successful, the peacekeeping operation must be part of a wider strategy of achieving a positive peace, as opposed to its immediate goal of a negative peace. Ownership is important, as the operation must make sure that upon its withdrawal, both the warring parties and the civilians understand and strive to maintain the measures implemented by the peacekeeping force. The timeliness of deployment is another factor which comes into play when discussing the effectiveness of the mandate. As the Brahimi Report emphasized, in order to take full advantage of the momentum for peace created by a ceasefire or a peace agreement, the mission must be deployed as soon as possible. With a longer delay in deployment, the risk of a relapse of conflict and collapse of the peace process becomes higher (Brahimi 2000).

Effective mandates, as well as their successful implementation, are further based on an accurate level of understanding of the causes of the conflict and the environment in which the peacekeepers must operate. Long lasting peace cannot be achieved without addressing the causes for both the initiation and the continuation of the conflict. The mandate, as well as the strategies for its implementation, must be based on a comprehensive assessment of these causes and specifically address each of them. Particularly in intrastate conflicts, lack of good governance and of government legitimacy is often a prime issue to be tackled by the mission. However, effective control of the resources which could potentially fuel the conflict can also serve as a manifestation of awareness of the situation on the ground. Predominantly in Africa, competition for resources needed by the developed world, such as diamonds or rare metals, contributes to the continuation of violent conflicts, as third parties frequently benefit from the absence of peace. Rebel militias often use the illegal extraction of resources as means of purchasing arms and financing their violent operations. The success of a peacekeeping mission highly depends on its ability to prevent these rebels from making use of the resources in order to fund the continuation of violence. A country's resources can provide an important

source of revenue for the government, to be used towards peacebuilding projects such as increasing security or building infrastructure. Vulnerability of resources is an additional security problem that the operation must address in order to remove threats against civilians. Particular attention must be paid to resources which are easily transported and commercialized in different countries, as their presence in a conflict-torn country can prolong the duration of the violent conflict, particularly when the conflict itself is not based on separatist claims. The existence of 'lootable' resources, along with an increased number of rebel groups, porous borders, low infrastructure, and a limited ability of the state to provide support have been demonstrated to be causal factors of complex violent conflicts with high degrees of violence. In order to increase its chances for success, a peacekeeping operation must address these causal factors, both at the field level, in its strategies, and at the headquarters level, in the mandate and guidance provided (Diehl and Druckman 2009).

As evidenced in Chapter 2, a characteristic of contemporary United Nations peacekeeping operations has remained the deployment in a post peace-agreement setting. For this reason, the inclusiveness and level of commitment of parties to a peace agreement is an additional conditionality for the success of the mission. In terms of protection of civilians, evidently, if the parties to the agreement are not committed, there is a high probability of a relapse in violence, which puts the population in danger. As demonstrated by the history of UN peacekeeping, a higher degree of consent and cooperation implies a higher probability of achieving success. The case of Bosnia, in which the warring parties continuously questioned the authority of the peacekeeping mission, abused ceasefires and safe areas, and even assaulted peacekeepers, serves as an example for the damaging effect of lack of consent and cooperation. As the peacekeeping intervention in Bosnia is considered a failure, the correlation between consent and cooperation and the success of an operation is apparent. In addition, a high level of government support can supply peacekeepers with significant

resources, provided the government in case is one which is effective and controls the territory. Conversely, weak governmental support increases the difficulty of operating and poses additional challenges and limitations for the mission (Doyle, Sambanis, and World 1999; Wesley 1997).

As the principal element of a peacekeeping mission, the characteristics and capacity of the peacekeeping force itself is of outmost importance to achieving success in terms of protection of civilians. The ‘power’ of an operation is assessed in terms of its resources, both in personnel and logistics, and the proficiency level of the peacekeepers and leadership alike. The commitment of the United Nations to a mission is exemplified by its allocation of the necessary resources for fulfilling the given mandate. Numerous scholars, as well as the Brahimi Report, emphasize the aforementioned often encountered gap between mandate and means, which significantly hampers a mission’s chances for success (Brahimi 2000; Bellamy, Williams, and Griffin 2004; Jett 2000; Pushkina 2006; Gray 2001). On this note, Thomas Weiss accurately stresses, “the most essential benchmark to measure success would be a judicious correlation between resources and rhetoric.” (Weiss 1994, 197) Peacekeeping history evidences that when a mission is timely and continuously provided with all the necessary resources, the likelihood of success is high. One such example is the United Nations Transitional Administration in Eastern Slavonia (UNTAES), which was supplied with all 5000 requested troops and 561 of 700 requested policemen, and is one of the few missions regarded as a success (Pushkina 2006). Conversely, in UNOSOM II, as previously discussed, apart from not supplying all of the necessary resources, some of these were withdrawn subsequent to the killing of Pakistani and United States peacekeepers. This decrease in the level of commitment ultimately led to the infamous failure of the mission.

The level of competency of both personnel and leadership is another yardstick to be used in assessing success of a peacekeeping mission. Particularly with regards to civilian

protection, it is important that the personnel has sufficient knowledge of the human rights it is supposed to protect, and is able to implement protection efficiently, given the particularities of the conflict environment. As each mission devises situation-specific strategies to employ its mandate, it is vital that the peacekeepers are well-trained and know how to react when a crisis situation arises. Leadership here is of particular importance, as there needs to be a clear chain of command, in order to speed up the decision making process during a crisis. Apart from providing the necessary guidance and coordinating the troops, leadership also plays an important part in furthering the mediation process post a ceasefire (Diehl 1993). The role of the Special Representative of the Secretary General in the field, as the topmost leader, is vital for the success of the mission, given that he or she coordinates all aspects of the operation between the UN Secretariat, other international organizations or UN agencies in the field, contributing countries and the conflicting parties themselves.

Coordination is thus another important aspect, at all levels of the mission. At the field level, the various contingent troops must coordinate with each other in any action they take to facilitate efficient implementation of the military strategies defined by the leadership. Often times, different contingents are assigned different elements of a strategy, which must be harmonized in order to reach success. At the mandate level, coordination is necessary when it comes to the gradual execution of the mandate and the progression from peacekeeping to peacebuilding. The transitional steps must be clearly set in the mandate and coordinated with each other, as peacebuilding cannot be successful if the initial peacekeeping component was not. Furthermore, in peacebuilding, coordination is needed between the strengthening of the local police, army and judicial sectors, which must be achieved concurrently. For example, if the mission focuses solely on the police and the army, the lack of a strong judicial segment fosters an environment of impunity, in which captured criminals can escape justice and further challenge the police and military units. Consequently, civilians must be protected

while training the local police and military AND while strengthening the judicial system and the government in itself, in order to attain sustainability of the peace. All of these steps require flawless coordination within the mission in order to reach success.

The same flawless coordination is needed at the external level, as well, between the mission and the non-governmental organizations (NGOs), as well as other UN agencies activating on the ground. As the NGOs might be present in the country prior to the arrival of the peacekeeping mission, they can provide important information necessary for better protection strategies, regarding vulnerable populations, or, for example, dangerous areas or time spans during which the mission might witness an increase in attacks. The NGOs and other UN agencies can also serve a complementary role to the mission, as they might already provide some of the services tasked to the mission, or tightly related to the mandate tasks, such as providing humanitarian relief. The partnership and harmonization between the operation and the NGOs and UN agencies in the field extend the chances for success and realization of a long term peace.

