

ENABLERS, DISABLERS AND DRIVERS:  
UNDERSTANDING INCENTIVES AND DISINCENTIVES TO USE FORCE  
FACING UNITED NATIONS COMMANDERS

by

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## **Abstract**

This thesis examines the translation of Security Council authorization to use force during peace operations into field level decisions by United Nations (UN) commanders. Drawing on primary research from the second UN mission in the Democratic Republic of Congo (MONUC), the thesis argues that enhanced mission capacity removed a prior disabling factor. This enabled UN commanders to use force, and five specific drivers motivated them to do so: stopping direct threats to civilians, preventing future threats, protecting the Congolese armed forces, preventing external interference, and ensuring mission credibility. The research uncovered two unexpected findings. First, ‘civilian protection’ is a pervasive concept for justifying the use of force. Second, other mission objectives acted as disablers, at times precluding the use of force. This may be warranted – even crucial – in some situations, but it may also cause decision makers to hesitate when force would have been an appropriate response.

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During the writing stage, my supervisor, Professor Trevor Findlay, provided an incredible amount of support in helping me craft my argument, particularly when I could not see the forest for the trees. My advisor, Professor Chris Penny, likewise contributed to the work, asking key questions that helped me rethink and improve the text. As she always does, my mother, Dr. Eva St. Jean suffered through early drafts, providing a necessary external perspective to point out areas that required greater clarity. I would also like to thank the other two members of my examining committee: Dr. Ann Livingstone, who provided an external eye for the thesis, and Professor Cristina Rojas, who chaired the examination. Lastly, and also of key note, my gratitude to Calum and my family, friends, roommates, and ultimate frisbee teammates, who kept me sane, and the Bridgehead staff, who kept me caffeinated.

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**Abbreviations and Glossary**

ADF-NALU	Allied Democratic Forces/National Army for the Liberation of Uganda
ADFL	Alliance of Democratic Forces for the Liberation of Congo-Zaire
Banyamulenge	<i>Tutsi ethnic group in Congo</i>
FARDC	Forces Armées de la République Démocratique du Congo
FDLR	Forces Démocratiques de Libération du Rwanda
FNI	le Front des Nationalistes et Intégrationnistes
RCD	Rassablement Congolais pour la Democratie - <i>militia group backed by Uganda and Rwanda against Kinshasa</i>
RCD-Goma	<i>RCD splinter group backed by Rwanda</i>
RCD-ML	<i>RCD splinter group backed by Uganda; also called RCD-Kisangani</i>

## Introduction and methodology

At the time of writing, the United Nations (UN) had over 83,000 military personnel from 118 countries in fifteen peace operations (POs) deployed to areas experiencing or recovering from conflict.<sup>1</sup> A key instrument in the UN toolbox, POs evolved from traditional peacekeeping, which had been created in 1956 as a ceasefire monitoring operation in the Middle East. Since then, UN operations have experienced major failures, widespread criticism, and controversy over nearly all aspects of the planning, deployment and execution of their mandates. This has led to several lessons for UN missions. One such lesson was that UN missions must address, *inter alia*, security, humanitarian, and political concerns, as they are each integral components in the realization of a sustainable peace.<sup>2</sup> UN missions are consequently multifaceted, and peacekeepers have been called upon to undertake a broad range of tasks beyond traditional military operations, such as delivery of humanitarian aid, security services

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<sup>1</sup> The thesis uses the umbrella phrase “peace operation” to encompass, *inter alia*, peacekeeping, peace operations, complex peacekeeping, robust peacekeeping, and second/third/fourth generation peacekeeping. This does not include peace enforcement missions, such as the UN intervention in Korea, which are more warlike in nature. United Nations, UN Mission’s Contributions by Country, 31 May 2007, Accessed Online: [http://www.un.org/Depts/dpko/dpko/contributors/2007/may07\\_1.pdf](http://www.un.org/Depts/dpko/dpko/contributors/2007/may07_1.pdf)

