Great Expectations:
UN Peacekeeping, Civilian Protection, and the Use of Force

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GCSP

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The Geneva Centre for Security Policy

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About the Author

Alan Doss is a Visiting Fellow at the GCSP and was recently appointed Senior Political Adviser at the Kofi Annan Foundation. For more than four decades, he worked for the United Nations on development, humanitarian, and political assignments around the world. In recent years, he headed UN peacekeeping missions as Special Representative of the UN Secretary-General in Liberia (UNMIL) and in the Democratic Republic of the Congo (MONUC). Previously, he served as Deputy Special Representative for Governance and Stabilization in the UN peace-keeping mission in Sierra Leone (UNAMSIL) and as the Principal Deputy Special Representative in Côte d'Ivoire (UNOCI). He is from the United Kingdom and undertook his university studies at the London School of Economics.

Acknowledgements

List of Acronyms

AU	African Union
CDF	Civil Defence Forces (Sierra Leone)
CNDP	*Congrès national pour la défense du peuple* (DRC) (National Congress for the Defence of the People)
DDR	Disarmament, Demobilization, and Reintegration
DFS	Department of Field Support (United Nations)
DPKO	Department of Peacekeeping Operations (United Nations)
DRC	Democratic Republic of the Congo
ECOWAS	Economic Community of West African States
ECOMOG	Economic Community of West African States Monitoring Group
Ex-FAR	*Ex-Forces Armées Rwandaises* (ex-Rwandan Armed Forces)
EU	European Union
FARDC	*Forces armées de la République Démocratique du Congo* (DRC Armed Forces)
FDLR	*Forces Démocratiques de Libération du Rwanda* (Democratic Liberation Forces of Rwanda)
FN	*Forces Nouvelles* (Côte d'Ivoire) (New Forces)
HRW	Human Rights Watch
ICG	International Crisis Group
IDP	Internally Displaced Person
LNP	Liberia National Police
LRA	Lord's Resistance Army
MONUC	*Mission des Nations Unies en RDC* (UN Mission in the DRC)
MONUSCO	United Nations Organization Stabilization Mission in the DRC
NGO	Non-Governmental Organization
OCHA	Office for the Coordination of Humanitarian Affairs
ONUC	*Opération des Nations Unies au Congo* (UN Operation in the Congo)
RoE	Rules of Engagement
RUF	Revolutionary United Front (Sierra Leone)
SSR	Security Sector Reform
UNAMSIL	UN Mission in Sierra Leone
UNHCR	UN High Commissioner for Refugees
UNMIL	UN Mission in Liberia
UNOCI	UN Operation in Côte d'Ivoire

Executive Summary

The proliferation of intra-state conflicts in the post-Cold War era has led to a substantial increase in the number of United Nations (UN) peacekeeping operations, resulting in the creation of forty-eight peacekeeping missions since 1990. The unprecedented challenges faced in the 1990s – and in particular, the failures in Rwanda, Srebrenica, and Somalia – obliged the UN to revisit and rethink its peacekeeping strategies.

Since 1999, with the creation of the UN Mission in Sierra Leone (UNAMSIL), the UN Security Council has made the protection of civilians in armed conflict an explicit responsibility and a primary operational task for UN peacekeeping operations. In 2011, sixteen of those missions operate across five continents. The protection of civilians is a mandated concern for all the large missions, functioning as a fundamental commitment "to save succeeding generations from the scourge of war", a central objective envisaged in the Charter of the UN.

This research paper analyses the evolution of the protection provisions of UN mandates and assesses the protection effectiveness of four UN peacekeeping missions: UNAMSIL in Sierra Leone, the UN Operation in Côte d'Ivoire (UNOCI), the UN Mission in Liberia (UNMIL), and the UN Organization Mission in the Democratic Republic of the Congo (DRC) (MONUC). The author draws on his decade serving in these missions to address recurrent questions about UN peacekeeping and recent evolutions of their mandates.

Are expectations of civilian protection by UN peacekeepers realistic? What are the operational challenges that the protection of civilians poses to UN missions? Where and in what circumstances does the use of force become a realistic option for protection? What changes to policy and practice might be needed to better align use of force expectations with protection outcomes?

In examining the parallel challenges confronted by each of the four missions, this paper illustrates that successful protection of civilians is contingent on several factors:

- viable and sustainable protection must be built around a political frame-work that tackles the causes as well as the consequences of armed violence against civilians;

- the protection strategy must be defined up front as a primary pillar of mission planning, not as a *post facto* add-on;

- the possible use of force and its consequences should be factored in as an element of the strategy, not a substitute for one;

- protection strategies should aim to align a mission's policies and capabilities with its protection mandate;

- presence is vital for protection, but UN forces must be deployed with the right mix of capabilities to deal with protection threats and be ready and able to use robust methods when the use of force proves unavoidable;

- unless the reform of national security forces is dealt with early on as an integral part of the post-conflict settlement, the UN's ability to protect civilians is likely to be severely compromised.

Despite the growing emphasis on protection in UN peacekeeping mandates, it remains difficult to assess over time how successful UN peacekeeping operations have been in protecting civilians. This absence of mission-effectiveness assessment has contributed to public doubt and raised questions about the impact of the UN approaches to civilian protection. However, a decade of field experience in these four missions indicates that the use of force in the name of protecting civilians has become more engrained in the peacekeeping discourse. This experience has further shown that the UN is prepared to assume a more robust protection posture in peacekeeping operations. In the meantime, the use of force still needs to be properly underpinned by country specific, well-structured protection strategies that are politically realistic and adequately resourced.

Introduction: Peacekeeping, Protection, and the Use of Force: Evolution or Revolution?

Over the last decade, the protection of civilians in armed conflict has become an explicit responsibility and a primary operational task for United Nations (UN) peacekeeping operations. The protection of civilians is now a mandated concern for all of the large UN peacekeeping missions.[1] Missions have been encouraged to act robustly to protect civilians. This has created a presumption of civilian protection in countries where those missions are operating as well as more widely in the international community.

This research paper asks if these expectations have been met. It examines the operational challenges of civilian protection and explores how realistic civilian protection mandates have been. Additionally, the paper questions where and in what circumstances the use of force becomes a realistic option for protection, as well as what changes to policy and practice might be needed to better align use of force expectations with protection outcomes.

This paper reviews the evolution of UN doctrine on the protection of civilians and the use of force over the last decade. It then looks at the use of force in practice through the lens of four UN peacekeeping operations within which the author served: UNAMSIL in Sierra Leone, UNOCI in Côte d'Ivoire, UNMIL in Liberia, and MONUC in the Democratic Republic of the Congo (DRC). It concludes with several observations drawn from these experiences.

In the past, civilian protection was not a priority for UN peacekeeping. From 1945 to 1990, peacekeeping operations focused essentially on monitoring and supervising ceasefires and the disengagement of contending national forces involved in cross-border hostilities. The first UN operation in the Congo (1960-1964) was

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1   Beginning in 1999, thirteen UN missions have integrated "protection of civilians" language. These missions are UNAMSIL (Sierra Leone), MONUC and MONUSCO (DRC), UNMIL (Liberia), UNOCI (Côte d'Ivoire), MINUSTAH (Haiti), ONUB (Burundi), UNMIS (Sudan), UNAMID (Darfur, Sudan), MINURCAT (Chad and Central African Republic), UNISFA (Abyei, Sudan), UNMISS (South Sudan), and UNIFIL (Lebanon).

an exception to this pattern. Established in 1960, the UN Operation in the Congo (ONUC) was the first UN peacekeeping intervention mandated to help end an internal conflict that had been created by the threat of a secession of the mineral-rich Katanga province as well as the collapse of law and order. Although it was not given an explicit mandate to use force for the protection of civilians, ONUC often intervened forcefully to rescue civilians or prevent them from becoming victims of armed violence caused by national security forces and militias.[2]

Caught up in the larger struggles of the Cold War, ONUC proved more of an exception than a rule. It took another twenty-five years before similar operations were again authorized by the UN Security Council starting at the end of the Cold War. The generation of UN peacekeeping missions that followed were almost exclusively directed at internal conflicts that erupted in post-colonial states or in states no longer constrained or aided by the tutelage of the Cold War. This included a number of missions generally regarded as successes, including those in Cambodia, Mozambique, and Central America, but also included tragic failures in Somalia, Rwanda, and Bosnia and Herzegovina.

In 1999, UN Secretary-General Kofi Annan, responding to a request from the Security Council, submitted a report on the protection of civilians in armed conflict. The report noted that "prevention, peacemaking, peacekeeping and peacebuilding are mutually reinforcing and must sometimes take place concurrently if the Security Council is to adopt a comprehensive and integrated approach to protecting civilians in armed conflict".[3] The report made a series of recommendations for preventing as well as stopping violence against civilians.

The report emphasized that at times, "despite the precedence of law, norms and principles, physical security often needs to be assured before legal protection".[4] However, the report also cautioned that the legitimacy of such action had to be clearly established by the Security Council and then backed by credible yet proportionate force, adding that:

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2   An example was ONUC's intervention against the rebels in the (then) Kiwit province cited by Ralph Bunche in his 1964 Hammarskjöld Memorial Lecture on the Congo operation. See C. P. Henry, *Ralph J. Bunche: Selected Speeches and Writings*, University of Michigan Press, 1998, p. 203.

3   *Report of the Secretary-General to the Security Council on the Protection of Civilians in Armed Conflict*, S/1999/957, 8 September 1999, para. 33.

4   *Ibid.*, para. 73.