Chapter 4

Case study: MONUC (presently MONUSCO)

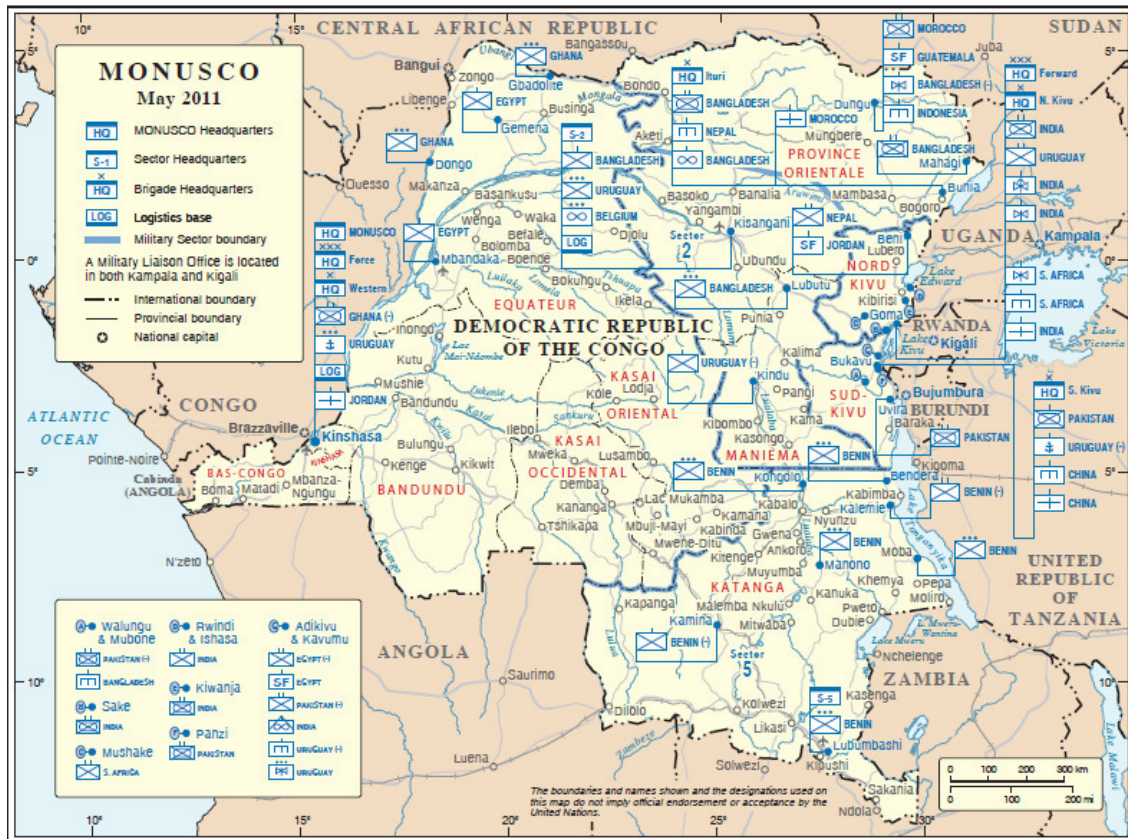


Figure 1: Deployment of MONUSCO as of May 2011

As the largest peacekeeping mission in UN history and the only mission for which civilian protection has been the top priority, the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC), presently known as the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO), serves as a vivid contemporary exemplification of the aforementioned UN progress with respect to protection of civilians in peacekeeping operations. Since its mandate included the protection of civilians from inception, MONUSCO provides a unique, rich case study for the

conceptual and operational development of civilian protection, as well as for the challenges that remain (Holt et al. 2009).

Commonly referred to as “Africa’s First World War,” the ongoing conflict in the Democratic Republic of the Congo is one of the most brutal conflicts of our age. Apart from the approximately 4 million civilian deaths and 2 million internally displaced persons since the beginning of the war (Mobekk 2009), the recent reports of nearly 300 gang rapes within 3 days confirm the high levels of insecurity, and implicitly, the shortcomings of the current SSR strategy.

With a surface of 2.5 million square kilometers, and a population of roughly 68 million, the Democratic Republic of the Congo (DRC) qualifies as the 12th largest country in the world, hosting approximately 200 different African ethnic groups. Also referred to as a “country continent,” the DRC is a former Belgian colony, which faced increased levels of violence ever since its early years, during the rule of King Leopold II, from 1885 to 1908. Despite gaining independence from Belgium in 1960s, the population of the DRC continued to face oppression, and eventually state collapse under the rule of President Mobutu (CIA 2011). Furthermore, Mobutu institutionalized the high levels of corruption which characterize present-day DRC, by nationalizing foreign businesses and establishing an informal “fend for yourselves” system in the army (Clark 2011). Mobutu’s rule severely affected the livelihood of the population, and could be seen as one of the reasons behind the DRC’s current rank as 176 out of 182 countries in the Human Development Index, and as 164 of 178 countries in the Corruption Perceptions Index.

The fall of the Mobutu regime represented the start of the Congo War, and was directly linked to the Rwandan genocide of 1994. As the Hutu extremist *Interahamwe* militia was conducting attacks in Rwanda from refugee camps in the DRC’s Kivu region, the Congolese rebels, under the command of Laurent-Desire Kabila, and with assistance from

Angola, Rwanda and Uganda, were creating the *Alliance des Forces Democratiques pour la Liberation du Congo-Zaire* (AFDL). The AFDL led Mobutu out of the country and took over the capital in May 1997, declaring Laurent Kabila the President of the newly renamed Democratic Republic of the Congo.

Kabila, however, was to deal with a country torn apart by the war, divided along both ethnic and geographic lines. He faced opposition from Mobutu's elite, who were afraid to lose the power and benefit they gained throughout Mobutu's "fend for yourselves" rule. Once in power, Kabila distanced himself from his war-time allies Rwanda and Uganda, further creating enemies on the external front and prompting renewal of the violence. By the summer of 1998, the Kabila government was being attacked by two newly established rebel movements – the *Rassemblement Congolais port la Democratie* (RCD), active in the East with Rwandan support, and the *Mouvement pour la Liberation du Congo* (MLC) in the Orientale and Equateur provinces, backed by Uganda. Kabila's government also engaged the support of several militias and other African countries, among which Zimbabwe and Angola. The war thus became a combination of the local, national and international conflicts characteristic of the time. Within one year, the country was divided into four zones controlled by different military factions, as the war reached a stalemate. Each faction, however, governed its territory based on the same colonial philosophy of controlling access to the land and resources, in order to control the local population and drive competition between the different communities so that opposition becomes impossible.

The war officially ended in 1999 with the Lusaka Accords, which not only established a ceasefire, but also required the withdrawal of foreign troops and the creation of a UN peacekeeping mission, the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC). The Accords further established the Inter-Congolese Dialogue (ICD) process, a pre-requisite for the formation of a new government subsequent to

democratic elections. In January 2001, prior to the initiation of the ICD process, the DRC President Laurent Kabila was assassinated, prompting his son, Joseph Kabila, to take power and continue the negotiation process started by his father. Upon its commencement in 2002, the ICD led to the Global and All-Inclusive Agreement of December 2002, which officially ended the conflict, and outlined the terms of the political transition through democratic elections.