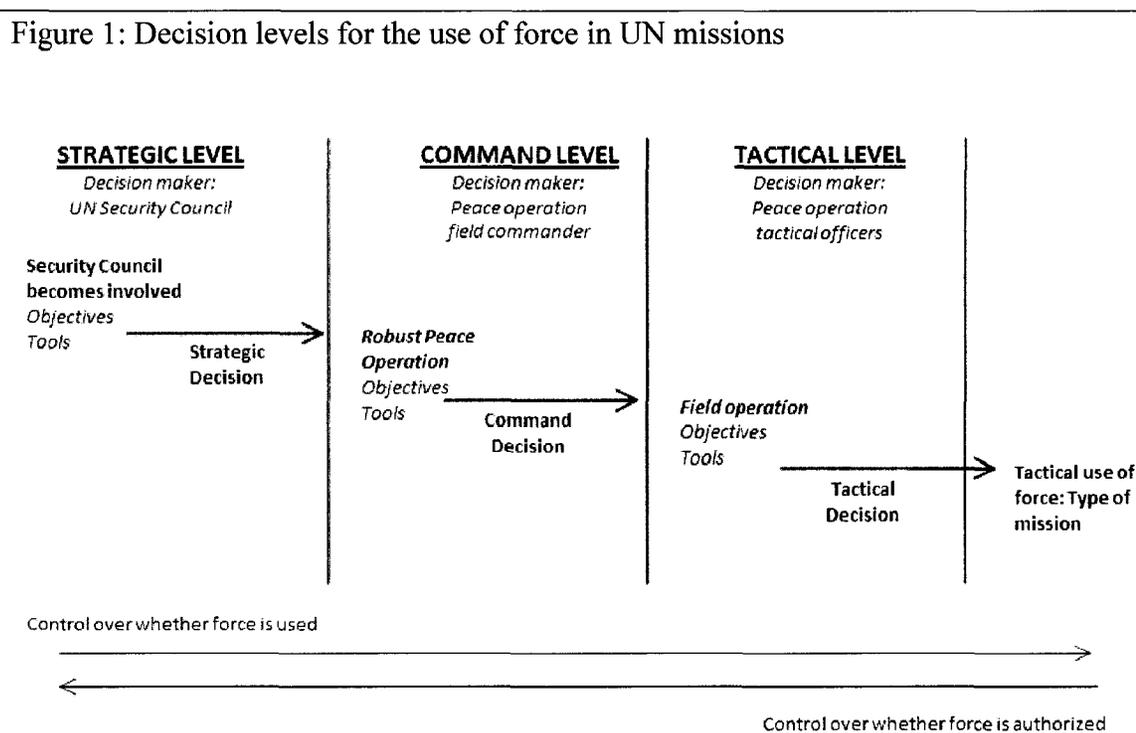
<sup>2</sup> The UN Brahimi Report noted this problem and provided a specific recommendation for the implementation of ‘integrated mission task forces’ that would bring together various UN headquarters personnel to work in collaboration during an international mission. United Nations, Report of the Panel on United Nations Peace Operations, A/55/305 – S/2000/809, Accessed online: [http://www.un.org/peace/reports/peace\\_operations/](http://www.un.org/peace/reports/peace_operations/), 57. See also Terrence Lyons and Ahmed I. Samatar, Somalia: State Collapse, Multilateral Intervention and Strategies for Political reconstruction (Washington, D.C.: Brookings Institution, 1995) 61, Theo Neethling, "Conducting operations in the realm of peace and security: key issues and challenges in the African context," Small Wars and Insurgencies 14.2 (2003): 87-112, and John G. Cockell, "Civil-military responses to security challenges in peace operations: ten lessons from Kosovo," Global Governance 8.4 (2002): 483-502. For instance, in a case of open hostilities where force may be necessary, attempting political reconciliation without establishing a credible security environment will only result in failure because neither side will feel compelled to accept or secure in accepting a political agreement. Likewise, sending an armed UN force without attempting to address the political problems that cause the conflict will at a minimum simply delay future conflict, and at worst, further exacerbate the conflict. Moreover, engaging solely in humanitarian aid without providing security or addressing the political concerns, will simply provide a ‘Band-Aid solution’ by addressing the symptoms rather than the underlying condition.

training, and electoral support. UN commanders have thus grappled with challenges in multiple areas, and a key problem has been the question of how much force commanders can and should employ when pursuing mandate objectives.

Traditional operations had relied on a strict principle of use of force only in self-defence, but this was violated on several occasions and eroded over time. The result was 'robust' POs; these are missions with explicit, or at times implicit, authorization to use force, when necessary, beyond self-defence. Decisions to use force - and the subsequent controversies regarding such uses of force - occur on several levels. Each level involves different actors, including the UN Security Council (the strategic level), the PO commanders (the command level) and the tactical decision makers (the tactical level).<sup>3</sup> The actors each have objectives as well as tools, and their assessment of these will affect their decisions to use force. Beginning with the Security Council, the decision to use force at one level will authorize the next level to make its decision. In this way, the degree of control over the authorization of the use of force is highest at the Security Council and lowest for the tactical decision maker. Conversely, control over whether force is actually used is lowest at the Security Council and highest at the tactical level (See Figure 1.)

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<sup>3</sup> Note that the operational decision maker can also act as the tactical level decision maker.



The first decision is made by the Security Council when it determines whether to invoke Chapter VII of the UN Charter to authorize a peace operation to use force to fulfil part, or all, of its mandate. The decision to use this tool will be affected by the willingness and capacity of UN member states to provide troops, equipment, and funding (strategic tools). It will also be based on the Security Council's purposes as well as national objectives of Security Council members (strategic objectives). When the Security Council determines that a forceful mandate is warranted (strategic perceptions), it will authorize the mission to use force when necessary. However, the Security Council has little control over whether force is actually used in the field. Although it can authorize a mission to use force when necessary, it remains a field decision as to when that force *is* necessary.

Tactical decision makers have the greatest degree of control over actual implementation of the use of force, as they determine how the use of force will be conducted.<sup>4</sup> The decision maker makes an assessment (tactical perceptions) based on the capacity of the unit conducting the operation (tactical tools), as well as the commander's directions (tactical objectives), which are provided by the command level. Although tactical decision makers have the most control over whether force is implemented, they have the lowest degree of authority to authorize force. Without standing orders that justify force in specific situations, field units require command decisions, or they will be acting without authorization.