"in the past, difficulties have arisen where it has been foreseen that elements of a peacekeeping mandate would be combined with a coercive or enforcement role, where mandates were insufficiently clear or inadequate resources were assigned to the task. It is therefore important to make a clear distinction between those tasks which can be accomplished with a modest presence, those which require a credible deterrent capacity, and those which require enforcement action".[5]

This theme was echoed the following year in the report of the Panel on UN Peacekeeping Operations established by Annan. Published in August 2000, the Brahimi Report,[6] as it is commonly known, highlighted systemic weaknesses in peacekeeping operations that had contributed to the failure to protect so graphically demonstrated by the genocide in Rwanda in 1994 and the massacre in Srebrenica in 1995. The Report prescribed a more robust approach that would demonstrate the willingness, capacity, and capability to deter and confront, including through the use of force, obstructions to the implementation of mandates rather than oblige "United Nations contingents to cede the initiative to their attackers".[7]

Since those reports were written, the Security Council has progressively extended the span of protection responsibilities assigned to peacekeeping missions in line with the comprehensive and integrated approach to protection advocated by Secretary-General Annan. All contemporary peacekeeping missions with protection mandates are now authorized under Chapter VII of the UN Charter, which explicitly recognizes that force may be used for collective security.

This evolution has been reflected on conceptual and operational levels as well: through thematic Security Council resolutions on the protection of civilians in general as well as for specific groups – women, children, refugees, internally displaced persons (IDPs), humanitarian workers, and human rights defenders; in UN policy guidance for peacekeepers such as the Capstone Doctrine;[8] in the framing of individual mission mandates, in mission rules of engagement (RoE), and in force directives.

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5   *Ibid.*, para. 58.

6   *Report of the Panel on United Nations Peacekeeping Operations*, A/55/305-S/200/809, August 2000.

7   *Ibid.*, p. 9, para. 49.

8   *United Nations Peacekeeping Operations: Principles and Guidelines*, DPKO/DFS, United Nations, New York, 2008.

Phrases such as "all necessary means" have been employed to empower peace-keepers to use force against groups that threaten civilians. The phrase "robust peacekeeping", although not formally endorsed by UN member states, has crept into the language of reports and resolutions and has been used to prompt or justify the use of coercive action in support of protection.

Despite these conceptual changes and operational innovations, which have given more latitude to peacekeeping missions to use force when necessary, there is still a great deal of debate about the effectiveness and impact of the protection efforts of UN peacekeeping missions. One observation on the Capstone Doctrine suggests that it "highlights the necessity for a pro-active and robust approach, yet [it] caution[s] quite heavily against its use. This balancing act is not necessarily helpful for a military commander seeking to implement a mandate".[9]

Subsequently, a study commissioned jointly by the UN Department of Peace-keeping Operations (DPKO) and the UN Office for the Coordination of Humani-tarian Affairs (OCHA) commented in 2009 that all concerned "continue to struggle over what it means for a peacekeeping operation to protect civilians, in definition and in practice".[10] Likewise, in the 2009 New Horizons report, which reviews the progress made in peacekeeping and examines the challenges ahead, there is a candid warning that "[t]he mismatch between expectations and capacity to provide comprehensive protection creates a significant credibility challenge for UN peacekeeping".[11]

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9   S. Kjeksrud and J.A. Ravndal, *Protection of Civilians in Practice: Emerging Lessons from the UN Mission in the DRC*, Norwegian Defence Research Establishment, Oslo, 2010, p. 35.

10   V. Holt *et al., Protecting Civilians in the Context of UN Peacekeeping Operations*, Independent Study, DPKO and OCHA, United Nations, New York, 2009, p. 4.

11   *A New Partnership Agenda: Charting a New Horizon for UN Peacekeeping*, DPKO/DFS, New York, United Nations, 2009, p. 20.

Protection in Practice

What has experience demonstrated about civilian protection by UN peacekeepers? How has force been used as part of the equation of protection? What have been the results of these efforts? What were the parameters that conditioned success or failure of these efforts?

Every peacekeeping mission faces unique country or regional challenges. Nevertheless, the peacekeeping missions in Sierra Leone, the Democratic Republic of the Congo, Liberia, and Côte d'Ivoire faced some common challenges of protection:

- the conflicts were characterized by the extreme brutality inflicted on civilians by rebel groups, self-defence militias, and government security forces alike. Women and children bore the brunt of the violence, resulting in massive displacement, widespread sexual violence, economic disruption, and the collapse of any semblance of law and order in the areas of conflict;

- although the wars originated in political failure and institutional collapse within the country, they quickly acquired a regional dimension. When states falter or fail, neighbouring states almost invariably become embroiled either to protect or advance their security, political, or economic interests. In West Africa, Liberia, Sierra Leone, and subsequently Côte d'Ivoire, became enmeshed as the conflict spread from one country to another. In central Africa, the wars in Rwanda and Uganda spilled over into the Congo and vice versa;

- the UN missions were all established in the wake of peace agreements that were expected to end violence and restore peace. However, with the exception of the 2003 Accra peace accord[12] for Liberia, they failed to do so and the missions dealt with renewed violence, much of which was directed at civilians;

- protection provisions were part of the mission mandates drafted by the Security Council but they were not initially the central feature or overriding priority of the mandates;

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12   Accra Comprehensive Peace Agreement, August 2003.

- at the outset, none of the missions developed an explicit protection strategy;
- the military components of the missions had to be expanded as security conditions deteriorated, new threats emerged, and protection concerns increased;
- the missions were all criticised, at one point or another, for not acting vigorously enough to protect civilians at risk.

The Politics of Protection

The experience of the four missions under review demonstrates that viable and sustainable protection must be built around a political framework that tackles the causes as well as the consequences of armed violence against civilians. Typically, the international community and regional actors have sought to address the violence through the negotiation of peace agreements on the assumption that peace brings protection.

In reality, three of the four missions faced situations where the outcome of the peace process – a peace agreement – did not hold. Attacks against civilians continued or worsened, leaving the peacekeepers trying to hold the ring and protect civilians under imminent threat without having the means to do so because the missions were initially configured to keep peace and not to enforce protection. UNAMSIL, MONUC, and UNOCI all struggled to cope with the consequences of failed peace processes and the absence of a protection strategy that would enable them to deal with the protection consequences of that failure. UNMIL (after many previous failed regional and international attempts at peacemaking) proved to be the exception because the peace agreement held up.

Sierra Leone: Setbacks and Successes

UNAMSIL, established in October 1999 in Sierra Leone, was the first major peacekeeping mission authorized following the adoption of Security Council Resolution 1265,[13] which formally defined UN policy on the protection of civilians in armed conflict. By the time UNAMSIL was established, Sierra Leone had already suffered a decade of unmitigated violence against civilians, characterized by mutilations and massive sexual abuse that was widely and graphically reported in the international media. The presence of a West African peace force, the Economic Com-

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13   UN Security Council Resolution 1265 (1999), 17 September 1999.

munity of West African States Monitoring Group (ECOMOG),[14] had not succeeded in controlling the violence.

In framing the mandate for UNAMSIL, the Security Council recalled its resolution on the protection of civilians and decided that the Mission in the discharge of its mandate "may take the necessary action... within its capabilities and areas of deployment, to afford protection to civilians under imminent threat of physical violence, taking into account the responsibilities of the government of Sierra Leone and ECOMOG".[15]

The Mission largely focused its operational efforts, in line with the directives of the Security Council, around three core objectives: the voluntary disarming and demobilizing of the Revolutionary United Front (RUF)[16] rebels and the pro-government Civil Defence Forces (CDF)[17] militias – the principal fighting forces; securing the return of state authority to areas liberated from RUF control; and ensuring free and fair elections in 2002 at war's end. Security Sector Reform (SSR) was largely funded and coordinated by the United Kingdom and partners with some support from UNAMSIL for police, judicial, and penal reform.

The crisis of May 2000, when the RUF attacked various UNAMSIL units, took UN personnel hostage, and disrupted the DDR programme, changed the political dynamic dramatically. UNAMSIL's presence was premised on the good faith implementation of the Lomé peace agreement,[18] signed by the government of Sierra Leone, the contending rebels, and pro-government militias. Mission forces had been deployed in anticipation of the DDR start-up and the reunification of the country under national authority, not to deter a full-scale resumption of armed violence.

The RUF was widely condemned. UNAMSIL was also much criticized and accused of not acting robustly enough to protect civilians. The Mission was castigated as "clearly no longer the appropriate authority to carry out what should be its principal task – ensuring the protection of civilians in Sierra Leone".[19]

There were calls for a strengthened UNAMSIL mandate although doubts were

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14 ECOMOG is a regional force established by the Economic Community of West African States (ECOWAS). An ECO-MOG force was also heavily involved in an earlier attempt (from 1990 to 1998) to restore peace in Liberia.

15 UN Security Council Resolution 1270 (1999), 22 October 1999, p. 3, para. 14.

16 The RUF was a Sierra Leone-based rebel army created by Foday Sankoh in the 1980s that committed widespread human rights abuses to gain control of the government and vast diamond resources.