Although by 2006, the transition process had ended and Joseph Kabila was democratically elected, the conflict in the Eastern region of the DRC continued. The richness of resources in the Eastern areas of North and South Kivu, along with the porous nature of the DRC's borders with Uganda, Sudan, Rwanda, and Burundi led to a proliferation of armed groups, attracting factions from different African conflict areas, some backed up by foreign companies. Notably, the Lusaka Accords did not address the exploitation of resources, leaving untouched the economic interests of neighboring countries and other interested parties. Exceptionally well connected, and cooperating with Congolese elites, the rebel factions maintain control of the resource extraction process, as a source of funding their violent movement. Three of the most infamous of these groups are the *Lord's Resistance Army* (LRA), the *Forces Democratiques de Liberation du Rwanda* (FDLR) and the *Mai Mai* militias.

Notorious for abducting children and forcing them to become child soldiers, the LRA was initially activating in Northern Uganda, fighting against President Museveni since 1987, before moving to the Congolese forests and resource rich north-east areas. Under the command of Joseph Kony, and his aide Vincent Otti, the LRA has committed numerous human rights abuses, igniting the current International Criminal Court (ICC) warrants for both Kony and Otti, along with other three leaders (Apuuli 2006). Less known than the LRA, the FDLR is composed of the former members of the Hutu extremist *Interahamwe*, along

with Congolese Hutu which fear a Rwandan invasion. Holding control of the rich natural resources in the Eastern DRC, the FDLR carries on its violent behavior dating since the genocide, as its members are reluctant to renounce their arms due to the high revenues generated by the rich mineral areas. Furthermore, the FDLR opposes repatriation to Rwanda, in the face of accountability for the 1994 genocide, and it is believed to further foster genocide rhetoric as it prepares for another attack on Rwandan Tutsis. Initially believed to be less violent, the *Mai Mai* militias refer to rebels organized as self-defense forces against oppression of the Congolese by foreign regimes. However, despite the ideological rhetoric, present day *Mai Mai* militias are driven by economic gains, as they, too, have taken over resource rich areas of the DRC and engaged in illegal trade and violence against civilians.

As previously mentioned, ending the Second Congo War, the Lusaka Ceasefire Agreement requested the UN for a 15,000 to 20,000-troop Chapter VII mission to oversee the implementation of the ceasefire and “track down all armed groups in the Democratic Republic of the Congo (DRC).” (*Lusaka Ceasefire Agreement* 10 July 1999) Responding to the request, the Security Council, through resolution 1258 of 6 August 1999, established MONUC – a 90 military liaison observer and monitoring mission, mandated nonetheless to protect civilians, “within its capabilities.” (Resolution 1258) Considering that the DRC is the second largest country in Africa, roughly the size of Western Europe, rich in resources, but highly underdeveloped, torn by a multitude of conflicts, under poor governance and with very low levels of infrastructure – a territory in which a mission of 90 observers would certainly not suffice, even if mandated to merely monitor a peaceful aftermath of a conflict.

As the Security Council gradually recognized the instability of the ceasefire, it decided to increase the number of troops to 5,537 (Resolution 1291). However, despite the expansion, by the end of 1999, the strength of the mission was far from 5,500 personnel, as only 100 observers were present in the DRC, unable to halt the continuing violence

(Wallensteen and Sollenberg 2000). From then on, respective to the level of violence, the Security Council continuously extended MONUC's mandate, making it an example of the evolution of mandate language in regards to protection of civilians. Due to the changing nature of civil conflicts, the Security Council mandates peacekeeping missions for limited terms of six months. This provides the Security Council with an opportunity to revise mandates on a more regular basis, in order to ensure their applicability to the developing situation on the ground.

By 2002, despite the eleven resolutions passed and the six extensions of MONUC, protecting civilians was mandated only "within [the mission's] capabilities." (Resolution 1417) As a direct consequence of such ambiguity in mandate, in May 2002 numerous civilians have been massacred in the DRC's third largest city, Kisangani, while approximately 1000 MONUC peacekeepers did not react, because they were unclear about the cases in which use of force was authorized (Baldo 2002). Notably, on 14 June 2002, through resolution 1417, the Security Council reaffirmed MONUC's mandate to explicitly emphasize the necessity to protect "civilians under imminent threat of physical violence." (Resolution 1417) Subsequently, the Security Council became increasingly concerned with the protection of civilians, as it has since passed twenty-six resolutions regarding MONUC's mandate, all of which included the protection of civilians (Doss 14 December 2009). The latest expansion of the mission, making MONUC the largest peacekeeping operation in the history of the United Nations, took place through resolution 1856 (2008), when the Security Council authorized the deployment of an additional 3,085 troops and stressed "that this temporary increase in personnel aims at enabling MONUC to reinforce its capacity to protect civilians." (Resolution 1856)

Assessing MONUC's success in terms of protection of civilians

As discussed in Chapter 3, the success of the mission must be assessed based on the leverage of the peace agreement on which the mission was based, the effectiveness of its mandate, its understanding of the situation on the ground, and its characteristics and capacity in regards to protection of civilians.

Discussing the Lusaka Ceasefire Agreement, one diplomat rightfully noted: “The Congo file started in Africa, not in the United Nations. The Lusaka Agreement called for UN forces. They didn’t know what they were writing. The UN wasn’t there. The UN came in with a framework that wasn’t theirs.” (Bernath 2003) In mandating MONUC based on the Lusaka Agreement, the Security Council erroneously presumed that the warring parties will willingly disarm. This not being the case, the Council was forced to increase MONUC’s capacity in response to the heightened levels of violence, instead of providing incentives and recompensing advancement towards a sustainable peace. As a result, the mission itself did not play a role in shaping the events on the ground, as it should have, and rather reacted to them, often times being caught unprepared for the levels of violence it faced. Furthermore, the Lusaka Agreement was signed between the DRC, Angola, Namibia, Rwanda, and Uganda and did not include the current problematic leaders of violence in the Kivu Provinces – the LRA, the FDLR, and the *Mai Mai* militias. The ceasefire agreement was thus not inclusive of all the parties activating in the DRC’s territory and did not represent a stable commitment to the peace from their side, giving reason to agree with the aforementioned diplomat’s statement – the UN was not fully aware of what it was getting itself into, and sent in an operation to maintain a peace which did not necessarily exist.

Nonetheless, MONUC’s mandate has seen a positive evolution in terms of effectiveness since the mission’s inception in 1999. From the onset, MONUC was mandated to “assist in the protection of human rights,” (Resolution 1279, op. 5e) an expression which,

given the pre-Brahimi era, could be interpreted as protection of civilians. However, the initial mandate did not invoke the Security Council's Chapter VII powers, thus generating a high level of ambiguity as to the extent to which the peacekeepers are expected to use force in protecting civilians. It was not until February 2000, through the subsequent resolution 1291, that the Council made specific reference to both its Chapter VII powers, and the now universal phrase "protect civilians under imminent threat of physical violence." (Resolution 1279) The task however, was not prioritized, and was merely of a secondary nature, to be performed "within capabilities," (Resolution 1279) in addition to the other nine mandated tasks at that time. As a result, there was a reluctance to allow the use of force among the troop contributing countries, as the common belief was that the mandate did not provide sufficient political cover, and the contingent troops or their respective governments might be held responsible for their actions. The effect of this lack of focus on civilian protection could be seen in the frequent relapses to violence and human rights abuses - one particular example being the Ituri Crisis of 2003, which required the assertive intervention of the European Union. Although increasingly emphasized throughout MONUC's mandates, the protection of civilians was thus merely one among roughly 50 tasks, until December 2008, when, through resolution 1856, the Security Council set it as a priority. Nonetheless, MONUC's mandate covers approximately 41 different tasks, many of which are contradictory, as highlighted by MONUC's former Special Representative of the Secretary-General Alan Doss: "ending the crisis is a political task, protecting civilians is a humanitarian task, disarming militias and improving the performance of the Congolese armed forces is a military task with human rights issues as an overlay and a background." (Doss 14 December 2009) Particularly in the context of limited resources, the complexity of the mandate takes away from the focus on civilian protection, as peacekeepers are divided between the numerous tasks.