At the command level, decision makers— from the Force Commander to the battalion commander – decide whether and when to invoke their Security Council mandated authority to use force. The command level is thus balanced between the strategic and tactical levels. Command decision makers have greater power over the authorization of force than the tactical level, but less than the Security Council. Conversely, once authority has been granted by the Security Council, they have more control than the Security Council, but less than the tactical level, regarding the application of force. Thus, based on the assessment of a given situation in the field (command perceptions) and given the mission mandate and concept of operations

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<sup>4</sup> For instance, a command may be given to forcibly disarm a certain militia group; the manner in which the operation is carried out remains tactical. Thus, a tactical decision maker may choose to conduct the operation in such a manner to eliminate any chance that force may be used. As an example, a riverine unit that is supporting an infantry unit may refrain from engaging a belligerent force until fired upon. Interview 15.

(command objectives), an operational decision maker must determine whether the use of force (command tool) is suitable.<sup>5</sup>

The following thesis is concerned with this third level: field level decisions to command the use of force in pursuit of command objectives. The thesis will thus explore the various incentives and disincentives behind such decisions, which involve numerous considerations for commanders and raise key research questions. Are there any discernible patterns in decision-making when robust UN mandates are implemented? Which variables enable the use of force and which act as drivers, motivating the use of force?

One evident similarity in robust POs is that they generally involve an escalation from a previously non-forceful PO that was already in place.<sup>6</sup> When POs expand to an increasing application of force, they thus experience 'break-points' in their mission, where the mandate changes from a general monitoring mission into a more robust PO. The purpose of this thesis is to explore how these break-points are translated into field level, command decisions. In order to analyse the decision to use force, the thesis examines the United Nations Mission in the Democratic Republic of Congo. Known by its French acronym, MONUC (Mission des Nations Unies en République Démocratique du Congo) was authorized in 1999, still ongoing at the time of writing, and one of the UN's most forceful missions. Primary research of this mission provides

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<sup>5</sup> For a summary of the three levels of UN decision making see Trevor Findlay, The Use of Force in UN Peace Operations, (New York : Oxford University Press, 2002): 351-359. For a discussion of the definition of 'use of force' see section 1.1.i on page 15.

<sup>6</sup> Jane Boulden, Peace Enforcement: The United Nations Experience in Congo, Somalia, and Bosnia, (Westport CT, Praeger Publishers, 2001), 134 and Ian Johnstone, "Dilemmas of Robust Peace Operations," Annual Review of Global Peace Operations 2006, (New York: Lynne Rienner Publishers, 2006): 5.

new insight to the incentives and disincentives that commanders face when considering the use of force, shedding light on when and why force is considered a legitimate tool during peace operations. The research included qualitative data from secondary sources and primary data collected in New York and the Democratic Republic of Congo (DRC).

Primary research from the DRC was collected over the course of a month, through sixty-seven in-depth interviews, five UN classified meeting observations, multiple informal conversations, and personal observations. This augmented data from fifteen interviews with former and current staff from the United Nations Department of Peacekeeping Operations (DPKO) and the Canadian Government in New York and Ottawa, respectively. Secondary sources included news reports, UN documents, as well as academic expositions of MONUC's history. The thesis draws on this research, using examples of specific operations conducted by MONUC, to evaluate the impact of incentives and disincentives on the command decision to use force. Due to the high number of participants who requested confidentiality, all interviews are referred to by number, and a list including location and type of interview is included in Appendix 3. Information about specific operations was obtained through interviews, news media and UN files, and a list of robust missions is included in the appendix.

The methodology began by setting up a research framework before turning to field interviews in order to find patterns regarding the incentives and disincentives faced by UN commanders. The field research portion of the study was conducted in two stages. The first involved meetings in Ottawa (Canadian government officials) and in New York (DPKO officials) in the fall of 2006. The second stage included a four

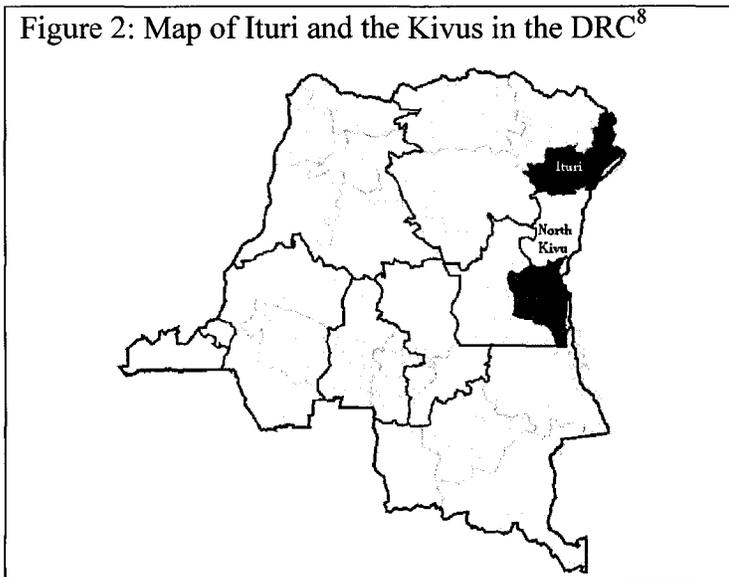
week visit to DRC in January 2007 that was authorized by the Director of the Africa Division of DPKO and the office of Ambassador William Swing, Special Representative of the Secretary General in the DRC. The trip was organized by the Current Operations division of DPKO and the office of the Force Commander of MONUC.