17 CDF stood in opposition to the RUF, supporting the elected government of President Tejan Kabbah.

18 Lomé Peace Accord signed in Lomé, Togo, on 7 July 1999.

19 Human Rights Watch, *Letter to UN Security Council Members on Justice, the UN Mandate, and Arms in Sierra Leone*, 19 May 2000.

expressed that UN forces could act forcefully against the RUF. This scepticism was reflected in a comment from Human Rights Watch (HRW) that "even a more robust mandate will not change the reality that the UN force is ill-suited to wage war in Sierra Leone. It cannot be expected to launch offensives".[20] HRW argued that "where and when to use force to protect civilians is open to inconsistent interpretation and is ultimately at the discretion of field commanders".[21]

In fact, the UN Security Council, led by the United Kingdom, moved quickly to strengthen the Mission mandate, authorizing additional forces with the intention to confront the RUF and deter and defeat any further attacks on the Mission. Later in the year a Security Council delegation visited Sierra Leone and declared that "only a sustained and effective military instrument, with the capability to extend its reach throughout the country and following clear political and military objectives, can maintain pressure on the RUF and create incentives for dialogue and disarmament".[22] But the Security Council report added a coda that military units should be "reminded of their obligation, within the mandate, to protect civilians, something which is not always happening".[23]

The build-up of UN forces took several months but with the deployment of strong reinforcements, notably from Nigeria and Pakistan, the balance of power swung in UNAMSIL's favour. Support for the RUF from Charles Taylor, the President of neighbouring Liberia, began to weaken as he came under political and military pressure at home and from within the region backed by the imposition of a sanctions regime on Liberia. The United Kingdom also made it known that it would provide military support to UNAMSIL, as it had done in May 2000, if needed.

All of these elements played a role in convincing the RUF – now bereft of the charismatic leadership of Foday Sankoh (who was arrested during the May 2000 events) – to enter into negotiations. With the considerable influence of President Obasanjo of Nigeria, representing ECOWAS, and the endorsement of Sierra Leone's President, Tejan Kabbah, the Mission was able to revive the political process with the establishment of a joint government/rebel commission chaired by UNAMSIL. This commission negotiated a new DDR programme and the agreement for the return of state authority to areas held by the RUF.

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20 International Crisis Group, *Sierra Leone: Time for a New Military and Political Strategy*, April 2001, p. 19.

21 *Ibid*.

22 *Report of the Security Council Mission to Sierra Leone*, S/2000/992, 16 October 2000, p. 13, para. 54c.

23 *Ibid*., p. 15, para. 54g.

These developments helped to significantly reduce the violence against civilians. However, the disarmament of the militias and the strong deployment of UNAMSIL in the most troubled parts of the country were of critical importance. The Sierra Leone experience, despite initial setbacks, showed that the political determination of the Security Council allied to the deployment of the means of coercion on the ground could have a direct and rather immediate impact on improving civilian protection.

Côte d'Ivoire: a Protracted Crisis of Protection

The Linas-Marcoussis peace agreement[24] signed in early 2003 was intended to set the framework for resolving the conflict between the government of President Laurent Gbagbo and the rebel movement, the *Forces Nouvelles* (FN), which had seized the northern half of the country following a military uprising in 2002. The agreement proved to be ephemeral. Within a few months the conflict reignited with an assault in November 2004 by Gbagbo's forces on FN positions across the ceasefire line. An attack by government aircraft on French forces located close to the rebel lines, whether inadvertent or intended, provoked a strong riposte with the virtual destruction of the Ivoirian air force a few days later.

The November events illustrated the dilemma created by open-ended commitments to protection that are not underpinned by a coherent strategy that balances protection ambitions with political and security realities. After the events of November 2004, when French citizens in Abidjan were attacked by pro-Gbagbo militias in retaliation against the French military action, one observer urged the UN force to "act with equal resolve to protect the lives of these vulnerable groups [Northerners, Muslims, and West African immigrants] that have often been targeted in the past".[25]

Would this have been possible? Probably not: at that time, UNOCI had only about 400 troops in Abidjan, a city of roughly three and half million, essentially protecting UN facilities and the FN members of the government resident in Abidjan. Most UN troops were in the buffer zone separating North and South where they had to confront government forces at several points as they attempted to cross the zone to attack the rebel headquarters in the town of Bouake.

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24   The peace agreement was signed in Linas-Marcoussis, France, in January 2003. Accessible at: http://www.usip.org/files/file/resources/collections/peace_agreements/cote_divoire_01242003en.pdf.

25   Human Rights Watch, *Now, Protect Ivoirian Civilians*, November 2004, para. 2.

If the pro-Gbagbo militias had attacked minority groups from the North living in the city, UNOCI would have had great difficulty in defending more than a fraction of the civilians because of its very limited troop deployment in the city and the road blocks that the militias would have thrown up to prevent freedom of movement.

In 2011, by contrast, UNOCI, in cooperation with French forces and backed by the Security Council, the African Union, and ECOWAS, was able to intervene forcibly to protect civilians in Abidjan using the additional military capabilities pre-positioned in anticipation of the deteriorating security situation. Fortunately, this last and most violent stage of the conflict was relatively brief. In the end, however, the UN was obliged to use force in the name of protection. Nevertheless, this was not a protracted campaign of protection of the kind that the UN has been obliged to mount in the eastern Congo. The use of force in UNOCI in early 2011 was largely limited to Abidjan and directed at the residual pro-Gbagbo forces that were using heavy weapons within the city against the advancing forces supporting president-elect Ouattara and some neighbourhoods where his civilian supporters were concentrated.

The Congo: Protection Falters

In the DRC, MONUC has struggled with a continuous disconnect between the political agenda and protection demands. From 1999 through 2006, the Lusaka[26] and Pretoria[27] peace agreements mapped out a peace process for the Congo. MONUC was deployed to provide support for the implementation of those agreements. In some respects they were quite successful. The foreign forces that had occupied large parts of the country withdrew under UN oversight. A transitional administration led to national elections in 2006, the first since independence, which generally received the blessing of the international community. A DDR programme disarmed and demobilized tens of thousands of combatants and former army soldiers.

With the installation of a democratically elected president and representative parliamentary institutions in 2006, there was hope that violence that had long disfigured the country would end. The President announced an ambitious programme of renewal and reconstruction that was largely applauded by the international community.

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26   The Lusaka Ceasefire Agreement was signed in Lusaka, Zambia in July 1999.

27   The agreement was formally called the Global and All-Inclusive Agreement of Sun City. All major belligerent parties in the DRC signed the agreement after meetings in Sun City, South Africa in December 2002.

Those hopes proved premature. The Lusaka and Pretoria peace agreements, although reasonably successful in their own right, did not solve the problem of violence in the Kivus where communal rivalries and tensions stretching back generations had been exacerbated by the Rwanda genocide and the resulting influx of refugees and armed groups. Violence continued accompanied by large-scale displacement of civilians and an epidemic of sexual violence.

In early 2007, the UN Secretary-General sounded the alarm, recognizing that the crisis in the Kivus "has many dimensions which call for a comprehensive solution" adding that "a purely military solution to this issue is neither desirable nor viable". He proposed that the "intertwined problems created by the activities of Nkunda[28] and his militia, the Democratic Liberation Forces of Rwanda (FDLR) and other foreign and Congolese armed groups must be addressed simultaneously through an approach that involves all major stakeholders".[29] This was a significant development because it was the first time that there was a political statement that recognized that the Lusaka and Pretoria agreements, and the security and institutional arrangements that resulted from them, had not ended the violence in the eastern Congo even though there had been considerable progress in stabilizing the DRC as a whole.

This approach developed along two tracks: first, an initiative to bring the Congolese and Rwandan governments together to agree on a common approach to deal with the FDLR; the second focused on addressing the tensions that so often triggered communal violence in the Kivus between Hutus, Tutsis, and other communities.

The first track resulted in a joint statement by the DRC and Rwanda following a meeting in Nairobi announcing their intention to "eliminate the threat posed by illegal armed groups through peaceful and military means".[30] MONUC was requested "to provide support to the planning and subsequent implementation consistent with its mandate".[31] At the same time, however, MONUC was expected to "protect civilians, in accordance with its mandate, against the negative impact

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28   Laurent Nkunda led the essentially Tutsi rebel movement based in the Kivu provinces of the eastern DRC. A former FARDC commander, he was responsible for numerous violent attacks on civilians including during his brief capture of the South Kivu provincial capital, Bukavu in 2004.

29   *Twenty-Fourth Report of the Secretary-General on MONUC*, S/2007/671, 14 November 2007, p. 16, para. 69.

30   *Joint communiqué of the Government of the Democratic Republic of the Congo and the Government of the Republic of Rwanda on a common approach to ending the threat posed to peace and stability in both countries and the Great Lakes region,* S/2007/679, 9 November 2007, p. 2.

31   *Ibid.*, p. 3, para. 9a.

of operations against the ex-FAR/Interahamwe[32] and monitor compliance with recognized standards of international humanitarian and human rights law".[33] This provision placed the Mission in the paradoxical position of having to participate in planning an operation that could have negative consequences for civilians and then protect civilians against the consequences of that operation.

In order to address the escalating crisis created by the clashes between the government forces and the National Congress for the Defence of the People (CNDP),[34] the government announced its intention (after much prodding by the UN, United States, and European Union) to organize a conference on peace, security, and development in the Kivus.

The conference was held in Goma in January 2008 and brought together representatives of the central and provincial governments, Congolese armed groups, local communities, local authorities, political parties, and civil society together with MONUC and international partners. The main objective was "to create a space where representatives of the armed groups and community representatives to express grievances, share perceptions and fears and address the root causes of conflict in the region".[35]

The outcome of the conference was a statement of commitment signed by all the representatives including, after much persuasion, the CNDP and witnessed by the international partners. The statement committed the signatories to a ceasefire, the entry of militias into DDR, respect for human rights, the return of refugees and IDPs, and the passing of an amnesty law (but not for war crimes and crimes against humanity). A Joint Commission was created to arbitrate outstanding issues such as the timetable for disarmament and demobilisation.