In terms of timeliness, the mission was rightly deployed soon after the Lusaka Accords and the agreed ceasefire. However, it continuously ran into difficulties in achieving the initially mandated strength of approximately 5,500 personnel. Two years after the mission's expansion, in June 2002, the Security Council was still "[calling] upon Member States to contribute personnel to enable MONUC to reach its authorized strength of 5,537," as evidenced by resolution 1417. Evidently, lack of sufficient personnel negatively affects the mission's capability to carry on its protection mandate, no matter how clear the mandate language. The mission however, did seem to manifest a relatively good understanding of the situation on the ground, as it tried to adapt to the size of the territory and the low levels of infrastructure, and, although not fully effectively, tried to regulate the numerous 'lootable' resources. Ever since the earlier mandates, the Security Council recognized the dangers to peace imposed by the unregulated availability of resources, particularly in Eastern DRC, and affirmed its willingness to take all necessary measures in order to achieve regulation of the extraction of resources. The Council repeatedly called for an end to illegal extraction ever since MONUC's second mandate in February 2000 (Resolution 1291), and even established a UN expert panel to look into the issue (U.N. 2000). The latest Secretary-General report of May 2011 mentions the significant progress made regarding the illegal exploitation of resources, through the establishment of three out of the five planned trade counters in the Kivu region, subsequent to a partnership between MONUC and DRC's Ministry of Mines. The mission, as well as the ministry, is currently working on developing a validation process for "clean" minerals, in order to discourage the ongoing illegal exploitation. (U.N. May 2011)

On the downside, the mandate appears to not have fully taken into consideration the larger political context, as numerous peacekeepers have criticized the requirement to create a partnership with a Congolese government and army which are plagued by corruption and could potentially hinder the success of the mission altogether. One peacekeeper went so far as

to state that “In creating our mandate, the Security Council’s biggest mistake is presuming the ‘Government’ is a reality in DRC. It is not. How do you support nothing?” (Holt et al. 2009, 160) Despite the great sense of ownership of the peace process that MONUC’s mandate seeks to provide the Congolese Government, the peacekeepers doubt how genuine is their partnership with the Government regarding protection issues. Particularly due to governmental pressure, the 2010 extension of MONUC’s mandate saw a recognition of its shift to a peacebuilding phase, which changed the name of the mission altogether, from MONUC, to United Nations **Stabilization** Mission in the Democratic Republic of the Congo (MONUSCO, emphasis added). (Resolution 1925) Apart from renaming the operation, resolution 1925 maintained the protection of civilians as the mission’s priority, but decided to reduce its size by approximately 2000 troops, now making it the second largest ongoing peacekeeping mission (after UNAMID). Nevertheless, MONUC remains the largest mission in the history of UN peacekeeping.

Perhaps the most problematic aspect in regards to MONUC’s ability to achieve success is its capacity to adequately perform all the tasks it has been mandated, as there is an evident gap between its mandate and its means of achieving it. From inception, the operation was hindered by scarce supplies, sluggish deployments, insufficient funding, and inadequate means of transportation. Most of the initial peacekeepers originated from developing countries such as Uruguay, Tunisia, Senegal, Bolivia, Morocco and Ghana. At present, the situation remains the same, as the top troop contributors for MONUC are India, Pakistan, Bangladesh, Uruguay, Nepal, and Ghana (U.N. 2011). Due to the variety of troops, along with difficulty with communicating in a common language, and the difference in organization and training, these troops form a poor structure that is often unprepared to perform at the high level it is expected of it. Some peacekeepers were not afraid to acknowledge the mission’s deficiency in preparedness, training, and equipment, while others admitted that upon arriving

in the DRC they were not aware of what they were engaging in (Bernath 2003). One Uruguayan peacekeeper, for example, admitted that “the battalion that [they] had was dedicated to static operations, guarding fixed positions... [The troops] were not prepared psychologically for this because they came to Congo expecting to be on guard duty.” (Bellamy and Williams 2004; Uruguayan Peacekeepers Faced Trouble in Bunia 1 Oct 2003)

The consequences of this lack of training were best seen in the Ituri crisis of 2003, when more than 400 people were massacred within two weeks, while the Uruguayan peacekeepers perplexedly stood by in their bases, not knowing how to react (ICG 2003). Although the Secretary-General also acknowledged the troops’ deficiency in his June 2002 report to the Security Council, stressed that the troops did not have the required capacity to rapidly intervene in urgent protection situations and urged the Council to strengthen the mission with the purpose of achieving immediate deployment capability (U.N. 2002), the Council did not take the necessary measures, providing way for the Itury crisis tragedy. Preceding the Itury crisis, the majority of the MONUC troops were not prepared, trained or organized for the purpose of protecting civilians, as most contingents comprehended their role differently. Several of the troops were aware that they had to protect the mission, but only the civilians surrounding their bases, others were not aware of the mission’s Chapter VII mandate at all, and avoided using force, while others, such as Uruguay, had national directives which were completely contradictory to the mission’s mandate (Holt and Berkman 2006). This seems to evidence the importance of including the troop contributing countries in the mission planning process, and in designing the mandate – aspects which were suggested in the Brahimi Report and thus not implemented in MONUC.

As it can be inferred from the map presented in the opening of this chapter, MONUC’s troops are relatively spread throughout the DRC’s territory, despite the fact that most of the violence occurs in the Kivus and the Orientale Province. Even at its peak in 2008,

however, MONUC had a capacity of one soldier per approximately 900 civilians (in the areas in which it was activating), lacking enough peacekeepers to cover the low infrastructure, vast territory of the DRC, and protect all the populations at risk (Doss 14 December 2009). Apart from lacking personnel, the mission is also lacking sufficient resources to permit its necessary mobility and logistics to allow timely and efficient response to occurrences of violence. Even in the latest resolution of June 2011, the Security Council insists on stressing that Member States must “pledge and provide the remaining force enablers required for the mission.” (Resolution 1991) Of particular concern is the lack of military helicopters, which limits the peacekeepers’ mobility, preventing rapid deployment to remote areas in which civilians are threatened by newly emerging conflicts (You Will Be Punished 13 December 2009). This shortage is also gravely referred to in the latest report of the Secretary-General from May 2011, in which he emphasizes that subsequent to India’s recent withdrawal of an additional six utility helicopters, apart from the four attack helicopters and five other utility helicopters withdrawn last year, MONUSCO was left with merely 14 utility and observation helicopters and four combat helicopters – not nearly enough for successful protection of the civilian population in a territory the size of Western Europe (U.N. May 2011). To make matters worse, in June 2011 India decided to not renew the contract for the remaining four combat helicopters, making MONUSCO’s protection mandate impossible to achieve successfully. India’s decision to withdraw its helicopters from the DRC is speculated to be related to its unfulfilled desire for a permanent seat in the Security Council. However, the decision comes subsequent to the release on WikiLeaks of numerous secret U.S. cables which accuse the Indian peacekeepers of preferential treatment of the Congolese rebels, corruption, sexual abuse, and failure in protecting civilians. India immediately responded to the cables with a threat to withdraw all its forces from the DRC, which subsequently did not materialize, but it appears that it did affect MONUSCO’s vital supply of helicopters (Lynch 2011).