During field research, two types of interviews were conducted. The first focused on broad issues concerning the use of force by MONUC and was used at the DPKO, MONUC Headquarters (HQ) in Kinshasa and Eastern Division Headquarters (ED) in Kisangani. The second set of interviews was conducted to gain field-level insight to specific areas of the mission and particular cases of command decisions to use force. The thesis uses Ituri and the Kivus (North Kivu, and South Kivu),<sup>7</sup> highlighted in Figure 2, for the cases presented below, as these are three of the mission's most volatile areas and experienced multiple instances where force was robustly applied by MONUC.

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<sup>7</sup> However, due to time constraints, field research only included Ituri and North Kivu; for cases in South Kivu, the thesis will draw primarily on news sources.

Figure 2: Map of Ituri and the Kivus in the DRC<sup>8</sup>



Interviewees included brigade and battalion commanders at headquarters and in the field, as well as civilian MONUC staff, humanitarian workers, and local political and civil society leaders. Interviews were semi-structured; a series of questions was prepared in advance, but the researcher allowed conversations to freely develop. Each interview began with the same question: what are the important factors in the decision to use force? This question was intentionally open-ended in order to observe which factors were mentioned spontaneously. The structure then diverged, depending which type of interview was being conducted.

For interviewees in Ottawa, New York, Kinshasa and Kisangani, the questions concentrated on the general use of force. The interviewee was permitted a degree of

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<sup>8</sup> This administrative outline map was obtained through Wikipedia and validated by the researcher by comparing against the UN cartographic section's map, which is included in the appendix. Accessed online:

[http://en.wikipedia.org/wiki/Image:R%C3%A9gion\\_Ituri\\_R%C3%A9publique\\_d%C3%A9mocratique\\_du\\_Congo.png](http://en.wikipedia.org/wiki/Image:R%C3%A9gion_Ituri_R%C3%A9publique_d%C3%A9mocratique_du_Congo.png) For an interactive map of the field research as well as the various operations that are discussed in the thesis, see

<http://maps.google.com/maps/ms?ie=UTF8&hl=en&msa=0&msid=106351615668254954048.000001134aca254cfb915&z=6&om=1>

flexibility in the course of the interview, but the researcher ensured that each interviewee commented on each of the six variables used by the thesis. For interviews conducted in Ituri and North Kivu, the questions first concentrated on the state of security and MONUC forces in that particular area. Following this, field interviewees were asked to comment on specific instances where force was used or not used. Interviews lasted forty-five minutes to three hours, with an average of one hour.<sup>9</sup>

With two exceptions, all participants were cooperative and most were enthusiastic, particularly in the field, and they provided rich and detailed information. Further, on three occasions, the researcher had the opportunity to lodge with peacekeeping units, providing an intimate glimpse to the lives of peacekeepers and frequent informal and highly illuminating conversations. At all levels, the mission provided exceptional support and accommodated the researcher's tight schedule.

One restriction on field research was the limited duration of military rotations; most contingents had been in place for less than six months, and all field commanders had been in the country for less than one year. As a result, examples from field research are generally restricted to cases that occurred between January 2006 and January 2007. However, based on general "area of responsibility" briefings and interviews with civilians, sufficient information was gained to warrant the use of news sources for data on activities that occurred before January 2006. Another challenge, and area for future research, was to obtain a large number of civilian, particularly local, interviews. The research occurred on a tight timeline, which made it difficult to organize sufficient interviews to cover all relevant actors. Despite these challenges, the

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<sup>9</sup> Three interviews were limited to fifteen minutes, due to time availability of the interviewee.

interviewees – civilian and military – provided a rich source of data for the following analysis.

The thesis begins with Chapter 1, which will set up the research framework in two parts. The first part will discuss six categories of variables that affect decisions to use force: mission objectives, mission capacity, mission credibility (versus mission creep), legalities, consent and impartiality, and decision makers' backgrounds. The second part will outline the theories on perceptions and decision-making that are used to develop the thesis' hypotheses. The first hypothesis states that decision makers are more likely to use force when there is an increase in mission capacity to carry out such missions. Low capacity hindered prior UN missions, and removing this disincentive gives commanders greater ability to conduct robust operations. The second hypothesis is based on the idea that commanders will use force more often when they perceive more situations as warranting the use of force.

To assess the hypotheses, the remainder of the thesis begins with Chapter 2, which provides a brief history of the Democratic Republic of the Congo (DRC) and the evolution of MONUC. Chapter 3 will turn to an analysis of the first hypothesis, looking at five areas where MONUC's mission capacity increased, enabling the use of force: i) physical ability, ii) administrative regulations, iii) situational awareness, iv) communications, and v) command and control. Chapter 4 will assess the second hypothesis by exploring five drivers behind MONUC's use of force: i) stopping direct threats to civilians, ii) preventing future threats to civilians through coercive disarmament and disruption of belligerent activities iii) protecting the FARDC, iv) preventing external interference, and v) ensuring mission credibility. The thesis will

then turn to Chapter 5, which describes two unexpected findings. Chapter 6 will conclude the thesis, explaining the implications of the analysis for UN missions.