The hope generated by the Nairobi communiqué and the Goma conference was, however, soon dissipated. The Joint Commission was disabled by mutual intransigence. The Goma process, and with it the campaign planned to disrupt and pressure the FDLR, collapsed by mid year. In August 2008, hostilities reignited between government forces (and its Mayi-Mayi allies) and the CNDP, leading yet again to attacks on civilians and massive displacement in North and South Kivu.

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32 The collective name given to the Hutu militia groups that had sought refuge in the Congo after they were driven out of the Congo by the Rwanda Patriotic Forces led by Paul Kagame.

33 *Ibid*., p. 5, para. 13.

34 Nkunda established the CNDP as a political cover for his armed militia in December 2006.

35 *Twenty-Fifth Report of the Secretary-General on MONUC*, S/2008/218, 2 April 2008, p. 2, para. 5.

Inevitably, MONUC was thrust into the vortex. Throughout the hostilities MONUC's objective was to protect civilians while pushing for an immediate ceasefire, early disengagement, and the resumption of peace talks. This approach gained MONUC few plaudits and the Mission was heavily criticized, on one side by those (including some NGOs) who felt the Mission had become a protagonist by taking robust action against the CNDP when it threatened civilian centres and on the other by those, especially in government, who believed it was not doing enough to help the DRC Armed Forces (FARDC) defeat the CNDP.

The crisis was essentially resolved at the end of October 2008 through the opening of a direct channel of communication between Congolese and Rwandan Presidents, respectively Joseph Kabila and Paul Kagame. With Kagame's help the CNDP was brought under control and integrated into the Congolese army. With Kabila's assent, the Rwandan army was able to launch an assault on the FDLR.

MONUC supported these Congo-Rwanda initiatives as a means to secure regional cooperation to end the conflict in the Kivus. The Kivu wars, initially triggered by the Rwanda genocide, have lasted more than fifteen years with enormous cost in human life and suffering. Even though the comprehensive approach adopted in late 2007 in an effort to resolve the conflict has been only partially successful, large areas of the Kivus are now relatively peaceful, the number of IDPs has declined significantly and many Rwandan exiles have returned home.

MONUC has been frequently criticized for aiding the Congo and Rwanda governments to exert military pressure on the militias. This became a more feasible proposition with the political rapprochement between the two countries, which now found a common interest in working together to end the sway of the groups that they had previously directly or indirectly supported. Given the long standing intransigence of these armed groups, some show of force was unavoidable to pressure them either to disarm and demobilize or to integrate. Nevertheless, the reluctance of the Congo government to move ahead with SSR and the hesitant approach to extending effective state authority to deal with the ethnic tensions and economic rivalries among ethnic communities still puts large numbers of civilians at risk in the eastern Congo.

Furthermore, the horrific violence against women and girls in the eastern Congo characterizes the need for protection. Despite the relatively large peacekeep-

ing presence and a strong protection mandate, women are frequently attacked and sexually abused. Peacekeepers have not been able to ring-fence vulnerable populations. Violence will only end when the militias are out of business and the state security services are brought under control; both of these outcomes, essential though they are for civilian protection, cannot be achieved by MONUC alone and with its present capabilities.

Liberia: A Protection Success

UNMIL was established in Liberia in October 2003. The Mission was mandated, among other tasks, to protect civilians under imminent threat of violence in the areas of its deployment "without prejudice to the efforts of the government",[36] which was a rather superfluous admonition as there was clearly no capacity within the government to protect civilians.

Various observers expressed concern that the mandate for the UN-authorized multinational force was not sufficiently robust to ensure the protection of civilians, believing that "peacekeeping forces have previously been provided with a mandate which unnecessarily restricts their scope and ability to protect civilians from physical danger".[37] The subsequent resolution of the Security Council creating UNMIL seems to have gone some way towards meeting those criticisms with one advocacy organization noting that "the text of the resolution is not as strong as we would have liked, but it is a great improvement", adding "[w]e hope that this mandate will be given a broad interpretation to effectively protect civilians throughout the country".[38]

The first months of UNMIL were troubled ones. The Mission struggled to simultaneously build up its troop strength, to deploy across the country, launch the DDR programme, facilitate the return and reintegration of refugees and the internally displaced while working with the transitional government to build the institutions of democratic governance as a prelude to the elections stipulated in the Accra peace agreement. Civilians continued to be attacked and abused in areas beyond the reach of peacekeepers, though in urban areas the situation

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36   UN Security Council Resolution 1509 (2003), 19 September 2003, p. 4, para. 3j.

37   Amnesty International, *Liberia: Recommendations to the Security Council and the Special Representative of the Secretary-General*, 22 August 2003, para. 4.

38   Amnesty International, *Liberia: UN Security Council Resolution Lays Sound Foundation for Human Rights Protection*, 19 September 2003, para. 4.

improved.[39] There were also recurring concerns that the conflicts in Sierra Leone and Côte d'Ivoire would spill over into Liberia and that arms and fighters would flow across the country's porous borders and impede the peace process.

The DDR programme ran into immediate difficulties and had to be suspended following clashes between disgruntled ex-combatants and UN peacekeepers. Delays in deployment inhibited the Mission from dealing effectively with sporadic fighting and the looting and harassment of civilians. More broadly, the view was expressed that the "interventions in Liberia and Sierra Leone are failing to produce states that will be stable and capable of exercising the full range of sovereign responsibilities on behalf of their long suffering populations".[40]

The build-up of UNMIL forces in 2004/05 allowed the Mission to progressively extend its reach throughout the country with a corresponding reduction in reports of violent incidents. Nevertheless, the expanding range of deployment certainly did not eliminate all violence and reports of rape remained alarmingly high. However, politically-motivated violence declined as the armed factions entered into the DDR programme that was successfully re-launched in early 2004. The elections mandated by the Accra agreement and held at the end of 2005 were relatively free of violence. Law and order issues, especially common criminality in Monrovia, began to increasingly dominate the public discourse on security.

During the many years of conflict, the Liberian army, presidential guards, and Special Forces such as the Anti-Terrorist Unit recruited by Charles Taylor, were among the most flagrant violators of human rights. This is why the Accra agreement mandated the reform of the Liberian armed forces. However, the transitional government, strongly encouraged by the United States and other partners, agreed, to abolish the army and start afresh with new recruitment and training.

This was a bold decision and one that was not without risk. Fortunately, President Johnson Sirleaf, on assuming office in January 2006, continued with the same policy. Despite initial resistance from demobilized soldiers and some violent demonstrations, the programme was pushed through. This proved possible for three reasons: first, popular support for this radical step – men in uniform were generally feared and loathed by the public; second, UNMIL's highly visible and robust military and police presence provided security cover for the government in

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39   See *Second Progress Report of the Secretary-General on UNMIL*, S/2004/229, 22 March 2004.

40   International Crisis Group, Liberia and Sierra Leone: *Rebuilding Failed States*, 8 December 2004, p. i.

case of trouble; and third, the financial contributions of various donors (notably the United States, the European Union, the United Kingdom and South Africa) allowed the government to pay termination benefits to demobilized, retired, and disabled soldiers.

With the army neutralized (a less ambitious programme was also initiated for the Liberia National Police (LNP)), UNMIL's protection and stabilization tasks were made easier. The election of Ellen Johnson Sirleaf in 2005, with her outstanding record of defending the rights of women, also sent a strong message of support for protection.

This success can be attributed to a variety of reasons: a favourable ratio of UN troops and police to both the civilian population and the area of the country; a robust mandate and clear intent by the Mission leadership, both military and civilian, that it should be used for protection; the successful implementation of DDR despite the early setbacks; SSR; and the decisive commitment of the government to civilian protection and the promotion of human rights. Even so, violence against women and girls remains a major problem.

Putting Protection First

Since 1999, thirteen missions have been provided with robust protection mandates.[41] Although protection is now a central feature of the mandates of the largest peacekeeping missions, there has been no consistent approach to the development of mission protection strategies. In total, only four peacekeeping missions have developed formal protection strategies.[42]

Where they have been developed, it has been largely in response to, rather than in anticipation of, a protection crisis. MONUC, for instance, developed a joint protection strategy more than eight years after the start of its operations. Similarly, UNOCI's protection strategy was defined and put in place relatively late. Neither UNAMSIL nor UNMIL developed formal protection strategies even though in both countries the missions were given protection responsibilities by the Security Council.

The absence of integrated protection strategies that set out the political, security, humanitarian, and other dimensions of protection (including the possible use of force),

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41   See footnote 1.

42   The four missions are MONUC/MONUSCO, UNOCI, UNAMID (Darfur), and UNMIS (Sudan).

is a weakness pointed out in the DPKO/OCHA study on protection, which noted that "[t]he lack of an operational concept for peacekeeping missions, and the confusion between other concepts of protection, undermines the ability of missions to define their role and develop coherent strategies at the most fundamental level".[43] Another recent review concluded that "the most serious tensions that emerge from a comparison of these three strategies [MONUC, UNAMID, and UNMIS] are those between missions and the local authorities on the one hand, and between the security and humanitarian dimensions of the missions on the other".[44]

To deliver on the promise of protection, the strategy must be defined up front and not as a *post facto* add-on. The protection strategy should be a pillar of mission planning with its main lines discussed and agreed by the Security Council to ensure that is has adequate political backing and resources.