On the upside, however, the Secretary-General's report commends MONUSCO for its coordination mechanisms linking the military and the humanitarian forces present in the field. The humanitarian agencies complementary to MONUSCO were fully integrated in the mission's extensive Protection Cluster, as well as the Senior Management Group on Protection and several other regional level working groups on protection. In this regard, MONUSCO made significant progress for peacekeeping missions, as it united forces with other organizations on the ground, and managed to increase its efficiency, since it relied on the cluster not only for information gathering, but also for suggestions regarding innovative protection strategies. The development of numerous civilian protection strategies was ground-breaking for peacekeeping history, and was led in tandem by the mission's leadership, and the established protection groups, including the Protection Cluster.

As a response to the increasing prioritization of protection of civilians through resolutions 1856, the senior leaders of MONUSCO developed the concept of "joint protection teams," formed of staff from the human rights, child protection, civil affairs, disarmament, demobilization, repatriation, resettlement and political affairs departments. Apart from information gathering, the joint protection teams design context-specific strategies aiming to improve protection of civilians and interact with the local communities. Through their temporary deployment, the teams were able to organize safe zones in remote areas, where they relocated approximately 5000 civilians prior to a Congolese-Rwandan attack on the rebel Democratic Forces for the Liberation of Rwanda (FDLR) (Holt et al. 2009). The teams were implemented in the beginning of 2009, when 30 joint protection teams activated in North Kivu within a period of six months. Since January 2011 at least 10 teams have been deployed throughout the Kivus, and the mission has taken measures to devise a follow-up system to be put in place when the teams withdraw from their temporary deployment (U.N. May 2011). Creating means of following up has been a serious and valid concern raised by

humanitarian actors in the DRC, as the joint protection teams would not have a positive impact unless they create stability in the region in which they were deployed.

At the same time as “joint protection team” concept was being developed, MONUSCO partnered with the Protection Cluster in creating a “Practical Protection Handbook for Peacekeepers,”(U.N. 2009) in an innovative attempt to operationalize the protection of civilians. The 11-page handbook is structured in five parts, each based on the type of protection needed, along with the peacekeepers responsible for providing it. The first section, “Planning for Protection,” designed for Senior Military and Police Officers, provides directions regarding the initial deployment and planning phase, and the necessary elements of the joint protection teams. The subsequent sections provide the “dos and don’ts” in given situations under the headlines “Collective Protection of Civilians and IDPs,” “Child Protection – Recruitment and the Use of Children,” “Sexual and Gender Based Violence,” and “Human Rights.” In designing the handbook, MONUSCO officials selected related occurrences frequently encountered throughout MONUSCO’s history, such as “You are faced with (mass) violence targeting civilians,” or “Civilians gather around your base,” and provided the troops with the applicable step by step guidelines (U.N. 2009). The handbook uses clear language and situation-specific instructions, making it effective in providing important, easily remembered information for the peacekeepers.

Further motivated by resolutions 1856, MONUSCO also drafted a Protection of Civilians Strategy, in which it detailed a dual approach to protection, based on both rights and safety. The “rights-based approach” refers to the development of a safe environment in which human rights must thrive long after MONUSCO’s withdrawal. Of a more immediate nature, the “safety-oriented approach” aims to avert and stop violence, while securing the access to humanitarian assistance. Examples of MONUSCO’s implementation of the “safety oriented

approach” include protecting internally displaced population camps, monitoring human rights, and extensive patrolling for securing villages and roads (Holt et al. 2009). Furthermore, together with the Congolese military and civilian experts, MONUSCO troops investigated emerging threats to the security of civilians and pinpointed areas facing the highest danger. Accordingly, MONUSCO mobile operating bases dispatched to more than 55 of such “must protect” areas, as an innovative approach to protect civilians in remote locations throughout the vast territory of the DRC. The peacekeepers also combated “must protect” situations by escorting children on their commute to school and accompanying villagers, particularly women, during market days. MONUSCO’s operational innovation was also in carrying out “cordon and search” operations to neutralize illegal armed groups posing a threat to local civilians. The mission managed to significantly reduce the number of threats to security merely by recognizing the importance of constant communication and cooperation with the locals (MONUC 2009). MONUSCO’s Protection of Civilians Strategy is noteworthy due to its focus on limiting the use of force by using the mission’s military strength mostly as a deterrent, rather than a coercive element.

Chapter 5

Case study: UNAMID

“The ability to fulfill that [protection of civilians] role will be the yardstick against which success will be judged, right now by the people and by history” (Holt et al. 2009)