## Chapter 1. Research Framework

### 1.1. Overview of robust peace operations

Since its inception, the UN has taken on an increasingly involved role in conflict management, prevention and resolution. Chapter VII of the UN Charter endows the Security Council with the power to first decide when there is a threat to international peace and security and second to authorize all necessary means, including the use of deadly force, in order to “maintain or restore international peace and security...includ[ing]... operations by air, sea, or land forces of Members of the United Nations.”<sup>10</sup> It was understood that these operations could include active combat to the point of war, and the UN would be able to draw upon member states’ armed forces in order to perform these operations. Written in the aftermath of World War Two, the natural focus and intention of this power was the prevention and response to aggressive states threatening the international order. Eleven years later, however, the UN required the use of armed forces for another reason – monitoring a ceasefire between two formerly warring parties – and peacekeeping was born.

Traditional peacekeeping was created as a means for the UN to be involved in inter-state disputes while likewise manoeuvring around superpower antagonisms. In the beginning, such peacekeeping generally involved cease-fire monitoring. As a means to demonstrate impartiality, a central principle of peacekeeping was that the use of force be reserved only for cases of self-defence.<sup>11</sup> The UN, however, has undergone

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<sup>10</sup> United Nations, “Article 42,” Charter of the United Nations, Accessed Online: <http://www.un.org/aboutun/charter/>

<sup>11</sup> This principle existed in addition to two additional principles of impartiality and consent of belligerents. See for instance Thomas R. Mockaitis, Peace Operations and Intrastate Conflict: the sword or the olive branch? (Westport, Conn: Praeger, 1999) 2-5; Alex J. Bellamy, Paul Williams, Stuart Griffin, Understanding peacekeeping, Cambridge, UK: Polity Press, 2004; William Durch, The Evolution of Peacekeeping, (New York: St Martin's Press, 1993).

fundamental changes since the Cold War, due in part to the considerable changes of the international system, but also from its own internal reform. This has been reflected in, and caused by, an evolution in UN peacekeeping beyond monitoring exercises, resulting in increasingly complex missions.<sup>12</sup> Consequently, the term UN “peace operations” (POs) emerged to conceptually encompass “conflict prevention and peacemaking; peacekeeping; and peace-building.”<sup>13</sup> The Security Council has endowed these missions with a wide variety of objectives relating to peace, security, political transitions, and the general alleviation of human suffering. Peacekeepers have been called upon for such activities as delivering humanitarian aid, protecting humanitarian convoys, facilitating negotiations, monitoring agreements, and/or carrying out disarmament activities. This expanded nature of POs has often strained the ‘use of force in self-defence only’ principle, revealing uncertainty as to whether force can, or indeed should, be used by a PO to impose peace and security. The experience of the UN during the 1994 Rwandan genocide provides the most striking example of this problem, when peacekeepers were unable to prevent the deaths of over 800,000 people.

One main source of tension is the lack of a common doctrine regarding the use of force in POs. As mentioned above, traditional peacekeeping doctrine holds that the use of force is only legitimate in self-defence. Enforcement against aggressive states sits at the other end of the use of force spectrum for the UN. Such action can involve

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<sup>12</sup> See for instance Mockaitis, 1-7; Assis Malaquias, “Peace Operations in Africa: preserving the brittle state,” *Journal of International Affairs*, 55.2 (Spring 2002): 416; John Sanderson, “The Changing Face of Peace operations: A View from the Field,” *Journal of International Affairs* 55.2 (Spring 2002): 277-89.

<sup>13</sup> United Nations, *Report of the Panel on United Nations Peace operations*, A/55/305, [http://www.un.org/peace/reports/peace\\_operations/docs/a\\_55\\_305.pdf](http://www.un.org/peace/reports/peace_operations/docs/a_55_305.pdf)

war and is guided by the UN Charter and international law, as demonstrated by the Korean War.<sup>14</sup> The majority of UN operations fall in between traditional peacekeeping and enforcement, but ongoing disputes between states have prevented the UN from creating a doctrine on the use of force for such missions. As a result, individual nations - most notably the US, the UK, France, and India - have developed their own national doctrines for peace operations. Yet, the evolution of these doctrines has been erratic, and although they evidence similarities, they essentially exist as separate concepts.<sup>15</sup> This reflects the larger problem that the international community has been unable to bridge the doctrinal gap between peacekeeping and enforcement, and decisions to use force in a peace support operation have thus occurred on an ad hoc basis.<sup>16</sup>

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<sup>14</sup> Stephen A. Garrett, Doing Good and Doing Well: An Examination of Humanitarian Intervention, (Westport, Conn, Praeger Pub, 1999): 48.