The strategy should be defined in consultation with national partners to ensure as much local ownership as possible. The concept of Responsibility to Protect identifies states and their governments as the principal actors in protection. Peacekeeping missions, however well resourced and motivated, cannot replace that responsibility nor should the international community displace that fundamental responsibility from states to peacekeepers.

But the strategy, crucial though it is, is not enough. The mission has to establish internal mechanisms and procedures to manage and monitor the strategy at national and local levels. As protection became an increasingly explicit and top priority for MONUC, a senior management group was set up to handle and oversee the protection with civilian, military, and police participation from within the Mission and from other interested UN entities such as the UN High Commissioner for Refugees (UNHCR) and OCHA with protection concerns.

Furthermore, the possible use of force and its consequences should be factored in as an element of the strategy, not a substitute for one. The use and limits of force should be defined in function of the threats to civilians that are identified in the strategy; this is where the dichotomy between mandate and means becomes most evident. For example, the peacekeepers in the eastern Congo have had to deal with some aspects of an insurgency for which they had neither the numbers

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43   V. Holt *et al.*, 2009, p. 11.

44   C. de Coning *et al., Mission-wide Strategies for the Protection of Civilians: A Comparison of MONUC, UNAMID, and UNMIS*, Norwegian Institute for International Affairs, Oslo, 2011, p. 16.

nor the capabilities to execute. As one commentary on counter-insurgency points out, such an approach demands an average of 20-25 troops per 1,000 of population.[45]

The mix of capabilities available to the MONUC command was not ideal. A much stronger component of Special Forces allied to better tactical intelligence would have given the Mission greater capability to undertake pre-emptive protection. The Mission simply did not have the resources to defend populations against all possible threats, at all times. It was essential therefore to try to head off the militias before they could attack. But this also required some collaboration between MONUC and the FARDC, which posed a political dilemma because of the Congolese army's notorious human rights record.

This raises the broader question of whether UN peacekeeping should be the instrument employed when peace has failed. UN peacekeeping is clearly not set up for war fighting or protracted insurgencies even though protection of civilians may well pull the peacekeepers in that direction.

Getting the Strategy Right

Protection strategies should be the vehicle for matching, or at least reconciling, means and mandates. When serious gaps arise between the two, the credibility of a mission is easily undermined.

Protection strategies also have to be flexible. No one can foresee all the eventualities that may overtake a mission. The need for protection is not static and may change from one area to the next and from one form of violence to another. Military and police capabilities need to be shaped in function of the country-specific protection challenges and not on the basis of standard templates.

For example, the RUF attacks in 2000 in Sierra Leone were not expected and UNAMSIL was not configured or deployed to deal with the sudden outburst of violence against the Mission and civilians. Although the Security Council approved reinforcements and strengthened the mandate, it took more than six months to reconfigure and reinforce the Mission to enable it to project a robust posture in rebel held areas.

In the DRC, the Lord's Resistance Army (LRA) attacks in late 2008 following on the Congo/Uganda joint offensive against the group demanded a very different

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45   See G. Mills and E. Mclay, "A Path to Peace in Afghanistan: Revitalizing Linkage in Development, Diplomacy and Security", *Orbis*, Vol.55, Issue 4, Fall 2011, p. 602.

set of capabilities from those needed to deal with protection in other troubled areas of the Congo. The LRA waged a campaign of extreme brutality using small groups capable of ranging over large, scarcely populated areas. MONUC was criticized for not preventing the attacks on civilians even though the Mission was not consulted or informed of the offensive that triggered the attacks. At times, its forces were being concentrated to deal with the CNDP situation in the Kivus, which unlike the LRA attacks, presented a much greater strategic threat to the DRC and to the protection of civilians.

The nature of the protection challenge, such as politically inspired violence, cross-border insurgency, uncontrolled criminality, among others, can vary considerably between and within regions over time. Capabilities and tactics need to fit or change in line with those variables. This is not easy for the UN, which constantly faces an uphill struggle to find the right blend of military capabilities for the job at hand.

This gap is especially apparent in times of crisis. Military doctrine dictates that reserves should be held to help deal with emergencies. However, protection is a very troop intensive exercise and when crisis strikes, the UN has no recourse to surge capacity or provide comprehensive support. Such capacity may be forthcoming from bilateral sources (as it was in Sierra Leone and at times in the Congo) but there is no certainty. Standby arrangements for surge capacity have been discussed in UN circles for many years but there seems to be little progress in turning such ideas into operational reality.

This was graphically illustrated by the events in North Kivu in October 2008. The attacks by the CNDP on Kiwanja, a suburb of Rutshuru in North Kivu, created a firestorm of criticism of MONUC. Following the CNDP entry into Rutshuru, a strategically located town, some of the Mayi-Mayi militia counter-attacked and the CNDP retaliated with a number of killings (estimated in excess of 100 people) mainly of young men allegedly Mayi-Mayi. These killings were done execution style, usually at night in individual houses.

Probably more than any other event in North Kivu, the Kiwanja killings illustrated the dilemma that a peacekeeping force confronts in a protection crisis. MONUC was severely criticized by human rights advocates for not stopping the killings. But at the time, the only MONUC force in the immediate area was a single infantry company that had been on full-alert for several days and nights.

It had already rescued NGO workers, staff of religious organizations, and some journalists. As the security situation worsened, however, several thousand IDPs gathered outside the company base (which also guarded the one accessible helicopter landing site) in search of protection. The company focused its efforts on the protection of the IDPs against the threat of the CNDP.

The company commander did not send his troops at night to patrol the town. If he had, would this action have halted the killings? Or would this have allowed the CNDP greater room to intimidate the IDPs sheltering at the base? It is hard to judge whether more or fewer lives would have been lost if the company had been sent into the town, leaving the IDPs exposed to the CNDP. Either way, the perception that MONUC stood by passively while civilians were killed certainly damaged the Mission's credibility with one commentator claiming that "[t]he most that MONUC could do during the Kiwanja killings… was to offer sanctuary in the immediate vicinity of their base for those most at risk".[46]

In fact, the broader significance of the Kiwanja killings lay in the strategic weakness exposed in MONUC's force configuration. With hindsight, significantly larger forces should have been committed to the defence of Rutshuru as was done in other towns and later in Goma, the provincial capital, rather than relying on FARDC assurances that it would defend the town.

Where such reinforcements might have come from was not so clear at the time. Ironically, earlier efforts to bolster the protection of civilians through the dispersion of forces into forward bases worked against the Mission's capacity to project force. To protect key towns, forces should have been concentrated whereas force capacities had been spread around in support of the Goma peace process and the multiple demands of protection, which had denuded the Force reserve. The Mission could not count on any over-the-horizon surge capacity to quickly reconstitute its Force reserve. This was a strategic weakness that undermined MONUC's ability to maintain a balance of force in North Kivu in support of the Mission's protection goals.

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46   Human Rights Watch, *Killings in Kiwanja: the UN's Inability to Protect Civilians,* 12 December 2008, p. 2.
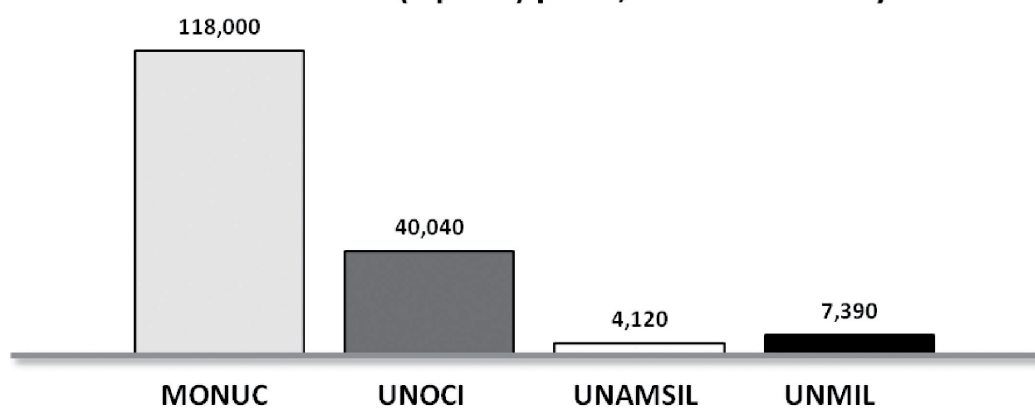
Capacities and Capabilities: Does Size Count?

Physical presence is vital for protection. Charts 1 and 2 below show the significant disparities in the ratios of UN military strength to population and surface areas for the four missions under review. Even if allowance is made for the fact that most of MONUC forces are now concentrated in selected areas of the eastern Congo (essentially in the Kivus and Oriental province), the disparity between the stated goal of protection and the means available is quite stark. The ratio of UN troops to ex-combatants was also much more favourable in the case of UNAMSIL and UNMIL.