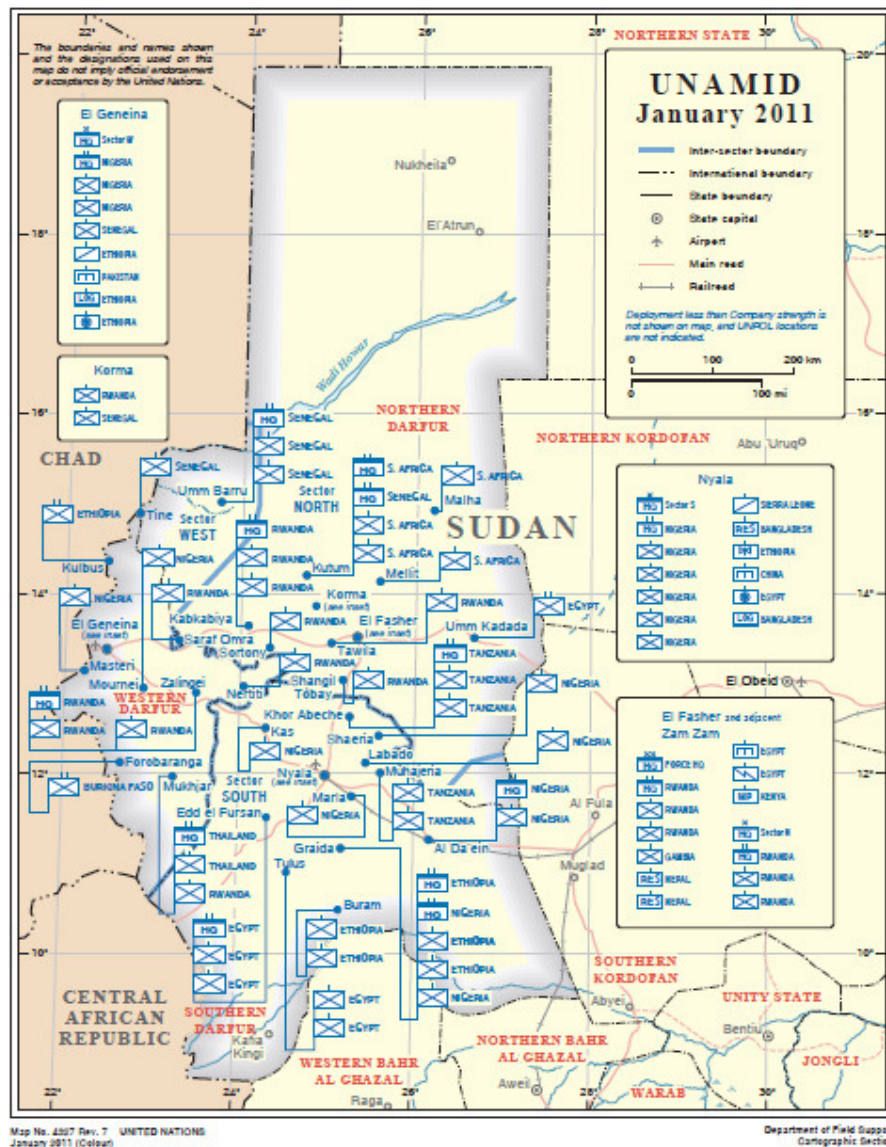


Figure 2: Deployment of UNAMID as of January 2011

Darfur was an autonomous Muslim sultanate prior to 1916, it was overlooked for the approximately 40 years of colonial rule, and systematically ignored by the Khartoum government for roughly another 40 years, as it was affected by poverty and spillovers from Chad's civil war (Burr and Collins 2006). The war in Darfur ensued in 2003, as rebel groups resorted to violence in order to protest the government's economic marginalization of their communities. Although initially the conflict was depicted as a struggle between the African farmers and the Arab herders as a result of limited resources, particularly good quality land, the tensions are of much more grave nature.

The two principal rebel groups are the Sudan Liberation Movement/Army (SLM/SLA), and the Justice and Equality Movement (JEM), in addition to the uncontrolled tribal resistance movements, the largest ones being Fur, Zaghawa, and Masalit. From the onset, the rebels have been an amalgamation of village defense troops and elites with political aspirations – the significant difference between the two groups being the reason which prevented them from forming a cohesive political unity to leverage against the Khartoum government. The SLM is primarily supported by major Sudanese non-Arab ethnic groups, while the JEM is associated with the Islamist movement. In fighting the rebel movements, the Government of Sudan uses the Janjaweed as its proxy, formed of Arab camel herders and Chadian Arab immigrants which aspire to rule over Darfur's territory. In return for the violent suppression of Darfur's rebels, the Government of Sudan allows the Janjaweed to pursue its own agenda regarding Darfur, without ever having to face justice for their actions (De Waal 2007).

The international community, represented by the United States, the United Kingdom and Norway, made an effort to bring the hostilities in Darfur to an end through supporting the 2004 Naivasha talks in Kenya. The resulting Ndjamenana Humanitarian Ceasefire Agreement of 8 April 2004 represented the starting point for all ensuing political attempts to put an end

to the violence in Darfur, despite being so weak that it has two versions, since the parties found it impossible to agree. Based on the ceasefire, the African Union established the African Mission in Sudan (AMIS), an operation which activated without much authority or a particular strategy for success. Following up on the Ndjamenia Agreement, the Security Council passed resolution 1556 in July 2004, requiring the Sudanese government to disarm the Janjaweed within 30 days, but failing to define the Council's understanding of who the Janjaweed were, or what are its expectations in terms of disarmament (Resolution 1556). To make matters worse, the Security Council did not follow up on its request, and did not react when the Sudanese Government ignored it. The Council did, however, make renewed demands regarding the situation in Darfur, as in August it demanded the Government of Sudan to provide security to internally displaced persons (IDPs) camps in Darfur, but once again failed to react to the government's inaction.

Simultaneously, another round of negotiations intending to bring peace to Darfur began in September 2004 in Addis Ababa, Ethiopia - referred to as the first round of the Inter-Sudanese Peace Talks on the Conflict in Darfur, and aimed at brokering an agreement between the Sudanese Government, and Darfur's two main rebel groups, the SLM and the JEM. The peace agreement, however, did not materialize until almost two years later, at the end of the seventh round of the talks which started in late November 2005. The Darfur Peace Agreement, as it is referred to, was signed on May 5th, 2006, by the Government of Sudan, and only by one of SLM's factions, while being rejected by SLM's second faction and by the JEM (Flint and De Waal 2005). Paradoxically, the peace agreement heightened tensions, as many in Darfur took to the streets in protest, and the SLM faction which has signed the agreement partnered with the government in attacking the other rebel forces in Darfur, while the Janjaweed impassively continued their attacks. Rather than facilitating peace, the DPA

hastened the further fragmentation of the insurgency according to the various ethnic factions of Darfur (International Crisis Group 2005).

Based on the DPA, the African Union United Nations Hybrid Operation in Darfur (UNAMID) was established through Security Council resolution 1769 of 2007, to be put in place of the AMIS. UNAMID is currently the largest UN peacekeeping mission, the first UN-AU hybrid mission, and probably one of the most restricted missions in terms of government consent. As previously mentioned, despite the significant evolution of the three core peacekeeping principles, consent is still required for the deployment of a UN peacekeeping mission. For the case for UNAMID, consent was particularly problematic, as the Government of Sudan, represented by its President Omar al-Bashir, continuously refused to allow troops from the Western world into Darfur, and created numerous other conditionalities for the peacekeeping mission's existence, which severely weakened UNAMID from the start. Nonetheless the mission has been mandated to protect civilians at risk from ever since its inception in July 2007 (Resolution 1769).

Even during the mission planning process in 2007, the protection of civilians was set as one of the two main tasks of UNAMID, the other being providing support for the success of the DPA. The planning process innovatively saw the participation of various humanitarian agencies, as the Security Council visualized a strong mission, capable of using mobile forces to forestall violence and protect civilians threatened by the Janjaweed. However, the mission faced significant delays in the provision of troops and resources, and once deployed, faced the harsh obstructionism of the Sudanese government, a peace agreement (DPA) which was no longer valid, and numerous logistical issues caused by their vehicles being stolen, their drivers kidnapped and the mission itself being under attack several times (U.N. 2010).

Assessing UNAMID's success in terms of protection of civilians

In order to determine UNAMID's success in achieving its mandated task of protecting the civilian population, the yardsticks mentioned in Chapter 3 will be employed once again, namely, the leverage of the peace agreement on which the mission was based, the effectiveness of the mandate, the Security Council and the mission's understanding of the situation on the ground, and UNAMID's characteristics and capacity in regards to protection of civilians.