<sup>15</sup> For the majority of the 1990s, UK held to the “wider peacekeeping” doctrine whereby peace operations strongly required local cooperation and consent. Indeed, wider peacekeeping viewed any loss of consent as the automatic shift in an enforcement mission, which was considered impossible to return from. This, however, did not discount the use of force by wider peacekeeping. Robert M. Cassidy, Peacekeeping in the Abyss: British and American peacekeeping doctrine and practice after the Cold War, (Westport, Conn: Praeger, 2004): 208 – 213. By 1998, however, UK doctrine accepted the notion of a continuum between peacekeeping and peace enforcement, and in 2004, UK doctrine incorporated the notion of a “spectrum of tensions” that necessitated flexibility of an operation to shift between a variety of tasks. US doctrine originated with FM 100-23, which emphasized the importance of consent, impartiality and limited use of force and the strict division between peacekeeping and peace enforcement. In 2003 and 2005 the US, however, has likewise taken the view that there is a continuum of peace support operation responses, particularly when considering the use of force. These shifts in US and UK doctrine have thus largely moved towards French doctrine, which provides the most explicit acceptance of the use of force for peaceful purposes. It differentiates between operations that maintain peace (traditional non-use of force), operations to restore peace (limited use of force without a designated ‘enemy’), and operations to impose peace (limited war against a specific enemy). India’s doctrinal concept is still currently in draft review, but appears to largely reflect French doctrine. William Durch, Peace/Stability/Keeping/Maintenance/Enforcement Operations, Presentation at conference, “What is a Peace support operation,” 17 March 2006, Réseau francophone de recherche sur les opérations de paix, Montreal, Canada.

<sup>16</sup> The United Nations 1992 Agenda for Peace and the 2000 Brahimi Report are arguably the closest to an international doctrine of peace operations. Yet both documents are even more nebulous than national doctrines when discussing the use of force. Thomas M. Franck, Recourse to Force, (Cambridge: Cambridge University Press, 2002): 127.

### 1.1.i. Defining the use of force

In the context of this thesis, peacekeepers use force when they threaten, brandish, or use non-lethal or lethal force against a belligerent actor in order to achieve a mandated task.<sup>17</sup> The traditional justification for peacekeepers to use force was in simple self-defence, which is defined here as a reaction to a direct threat against UN personnel. For instance, using force to disperse a mob attack against MONUC civilians is the application of force in self-defence.

The use of *robust* force, which is beyond self-defence, requires a deliberate command decision to send a unit<sup>18</sup> to directly engage a belligerent group where force is expected, even if not preferred. Decisions to use force can be characterized as *reactive* in the sense that the command is issued in direct response to the violent actions of a belligerent. This would include a mission to defend a group of local civilians from an attack by a militia group. Force can also be used *proactively* where peacekeepers take the initiative in a “deliberate engagement of others to achieve the mission.”<sup>19</sup> Decisions to use force, either reactively or proactively, will be interchangeably referred to as ‘use of force,’ or ‘robust,’ operations. Whether the command is reactive or offensive, it will be referred to as a decision to use force.

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<sup>17</sup> Such tasks may include, but are not restricted to, self-defence, disarmament, protection of civilians, or establishing freedom of movement. Findlay, 356-359. In other words, the thesis is concerned with the authorized use of force.

<sup>18</sup> For this thesis, a unit can be small, such as a forty person Special Forces group, or large, such as multiple companies of up to several hundred soldiers.

<sup>19</sup> Interview 65. An example would be forcible disarmament of militia groups. Hilaire McCoubrey, and Nigel D. White, Blue helmets: legal regulation of United Nations military operations, (Aldershot, Hants, England: Dartmouth, 1996): 87. The thesis acknowledges that there is a blurred line between reactive and proactive PO tasks. For instance, one could argue that in an offensive mission to forcibly disarm militants, the peacekeepers are in fact conducting a reactive mission in response to the belligerents’ previous activities and weapons stockpiles.

Failed attempts to use force (when a unit is sent to use force but does not engage its target) are still considered decisions to use force. Thus, a commander's decision to send a unit to ambush a belligerent would be considered a use of force, regardless of whether that unit did in fact ambush their target. On the other hand, a non-use of force would either be the deliberate decision to not engage a belligerent element, or a "non-decision" whereby a window of time for action passed without any deliberate decision.<sup>20</sup> With this definition in hand, the thesis will now review the research variables.

## **1.2. Research Variables**

The literature on POs reveals a myriad of considerations that are incorporated into decisions regarding the use of force. Some of these will act as incentives, motivating the use of force, and others will present disincentives, discouraging the use of force. This section will describe these variables, which can be divided into six areas: mission objectives, mission credibility (versus mission creep), legalities, consent and impartiality, mission capacity and individual backgrounds.

### **1.2.i. Mission Objectives**

A basic motivation behind the use of force has always been self-defence, also labelled force protection. That is, when UN personnel are threatened, commanders are entitled to react with force.<sup>21</sup> Commanders have also been authorized to use force to ensure freedom of movement. Here, the justification is that UN forces should not be

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<sup>20</sup> Leslie A. Pal, *Beyond Policy Analysis: Policy Issue Management in Turbulent Times*, (Toronto: Thomson Nelson, 2006): 147.

<sup>21</sup> Findlay, 14 – 16.

hampered from moving within their areas of responsibility, but its field application has been “inconsistently asserted and often poorly understood.”<sup>22</sup> Further, this concept is inherently imprecise, as it could theoretically allow commanders to use force for nearly any reason.<sup>23</sup> However, even though they have been authorized to do so, force has not always occurred, “even in life-and-death situations where it would be universally perceived as legitimate and warranted,”<sup>24</sup> and particularly in terms of the application of robust force.