Chart 1: Population per 1,000 UN Military
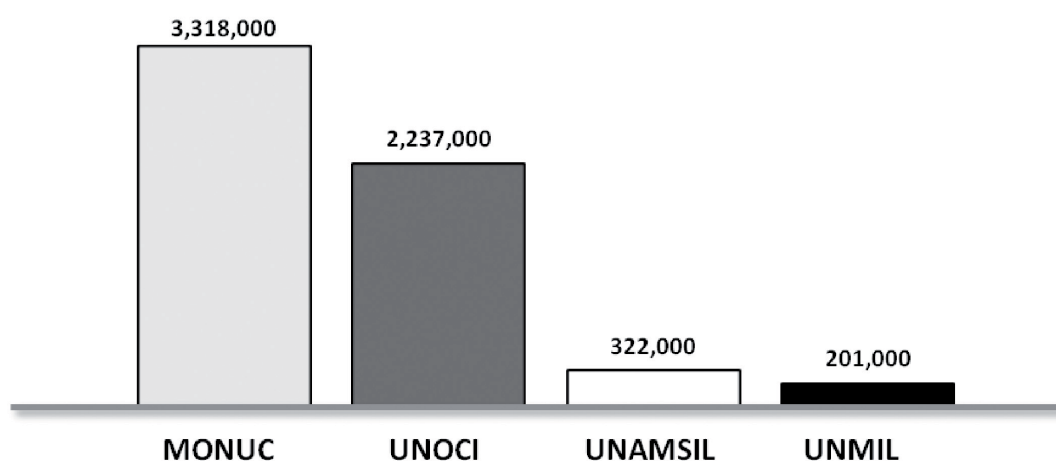
Mission	Value
MONUC	3,318,000
UNOCI	2,237,000
UNAMSIL	322,000
UNMIL	201,000

Sources: Reports of the UN Secretary-General, November 1999 - Present
CIA World Factbook 1999-2011

Chart 2: Area (sq. km) per 1,000 UN Military

Mission	Value
MONUC	118,000
UNOCI	40,040
UNAMSIL	4,120
UNMIL	7,390

Sources: Reports of the UN Secretary-General, November 1999 - Present
CIA World Factbook 1999-2011

Chart 3: Comparative Build-up of UN Military
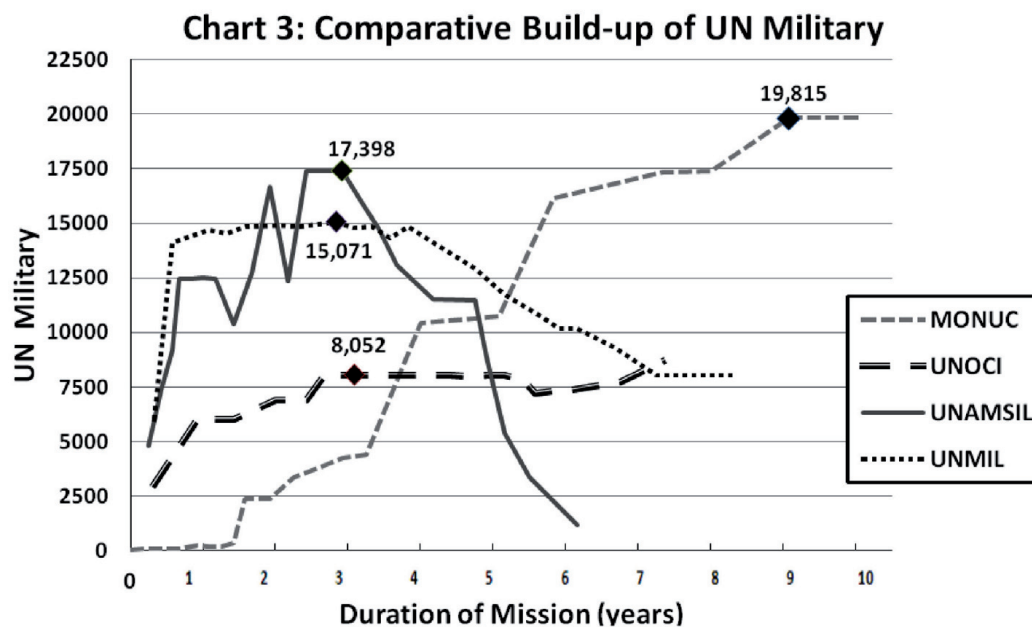
Source: Reports of the UN Secretary-General, November 1999 - Present

Chart 3 shows the build-up of UN forces in the four missions. Again, it is quite striking how the smaller missions reached their maximum force levels far more quickly than MONUC and were able to provide a level of area domination and protection that eluded MONUC. The incremental increases in the MONUC force did not allow the Mission to acquire the force capacity at the level needed to constrain the multiple militias and armed groups operating in the eastern areas of the Congo.

By contrast, the countrywide deployments of UN forces in both Sierra Leone and Liberia, although slower than initially desired, did help to stabilize the situation and reduce armed violence. A leading non-governmental observer acknowledged that "the gradual deployment of UN peacekeeping troops in areas north and east of Sierra Leone still effectively under the control of rebel forces had a positive impact on reducing the incidence of human rights abuses against civilians".[47]

While size does count, it is not everything. The capabilities of the troops on the ground are of equal, if not more importance. Commanders have to understand that protection is their first priority and deploy their resources accordingly.

Recognizing that the MONUC troop-to-protection task ratios were not going to significantly improve, the Mission made a major effort to stretch its capacities to improve protection through better intelligence, increasing the number of mobile bases in vulnerable areas, joint civilian-military protection teams, violence mapping, closer

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47   Amnesty International, *Sierra Leone: United Nations Security Council Must Ensure the Protection of Civilians*, May 2000, para. 3.

cooperation with local communities for early warning, and enhancing the mobility of troops on the ground.

The will to intervene forcefully when necessary is a crucial element in the protection equation. MONUC response to the crisis that developed in the Ituri district of the north-eastern region of the Congo proves this point. The escalation of violence beginning in early 2003 (following the repatriation of Uganda forces), which MONUC was unable to contain, led to the brief but forceful intervention of the European Union-led Operation Artemis, which succeeded in pushing militias out of Bunia, the district capital of Ituri.

These and other perceived failures of protection (notably the fall of the provincial capital Bukavu to Laurent Nkunda in June 2004) provoked a chorus of criticism in and outside the Congo and increased demands for a more comprehensive and robust peacekeeping posture with enhanced means. HRW, for example, advocated for a "robust use of force by MONUC troops in protection of the civilian population",[48] arguing for an increase in the number of troops. Likewise, the International Crisis Group (ICG) urged the UN Security Council to adopt a strengthened mandate and additional resources to allow MONUC to enhance security in Ituri, to undertake an expanded DDR effort, and to patrol the eastern borders to prevent the movement of rebel groups and deny them re-supply of weapons.[49]

A robust response from the Security Council followed. Additional troop deployments for Ituri (and the neighbouring Kivu provinces) were approved and MONUC was authorized to use "all necessary means"[50] to ensure the protection of civilians under imminent threat. The Mission also conducted a series of energetic and largely successful forward operations against the Ituri militias. MONUC commanders in the eastern DRC interpreted the Security Council's resolutions as a green light to mount aggressive operations against the militias, with or without the support of the national army (FARDC). Within a relatively short period, security in Ituri improved considerably leading to the return of hundreds of thousands of IDPs. These operations were applauded and observers cited the killing of over 100 militiamen as an example of a robust interpretation of MONUC's mandate.[51]

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48   Human Rights Watch, *Covered in Blood: Ethnically Targeted Violence in Northern DRC,* July 2003, p. 3.

49   See International Crisis Group, *The Kivus: The Forgotten Crucible of the Congo Conflict,* 24 January 2003, p. iii.

50   UN Security Council Resolution 1565 (2004), 1 October 2004, p. 3, para. 6.

51   International Crisis Group, *A Congo Action Plan*, 19 October 2005, p. 8.

However, the Ituri operations did not dispel all doubts about MONUC's effectiveness and its willingness to take robust action in defence of civilians. Commentators pointed to an assortment of perceived shortcomings:

- the paucity of military capability to meet the multiple protection demands of the Congo (not only in Ituri but also in the Kivus and Katanga);
- the reluctance of countries contributing troops to put their soldiers in harm's way;
- a military concept of operation that lacked clarity of purpose;
- conflicting operational interpretations of the mandate;
- failure to protect civilians against FARDC abuse; and
- slow response to attacks on civilians due to poor intelligence and competing priorities.[52]

Despite these criticisms, the Ituri operations and the operations later on against the militias in North and South Kivu show that UN peacekeepers can employ robust methods in support of civilian protection, at least for limited periods, provided that the intent and directives to back up that intention are clearly stated by the UN Security Council and acted upon by the Mission civilian and military leadership.

Protection and National Security

In all of its resolutions and pronouncements on civilian protection, either at a thematic or mandate level, the UN Security Council has insisted on the duty of national authorities to ensure the protection of their citizens. This is a primary prerogative of sovereignty, a view echoed in the Responsibility to Protect concept endorsed by the summit meeting of the UN General Assembly in 2005.

Peacekeepers are usually called in when governments are unable or unwilling to exercise their full powers of sovereignty, including their responsibility to protect their own people. When national security forces are incapable of stopping violence against civilians or, worse, are themselves guilty of inflicting abuse, the responsibility to protect quickly defaults to the peacekeeping missions even though it may have neither the resources nor the authority to discharge that responsibility.

Confronting national security forces is a very different matter than dealing with spoilers. UN forces are not usually mandated to disarm abusive security forces though,

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52   See, for example, Human Rights Watch, *DRC: Civilians attacked in North Kivu*, July 2005, p. 31 and Human Rights Watch, *DRC: Elections in Sight: "Don't Rock the Boat"?,* 15 December 2005, pp. 2-3.

in the case of MONUC, the Security Council did authorize the Mission to "ensure the protection of civilians... from *any* of the parties engaged in the conflict".[53] There was no intention, however, that MONUC should take action beyond intervening to stop abuse when it occurred in close proximity to UN deployments.