A shaky arrangement from the beginning, the DPA's chances of ending the conflict in Darfur were universally considered obsolete before UNAMID even got the chance to deploy in 2008. As previously mentioned, the DPA was not inclusive of all parties – thus, it did not guarantee a cessation of hostilities. Nonetheless, UNAMID still had to deploy as a peacekeeping mission, to maintain a peace which, in fact, never existed. Apart from the agreement not being inclusive of all hostile parties, the situation was worsened as the parties which were indeed signatories to the DPA were also not committed to achieving peace, and further put the civilians in danger by heightening the hostilities. The Government did not actually favor a peace, and for that reason, it tried to delay the arrival of UNAMID as much as possible, first by not agreeing to and approving the UNAMID Status of Forces Agreement (SOFA), and subsequently by significantly limiting UNAMID's activities. As the process of approval of the SOFA was exceedingly delayed, it was impossible for the mission to deploy timely – its impact thus being reduced before even touching base in Darfur. Even after the SOFA was approved and UNAMID deployed, the Sudanese government continued to act against the principles set forth in SOFA, by limiting UNAMID's flights, particularly at night, detaining peacekeepers, not awarding entry visas to UN personnel, and delaying or refusing to agree to the establishment of local UNAMID bases (Holt et al. 2009). The latest Secretary-

General report on UNAMID confirms that the situation regarding the Government's imposed limitation on the mission has not made much progress. Currently, there are approximately 1000 visa applications awaiting approval, many of them of UNAMID military and police units, while the rest are of the mission's civilian components. Furthermore, the Sudanese Government continuously imposes restrictions on certain areas, limiting the mission's movement and the population's access to humanitarian relief. Notably, in the majority of these areas, attacks have been reported, or suspected, as fires and helicopters can be seen from afar. What is more, several of UNAMID's Sudanese staff members have been arrested without justification, kidnapped, or murdered, further hampering the mission's efforts to provide safety to the population (U.N. July 2011). These issues that UNAMID has been forced to deal with are a direct consequence of the lack of a stable, trusty, and inclusive ceasefire agreement, which according to the principles discussed in Chapter 2, should be the base of any peacekeeping mission. UNAMID, just as MONUC, was established following a weak (or even inexistent) ceasefire, and from the aforementioned it could be seen how drastically this has altered the mission's chances for success.

In terms of mandate, ever since its inception, the mission was attributed with numerous tasks which diluted its efforts to focus on the protection of civilians. UNAMID's tasks range from civilian protection, to providing security to humanitarian actors, supervising and ensuring any ceasefire agreements, coordinating a political process inclusive of all hostile parties, monitoring borders, assisting with development projects, and upholding the rule of law, along with ensuring respect for human rights (Resolution 1769). Ironically, one of UNAMID's main tasks was to assist with the implementation of the DPA, which, as previously mentioned, has failed before the mission's arrival. Apart from being excessively broad, the mandate sets out by affirming its determination to cooperate with the Government of Sudan, thus compromising the impartiality factor of the mission, as the Government itself,

although not admittedly, through the Janjaweed, is one of the perpetrators of violence. By partnering with the Government and supporting the DPA, at least on paper, UNAMID has lost the support of the humanitarian community and of all the factions which were in opposition of the DPA, one of them being Darfur's internally displaced persons (IDPs) – the very people the mission is meant to protect. Hence, the mission operates in an environment which is exceptionally hostile to its activities, and often has to face the consequences – the car-jacking, the kidnappings and the frequent attacks.

Given the abovementioned situation, it can be inferred that the Security Council did not pay due attention to the situation on the ground prior to establishing UNAMID. However it is unclear if the mission would have been established at all, if the Security Council would have not allowed the Government to have a say in the mission, and impossible to determine what would have been the effect on the civilian population, if UNAMID would have not been established. Nonetheless, the Security Council's decision regarding replacing AMIS with UNAMID appears somewhat rushed, under the pressure of international media and other organizations and governments which have attributed the term “genocide” to the violence in Darfur (De Waal 2007).

Once again faced with the Government's obstructionism, UNAMID was forced to involuntarily limit its capacity in terms of peacekeeping forces, as the Sudanese Government refused to allow troops from the Western or from Latin America. The composition of the forces is thus narrowed down to countries such as Rwanda, Ethiopia, Nigeria, Senegal or Tanzania, which are amongst the top current contributors to UNAMID (U.N. 2011). The low levels of development of the contributing countries has made UNAMID's task even more difficult, as countries are either unwilling or unable to contribute vital mission elements, such as military helicopters, which are of utmost importance, given Darfur's location and geography (Borger 2008). As of June 2011, the mission's military personnel was deployed in

proportion of 92 percent, while the police units were at a more limited 73 percent, while the equipment deficit is well below the mandate-allowed 90 percent (U.N. July 2011). Given the precarious environment in which they operate, the troops are often forced to use their resources in order to defend themselves and the mission's property. This evidently leaves fewer resources to be allocated towards protection of civilians, and as the mission was not allocated sufficient resources to protect both themselves and the population, the situation emphasizes the ever occurring gap between mandate and means present in UNAMID as much as in MONUC.

While similar to MONUC in terms of limited capacity, UNAMID differs in terms of its cooperation with humanitarian actors. Unlike MONUC, UNAMID is not an integrated mission, as the Security Council has tried to separate as much as possible from humanitarian aspects, despite mandating the protection of civilians. Without being able to rely on the UN Country Team and the humanitarian community, UNAMID's mission becomes even more difficult, as the peacekeepers themselves are facing confusion and lack of directives regarding what civilian protection is and how it can be achieved in Darfur. The lack of integration poses an additional challenge, as UNAMID must simultaneously partner with the Government of Sudan and the UN Country Team as well as the humanitarian actors in the field, for every protection strategy it decides to pursue. Furthermore, until recently, the Special Representative of the Secretary General (SRSG) of UN Mission in Sudan (UNMIS) retained control of all decision made regarding protection of civilians in Darfur, and UNAMID had to report to UNMIS all issues connected to civilian protection. Evidently, this complicated the situation even further, due to the distance between the UNAMID and UNMIS headquarters, which made it merely impossible to properly communicate and coordinate important and urgent matters (Holt et al. 2009).

Despite not being the main coordinator of information regarding protection of civilians, UNAMID did, however, include a Humanitarian Recovery, Development, and Liaison Section (HRDLS), which tried to develop as much guidance for protection of civilians as possible. To this end, in February 2009 the HRDLS created a “Mission Directive on the Protection of Civilians in Darfur,” more conveniently referred to as the “Mission Directive,” which defines civilian protection as “all activities aimed at obtaining full respect for the rights of the individual in accordance with the letter and spirit of the relevant bodies of law (i.e.) international humanitarian law, human rights law, refugee law.” (UNAMID 2009)

UNAMID’s Mission Directive identifies the principal protection actors in the field as the military, the police, the HRDLS in itself, the Civil Affairs, child protection and human rights mission components, as well as the other UN agencies present in Darfur – the UN High Commissioner for Refugees (UNHCR), the UN Development Program (UNDP), the Office for the Coordination of Humanitarian Affairs (OCHA), the UN Children’s Fund (UNICEF), and the World Food Program (WFP). Furthermore, the directive proceeds by defining three categories of protection activities: preventive protection, immediate response protection and follow-up protection, emphasizing that UNAMID is not to deal with any long-term protection-related activities, as its main mission is to protect civilians in the wake of imminent danger, and not to take over the government’s responsibility to provide security to its population. According to the directive, preventive protection falls entirely to the responsibility of the humanitarian community, who is to ensure protection on its own, in order to guarantee their own successful operation in the field. Immediate protection seems to be the HRDLS understanding of UNAMID’s mandate, as the directive states 11 recurrent acts of violence against civilians, from the mission’s experience, defines each instance and the actors responsible for providing the necessary protection, and provides guidelines for the peacekeepers. In this regard, the Mission Directive can be considered a more extensive and

detailed version of MONUC's Protection Handbook, even though its 11 chapters are relatively more broadly categorized as: shooting at civilians, violence between two or more parties, physical assault against civilians, gender-based violence, harassment at checkpoints, general lawlessness, child soldiers, insecurity in IDP camps, destruction of civilian assets, offensive overflights or area bombings, and arbitrary arrest and detention (UNAMID 2009).