Motivations for using force beyond self-defence stem from Security Council resolutions, given that “the use of force [is] authorized in order to send a clear signal of Security Council resolve about key aspects of the mandate.”<sup>25</sup> However, commanders must translate the mandate into terms that they can use in the field, as

mandates provide a clear framework of the mission’s goals and tasks to help guide decision making by actors in the field... [but they] do not translate easily into operational terms.<sup>26</sup>

More specific clarifications are provided in the concepts of operation, usually outlined in Secretary-General reports or the Force Commander’s standard operating procedures.<sup>27</sup> Commanders’ understandings of the mandate and concept of operations will influence their assessment as to whether they should use force. This will cause decision makers to perceive the pursuit of certain mission objectives as warranting the use of force beyond self-defence, when necessary.

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<sup>22</sup> *Ibid* 18.

<sup>23</sup> *Ibid*, 357.

<sup>24</sup> *Ibid*, 356.

<sup>25</sup> Boulden, 134. See also Findlay, 7.

<sup>26</sup> Victoria Holt and Tobias C. Berkman, The Impossible Mandate? Military Preparedness, the Responsibility to Protect, and Modern Peace Operations, (Washington, DC: The Henry L. Stimson Center, 2006): 81 and 183. See also Findlay, 13.

<sup>27</sup> Findlay, 13 and Dale Stephens, “The lawful use of force by peacekeeping forces: the tactical imperative,” International Peacekeeping, 12.2 (Summer 2005).

Aside from the original 1960 UN mission in the Congo (ONUC), commanders did not often authorize a broader use of force. As Trevor Findlay maintains, as of 2002,

the actual use of force by UN peace operations has for the most part been inconsistent and incoherent, in both political and military terms... UN forces have by and large been extremely reluctant to use any force at all.<sup>28</sup>

Indeed, in the past, force in protection of others was “often... undertaken by individuals within a mission as a matter of humanity”<sup>29</sup> and in response to a violent act taking place directly in front of a peacekeeper. This resulted in failures to act in the face of mass killings, rapes and other human rights abuses, prompting four major reports: The Secretary-General's report on Srebrenica,<sup>30</sup> The Report of the Independent Inquiry into the actions of the United Nations during the 1994 genocide in Rwanda,<sup>31</sup> The Report of the Panel on United Nations Peace Operations (or Brahimi report),<sup>32</sup> and The Responsibility to Protect: Report of the International Commission on Intervention and State Sovereignty.<sup>33</sup> The roots of the civilian protection concept can be found in, but are not limited to, these reports; according to Katarina Månsson, the concept of civilian protection by UN forces has existed since ONUC.<sup>34</sup>

Although civilian protection can be understood in different ways, the most basic understanding is “to deter or respond to belligerent attacks on vulnerable

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<sup>28</sup> Findlay, 355.

<sup>29</sup> Findlay, 359.

<sup>30</sup> United Nations Secretary-General, Report of the Secretary-General Pursuant to General Assembly resolution 53/35: The fall of Srebrenica, A/54/549, 15 November 1999.

<sup>31</sup> United Nations, Report of the Independent Inquiry into the actions of the United Nations during the 1994 genocide in Rwanda, S/1999/1257, 16 December 1999, Accessed online: <http://www.un.org/Docs/journal/asp/ws.asp?m=S/1999/1257>

<sup>32</sup> United Nations, Report of the Panel on United Nations Peace Operations.

<sup>33</sup> International Commission on Intervention and State Sovereignty, The Responsibility to Protect: report of the International Commission on Intervention and State Sovereignty, Ottawa : International Development Research Centre, 2001.

<sup>34</sup> Katarina Månsson, “Use of force and civilian protection: peace operations in the Congo [Kinshasa],” International Peacekeeping 12.4 (2005): 503-19.

populations.”<sup>35</sup> This may be spurred by the “the CNN effect,” when widespread and shocking news stories about a crisis flood the media, prompting public pressure to ‘do something’ to halt the violence. If a PO with a mandate to protect civilians is in place, UN officials and member states may likewise pressure commanders to use force in protection of the civilian population.

Today civilian protection is treated as a main objective for POs, but UN missions have long been tasked with a wide variety of other objectives, such as implementation of peace agreements and humanitarian delivery. Further, POs have been authorized to use force to provide a ‘secure environment’ within which these objectives can be pursued. A ‘secure environment’ is, however, an ambiguous concept that is related to the use of force in “defence of the mission... [that] could in effect be used to justify the use of force for any purpose.”<sup>36</sup> Such thinking is associated with the view that contemporary conflicts require multifaceted solutions.<sup>37</sup> This is because “[t]he enemy in peacekeeping is violent conflict,” necessitating activities that focus on the causes of conflict, in addition to protecting against the actual conflict itself.<sup>38</sup> POs will thus need to confront belligerents for a variety of reasons beyond immediate civilian protection, including their general human rights abuse and undermining of

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<sup>35</sup> Holt and Berkman, 183.

<sup>36</sup> Findlay, 19.

<sup>37</sup> Carnegie Commission on Preventing Deadly Conflict, Preventing Deadly Conflict, (New York: Carnegie Corporation of New York, 1997). Accessed online: <http://wwics.si.edu/subsites/ccpdc/pubs/rept97/finfr.htm>; Ray Murphy, “United Nations peacekeeping in Lebanon and Somalia, and the use of force,” Journal of Conflict & Security Law, 8.1 (April 2003): 97; Mockaitis, 4.