As a consequence, unless there is a parallel programme of SSR in place, the UN's ability to protect civilians is likely to be compromised by the abusive behaviour of undisciplined national security forces. In Sierra Leone, the national army was effectively cantoned and retrained under British supervision; the United Kingdom made a multi-year commitment to SSR that included not only re-training but also management reforms tied to budgetary support. In Liberia, the army was essentially abolished and the United States has funded and trained a new and smaller professional army. These measures greatly reduced the protection demands on the UN missions, which did not have to worry about possible protection dangers emanating from the government's own security forces.

In contrast, in the DRC and in Côte d'Ivoire, the national security forces remained intact and under the control of the government, compounded, in the case of the Congo, by the attempted integration of thousands of poorly trained and ill-disciplined ex-combatants. A MONUC effort to promote reform at the operational level in the Kivus quickly ran into trouble when Congolese army units were implicated in atrocities.

The lesson that emerges from these varied experiences is that the UN must grasp the nettle of Security Sector Reform upfront as a precondition for durable protection, not as an eventual outcome of peace. The UN will need to either implement an SSR programme with its own resources (which may prove more effective and cheaper than an extended peacekeeping presence), or agree to arrangements with a bilateral partner to ensure that this will be done.

Governments, especially the ones that are threatened, will be reluctant to allow their forces to be disarmed or cantoned unless they have strong guarantees that their own safety will not be jeopardized if their armed opponents do not disarm. They will not want to become hostage to the demands of opponents who remain armed. The question is: who would be willing to give such a guarantee?

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53   UN Security Council Resolution 1856 (2008), 22 December 2008, p. 4, para. 3a (emphasis added).

Using Force for Protection: Assessing Effectiveness

Finally, have the expectations of protection been met and how, if at all, has the use or threat of force been a significant factor? Do UN peacekeepers have the resources, capabilities and willingness to meet protection expectations if the use of force is required? What practical lessons have been learned from situations when force has been used for protection?

Reporting on Protection

The UN Secretary-General reports regularly on the civil and military activities of individual peacekeeping missions and the political developments in the countries where they are deployed. However, it is quite difficult to draw out from the reports definitive conclusions on where and when force has been used to protect civilians and what effect, positive or negative, it may have had.

While the Security Council has become increasingly prescriptive in directing UN operations to focus on protection, this has not been accompanied by systematic reporting on protection outcomes. Missions do not make regular assessments of their protection role. Nor is there consistent and regular reporting on when and how force has been used to secure the protection of civilians or indeed the number of people who have been afforded protection.

Most of the reporting relates to incidents and not to trends. This makes it hard to arrive at a reasoned judgment on the state of protection without being unduly influenced by the latest protection crisis or violent incident. This is a serious drawback because without this kind of assessment, the Security Council cannot make a comprehensive judgement on whether or not a mission is pursuing the right strategy in the right way.

There are some proxy indicators of protection impact available – refugee and

IDP flows for example. By way of illustration, the four charts below compare refugee flows with the peacekeeping troop levels.

Refugee numbers may not be an entirely accurate guide to success or failure in protection either because pressure can be exerted (by political actors) on the refugees to return home or, to the contrary, because people may be reluctant to leave camps where they have access to material benefits. Nevertheless, they do give some indication of the state of protection.

In the case of Sierra Leone and Liberia, the number of refugees declined faster than the drawdown in troops. While this does not imply an automatic correlation between the presence and numbers of peacekeepers and the readiness of refugees and IDPs to return home, the relatively favourable ratio of UN troops to population and country size did help to ensure a higher level of physical security and a more conducive environment (including the availability of material support from aid agencies and NGOs) for returnees. However, one cannot assume that is true in every case. The willingness of peacekeepers to engage in robust protection when needed is equally important.

Chart 4a: Refugee Flows vs. UN Military Strength in Sierra Leone (UNAMSIL)
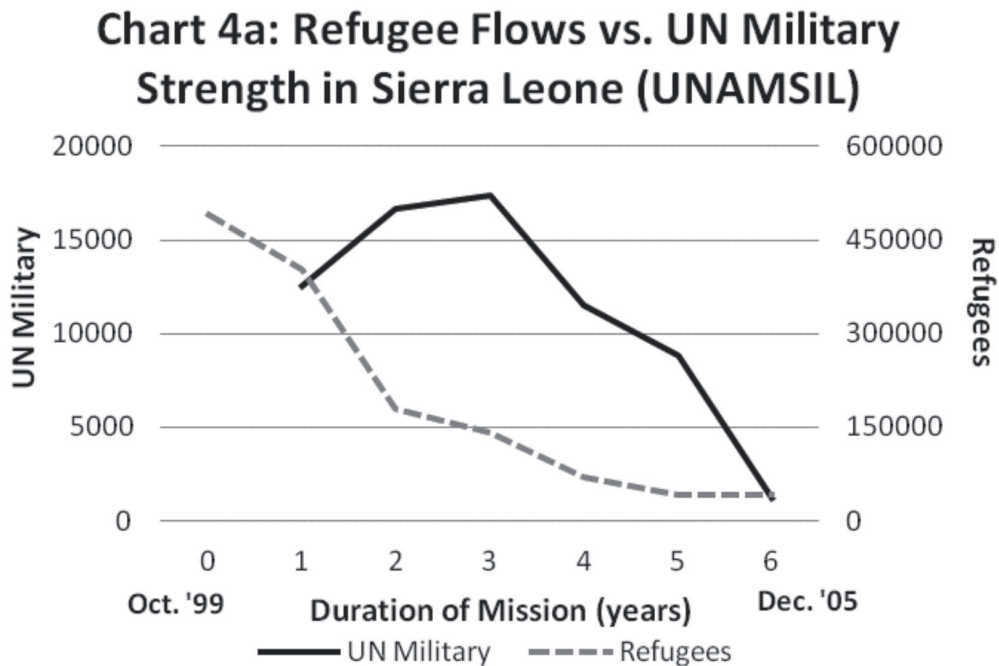
Sources: Reports of the UN Secretary-General, October 1999 - Present
UNHCR Statistical Yearbooks, 1999 - 2009

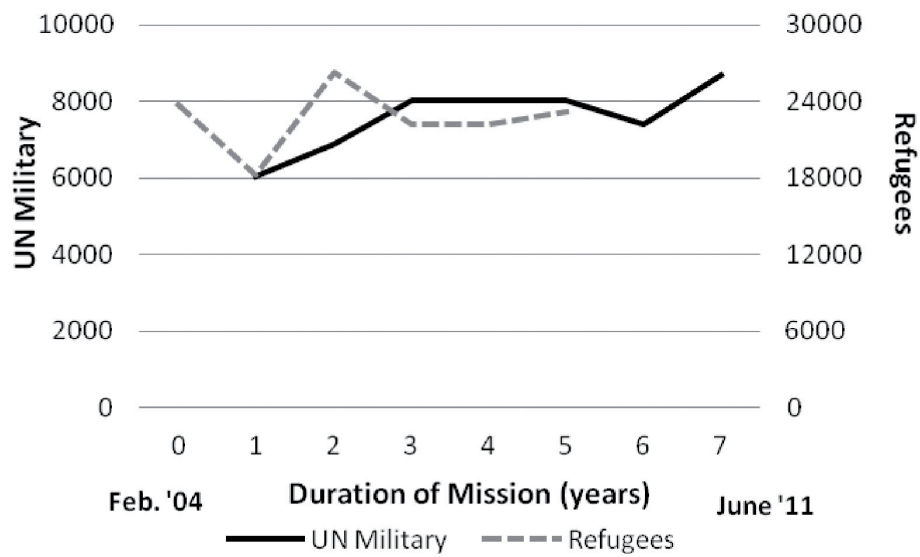## Chart 4b: Refugee Flows vs. UN Military Strength in Liberia (UNMIL)
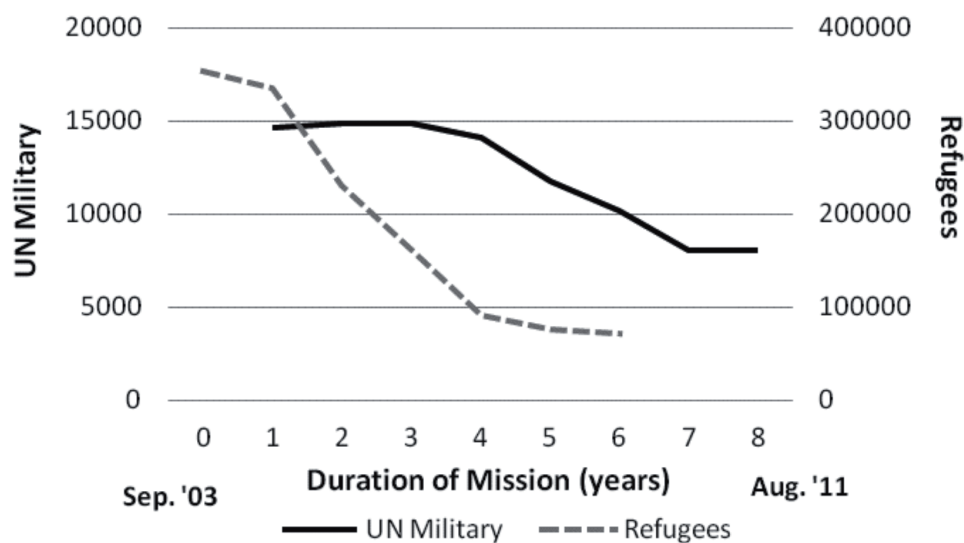
Sources: Reports of the UN Secretary-General, September 2003 - Present
UNHCR Statistical Yearbooks, 2003-2009

In contrast to Sierra Leone and Liberia, the number of Ivoirian refugees has remained largely static despite the build-up of troops. In the DRC, the (slow) build-up in UN troops has not led to a significant drop in the number of refugees, in part because new crises (for example, the Enyélé rebellion in the northwest province of Equateur) have produced additional refugees.