In spite of the high level of detail, the directive is far from being a sound strategy for protection of civilians, as it appears to apply a somewhat best-case scenario to a situation that is worst case. Most of the responses it advises are mechanistic, lacking the appropriate consideration of the situation and the environment. Furthermore, several of the responses refer to capacities which UNAMID does not possess, such as responding to offensive overflight with the mission's (inexistent) air power, and other responses fail to consider the political environment of UNAMID, as it recommends using force against those who endanger civilians, without taking into consideration UNAMID's inability of shooting against governmental forces, such as the Sudanese Armed Forces (SAF). Without a realistic evaluation of the actual situation on the ground, the Mission Directive is likely to be disregarded, as being idealistic and impracticable. In this regard, MONUC's Protection Handbook, although not as inclusive as UNAMID's Mission Directive, is more realistic and provides tangible situations and appropriate reactions for the peacekeepers, in much less complicated and easier to understand language. The last section of the directive is equally inadequate, as it refers to follow up protection as monitoring and reporting on violations of human rights and attacks on civilians, but specifically instructs the peacekeepers not to interrogate or communicate with victims or witnesses regarding attacks.

Although it does not succeed at providing practical guidelines, UNAMID's Mission Directive does thrive at naming the possible belligerents, and at the same time the respective UN actors who might need to react, in addition to the mission itself. A first step towards

evolving into a holistic protection strategy would be to provide guidelines as to how the peacekeepers should react when dealing with the Sudanese Government or with the SAF and to indicate appropriate preventative actions that must be taken.

On a much more detailed level, UNAMID implemented smaller scale protection strategies, which resemble those seen in MONUC. The mission identified situations in which the civilians have a higher degree of vulnerability and proceeded to take action towards ensuring their protection. One such example would be installing lights and cameras all-around IDP camps in order to both deter violent attacks and identify the existing aggressors. Additionally, in the same way as MONUC escorts women on market days, UNAMID has set up patrols which create a protective barrier around women who leave the IDP camps in order to find firewood. Last but not least, proving an improved understanding of one of the causes of violence, namely the constant dispute between farmers and nomads, UNAMID decided to map the migration routes, as means of conflict prevention (Holt et al. 2009).

Conclusion

Asserting that both MONUSCO and UNAMID are failing at protecting civilians is far from being an overstatement. News channels time and again bring forth new tragedies happening in both the DRC and Darfur, despite the presence of the peacekeepers. Despite the significant changes which have occurred in peacekeeping over the last decade, protection of civilians is not a tangible reality thus far. Nonetheless, both missions, with MONUSCO more than UNAMID, have made significant progress in setting a framework for the protection of civilians, which, with a tad of refining, could translate into a larger scale set of peacekeeping guidelines within the UN.

In spite of the noteworthy progress it has made in terms of providing its peacekeepers with an array of guidelines on their protection mandate, UNAMID appears to be quite far behind MONUC in terms of innovative strategies for protection of civilians. The situational factors, however, are not much different between the two missions.

	MONUC	UNAMID
Ambiguous mandate language	Yes	Yes
Number of tasks assigned	High	Medium
Deployed timely	No	No
Inclusive peace agreement	No	No
Warring parties committed to the peace process	No	No

Consideration of the causes and circumstances of the conflict	Partial	Partial
Presence of 'lootable' resources/ the mission's level of control over them	High/ Low	Low/ Low
Gap between mandate and means/ lack of sufficient resources	Yes/ Yes	Yes/ Yes
Peacekeepers originate in developed countries	No	No
Mission leadership committed to finding innovative strategies	Yes	Yes
Coordination with other agencies and organizations on the ground	Yes	No

Table 1. Comparison of MONUC and UNAMID.

As it can be inferred from Table 1, as well as from the previous two chapters, both missions have dealt with ambiguous mandate language – although in MONUC it became clearer as the mission progressed, they faced a high number of tasks – MONUC being assigned significantly more tasks than UNAMID, and neither of the missions deployed timely, nor in the presence of a peace agreement inclusive of all parties, who showed commitment to the peace process. Furthermore, neither MONUC nor UNAMID considered the causes and circumstances of the conflict at the start of their deployment, but as they gradually progressed, the understanding of the situation also grew, and the missions devised strategies for dealing with potential spoilers, such as those arising from the existence of

'lootable' resources, as in the case of MONUSCO, or limited resources, as in the case of UNAMID. Likewise, both missions were not provided with sufficient resources for achieving their vast mandates, and they had to face a severe gap between mandate and means. For both missions, this was the prime identified factor for not being able to effectively protect the civilians. The peacekeepers for both MONUSCO, and especially for UNAMID come from underdeveloped or developing countries, although in MONUSCO there is a presence of several personnel hailing from developed countries – a factor which might have a rather positive effect on the mission, especially since leadership positions are more often than not granted to experienced staff from developed countries. Both missions were also committed to finding innovative strategies for implementing their protection mandate, based on their observation of situational factors which endanger the population, and devised similar ad-hoc methods of providing protection, such as escorting women to the market, or forming a barrier around women searching for wood. The most notable difference between MONUSCO and UNAMID can be seen, however, in their coordination, and lack of, respectively, with other humanitarian agencies and organizations on the ground. As discussed, MONUSCO is significantly more integrated with the humanitarian community, through its Protection Cluster, while UNAMID is not seen with good eyes by the humanitarian organizations and agencies. In spite of this clear difference, though, it is impossible to determine the extent to which the lack of coordination and cooperation with other organization has had an effect on UNAMID, as there seems to be not much difference in the level of success at protection in both UNAMID and MONUSCO.

Identifying precisely the current issues facing both MONUSCO and UNAMID, and UN peacekeeping operations at large, the Department of Peacekeeping Operations, together with the Department of Field Support, published the non-paper entitled "A New Partnership Agenda – Charting a New Horizon for UN Peacekeeping." The study recognizes current

challenges in civilian protection, such as the difficulty of efficiently protecting the civilian population, because most often the peacekeepers are not only limited in number, but also under-equipped. The non-paper further identifies a “mismatch between expectations and capacity to provide comprehensive protection” as one of the major challenges facing UN peacekeeping (U.N. 2009). The limited success in protecting civilians in the cases of MONUSCO and UNAMID serves as a direct exemplification of the challenge to successfully implement complex mandates, especially over large territories, with limited resources.

In order to increase the efficiency of civilian protection in peacekeeping missions, the Security Council determined to address the current challenges and committed to design clear and achievable mandates, by assessing, in advance, the threats against civilians and the resources available, to further include civilian protection in mandates as top priority, to provide more strategic oversight in regards to civilian protection, and to implement the aforementioned recommendations on peacekeeping more frequently. Furthermore, the Security Council requested the Secretary-General to operationalize civilian protection, to provide protection-related training mechanism prior to peacekeeping missions, and to develop further means of reporting to the Council on the status of protection of civilians (Resolution 1894). Both MONUSCO and UNAMID seem to demonstrate that if the Security Council were to accomplish the aforementioned, protection of civilians in UN peacekeeping could finally become a reality.

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