Finally, in the DRC and, to a lesser extent, in Côte d'Ivoire, the troop-to-task ratios have been much less favourable than in Sierra Leone and Liberia. This has made the job of protection harder. However, probably the biggest factor discouraging the return of refugees is the absence of durable peace and the fear of renewed violence. Peace, security, and protection are indivisible.

Chart 4c: Refugee Flows vs. UN Military Strength in Cote d'Ivoire (UNOCI)

Feb. '04   **Duration of Mission (years)**   June '11

—— UN Military   ----- Refugees

Sources: Reports of the UN Secretary-General, February 2004 - Present
UNHCR Statistical Yearbooks, 2004-2009

Chart 4d: Refugee Flows vs. UN Military Strength in DRC (MONUC)

Nov. '99   **Duration of Mission (years)**   Nov. '09

—— UN Military   ----- Refugees
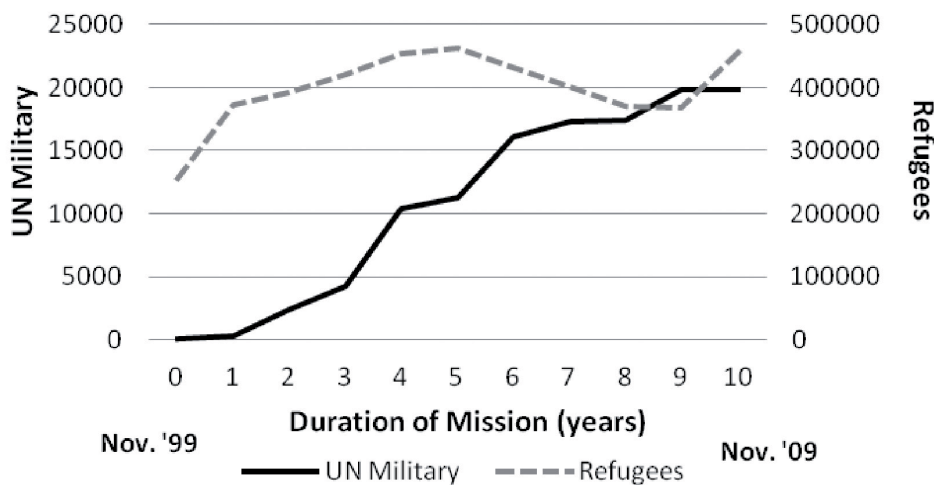
Sources: Reports of the UN Secretary-General, November 1999 - Present
UNHCR Statistical Yearbooks, 1999-2009

Protection Compliance

The UN has rarely used coercive force to ensure compliance with peace agreements. It prefers the path of negotiation and mediation, an approach that has been questioned when the protection of civilians is at stake. UNAMSIL, for example, was criticized for "feeling that a political process based on encouragement and engagement is the only way to secure the peace process" and was accused of becoming "extremely close to the rebels".[54] More broadly, it was claimed that the "UN's organizational culture is notoriously unaccustomed to coercive diplomacy".[55] UNAMSIL was encouraged to "be prepared, and willing, to use force in the fulfilment of its mandate".[56]

In fact, as said before, the Security Council has frequently mandated UN peacekeepers to take robust action to protect civilians under imminent threat of physical violence. What is less clear is how far such an authorization can be used in pre-emptive fashion to deter possible attacks on civilians, which is why peacekeepers often find themselves responding to, rather than preventing, attacks.

Is the UN prepared and willing to act forcefully in support of protection? The answer is a qualified yes. In each of the four missions reviewed, varying degrees of force were employed in the name of protection, yet the effectiveness of the impact of these interventions varied considerably.

With the exception of the DRC, the use of force was quite circumscribed in time and intensity. While robust action was taken in Sierra Leone, Liberia, and Côte d'Ivoire, the interventions were quite short and responsive rather than planned as a deliberate assertion of force aimed at disrupting and deterring armed groups posing a threat to civilians.

Force and the Effectiveness of Protection

Based on the experiences gained from the four missions under review, it appears that the effectiveness of force for protection hinges on a number of factors, not all of which are within the control or influence of the peacekeeping mission:

- a clear and strong protection mandate from the Security Council;
- a strategy to implement the protection mandate that takes full account of national and regional political realities and integrates the use of force as a

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54   International Crisis Group, *Sierra Leone: Managing Uncertainty,* 24 October 2001, p. 7.

55   *Ibid.*, p. 7.

56   *Ibid.*, p. ii.

part of, and not a substitute for, that strategy;

- the resolve of a mission's civilian and military leadership to use force for protection when needed, which has to be clearly communicated and understood by all those concerned;

- a viable troop-to-task ratio and force capabilities (including operational reserves) commensurate with the protection tasks at hand;

- action to ensure that government security forces (regular or irregular) that pose a major threat to civilians are restrained and brought into a rigorous programme of SSR.

Most, if not all of these elements, were in place in Sierra Leone and Liberia. In both countries, the UN peacekeeping force was deployed throughout the country in strength and an over-the-horizon capacity was available in case of need. The robust UN deployment and dismantlement of the militias, together with SSR, contributed to the implementation of a political framework for peace, accompanied by a dramatic reduction in the violence against civilians. UN peacekeepers provided the time and space for the politico-security process to go forward to the ultimate benefit of civilian protection. Where these elements have not been in place, which was the case in the DRC, and to some extent in Côte d'Ivoire, the Mission's protection role has been compromised and its credibility as an agent of protection has been undermined.

In peacekeeping and protection there are no simple options. MONUC's experience illustrates the dilemmas that UN peacekeeping missions face as they endeavour to reconcile two fundamental objectives set by the Security Council, the day-to-day protection of civilians and the broader goals of political stability and SSR, without which there can be no long-term assurance of protection. Sometimes these objectives have worked against each other. Security resources that were devoted to elections were diverted from protection duties and preventive action against armed groups created new protection hazards as these groups retaliated against civilians. Furthermore, the withdrawal of mission support, in the case of MONUC, from the national security forces because of valid protection concerns undermined efforts to promote reform within the armed forces, which is critical to civilian protection.

As the commander of MONUC's troops in the eastern DRC remarked:

"in 2006 MONUC had the incredible, almost impossible task to support the presidential/parliamentarian elections in DRC; an enormous logistic and security task with limited resources. We struggled in the Eastern Division with priorities of [protection of civilians] and the important task of protecting electoral personnel and [equipment] and making the elections a success. Keeping all the balls in the air and not letting [the] civilian population down in their expectations of protection. So in my view there is no need in a [Security Council] Resolution to specifically give the task of [protection of civilians] a priority. Let the mission leadership decide on that. Let the UN [Security Council] not indicate in their mandates *how* the missions should implement the mandate or prioritize against other objectives and tasks. Let them say *what* to do and *why*".[57]

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57   Major-General (Ret.) P. Cammaert, *International Forum for the Challenges of Peace Operations: Military and Police Requirements for Effective Implementation of Protection of Civilian Mandates*, 28 April 2010, p. 2, para. 5.

Conclusion

Several conclusions flow from the findings of this paper.

First, UN forces have been willing and able to use force for civilian protection. While there is little argument that UN military forces can and should be used to protect civilians under attack or imminent threat (assuming that they are in a position to do so), there is much less understanding of where and when force can be deployed and used in a preventive role to deter armed groups from attacking and abusing civilians.

This leads to a second conclusion: the international community sends mixed messages about the use of force by UN peacekeepers. When the UN has intervened forcefully, for example in the eastern Congo, to compel the compliance of groups threatening or attacking civilians, there have been calls for peacekeepers to desist from any military action on grounds that the UN would no longer be perceived as "neutral" and that humanitarian access would be compromised as well. On other occasions, notably in Sierra Leone, peacekeeping missions have been derided for not acting sufficiently robustly to protect civilians.

These experiences point to a third conclusion: the UN's use of force may be more a "marriage of convenience" than a "marriage against nature" as one observer[58] has termed it. When the terms of engagement are clear and the resources are in place, UN peacekeepers can use force. But UN peacekeeping is not resourced – politically or materially – to embark on the robust use of force beyond limited engagements. This is why the use of force should be framed as an enabling component of a political strategy, not as an end in itself.

Obviously, the UN should never intentionally engage or assist in any kind of abusive force, and should take every reasonable precaution to avoid doing so. However, that should not mean the UN must remain neutral. Although force alone is rarely sufficient to provide or guarantee protection, it has to be part of the equation of protection.

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58   See T. Tardy, "The UN and the Use of Force: A Marriage Against Nature", *Security Dialogue*, Vol. 38, No.1, 2007, pp. 49-70.

A fourth conclusion is that SSR has to be factored into that equation. UN peacekeepers are usually not given the authority to disarm and demobilize national security forces. But undisciplined or abusive national security forces are often a major part of the protection problem. SSR has to move forward in tandem with the protection efforts otherwise those efforts will be seriously compromised politically and operationally.

This finding leads to a final conclusion. In planning, managing, and monitoring missions with protection responsibilities, it is vital that the limits as well as the imperatives of protection are explained and understood in the Security Council and beyond. Public opinion, locally and internationally, must be made aware of just how far a peacekeeping mission can go in protecting people. Failure to do so opens up the danger that great expectations will end in great disappointments.

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