<sup>38</sup> David Last, “Winning ‘The Savage Wars of Peace’: What the Manwaring Paradigm Tells Us,” The Savage wars of peace: toward a new paradigm of peace operations, ed. John T. Fishel (Boulder, Colorado: Westview Press, 1998): 218-19.

peace agreements.<sup>39</sup> Indeed, as one military academic argues, POs, particularly robust ones,

take place in a highly complex political-strategic environment... [and] long term peace operations which seek to end conflict and promote democratization... [require a] central political goal – that of establishing a legitimate government.<sup>40</sup>

Ensuring secure environments, then, involves objectives beyond – and more complicated than – immediate protection, “including mechanisms for peaceful change to overcome structural violence,” such as stability, order and legitimate governments.<sup>41</sup> Essentially, most modern POs – including robust ones – have an overarching goal of political transformation.<sup>42</sup> As The Human Security Report 2005 stated, POs “are now routinely mandated to use force to protect the peace, not just their own personnel.”<sup>43</sup> In fact, Månsson asserts that the broader objectives, such as the maintenance of law and order, have in fact been present in nearly all Cold War POs, even if they were

officially recognized only in the beginning of the 1990s... Ultimately, peace operations purport to safeguard a fundamental

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<sup>39</sup> Human Security Centre, Human Security Report 2005: War and Peace in the 21<sup>st</sup> Century. Accessed online: <http://www.humansecurityreport.info/index.php?option=content&task=view&id=28&Itemid=63>.

<sup>40</sup> Max G. Manwaring and Kimbra L. Fishel, "Lessons that Should Have Been Learned: Toward a Theory of Engagement for 'The Savage Wars of Peace'," The Savage wars of peace: toward a new paradigm of peace operations, ed. John T. Fishel (Boulder, Colorado: Westview Press, 1998): 204-205.

<sup>41</sup> Last, 222, William J. Durch and Tobias C. Berkman, "Restoring and Maintaining Peace: What We Know So Far," Twenty-First-Century Peace Operations, ed. William J. Durch (Washington, D.C.: United States Institute of Peace, 2006) 12. As Albrecht Schnabel and Ramesh Thakur assert, “[t]he United Nations is now operating under a de facto norm of intervention in civil conflicts, using limited force to stop anarchy and humanitarian disasters.” Albrecht Schnabel and Ramesh Thakur, "From An Agenda for Peace to the Brahimi Report: Towards a new era of UN peace operations?" United Nations Peacekeeping Operations: ad hoc missions, permanent engagements, ed. Ramesh Thakur and Albrecht Schnabel (New York: United Nations University Press, 2001) 238-255.

<sup>42</sup> Kimberly Marten, "Is Stability the Answer?" Leashing the Dogs of War: Conflict Management in a Divided World, ed. Chester A. Crocker, Fen O. Hampson, and Pamela R. Aall (United States Inst of Peace Pr, 2007) 621. For instance, force may be used “against a violent local group whose actions are impeding implementation of a peace agreement.” William J. Durch, "Are we learning yet?" , ed. William J. Durch (Washington, D.C.: United States Institute of Peace, 2006) 586.

<sup>43</sup> Human Security Centre.

human right, the right to peace, without which other core human rights cannot be fulfilled.<sup>44</sup>

However, determining whether or not the mission objective(s) will be advanced by using force is a complex assessment. One particular difficulty is in assessing the effect on the humanitarian situation. For example, using force may indeed compel belligerents to (re)initiate peace negotiations, but it may also result in the mass displacement of civilians. Decisions to use force therefore require adequate mission capacity to help ensure that the use of force has the intended effect(s).

### **1.2.ii. Mission Capacity**

Sufficient mission capacity is a critical requirement if a commander is to authorize a robust operation. Past operations have demonstrated that without proper capacity, peacekeepers will be reluctant to apply robust force.<sup>45</sup> For one, the lack of proper troops and equipment can have a detrimental effect on the mission's credibility, as

[u]ndersupport of peace enforcement operations increases [the] risk [of belligerent attacks on the UN] since parties to the conflict will correctly calculate that UN troops will be unable or unwilling to respond with force to violations or provocations if they are outnumbered and outgunned.<sup>46</sup>

Yet, military personnel in contemporary operations are involved in a variety of activities, and so troops may not be available for robust operations, even in a sizeable

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<sup>44</sup> Katarina Månsson, "The Forgotten Agenda: Human Rights Protection and Promotion in Cold War Peacekeeping," *Journal of Conflict & Security Law*, 10. 3 (Winter): 381, 401 and 403.

<sup>45</sup> Findlay, 355, Brian E. Zittel, "The Brahimi Report: At a Glance," *Journal of International Affairs*, 55.2 (Spring 2002): 502-505 and Boulden, 130.

<sup>46</sup> Boulden, 131. See also Manwaring and Fishel, 197-211. Michael O'Hanlon argues that a robust PO requires approximately 20 troops for every 1000 locals. Michael O'Hanlon, *Saving Lives with Force: Military Criteria for Humanitarian Intervention*. (Washington, D.C.: Brookings Institution Press, 1997): 40.

mission. Further, robust POs require a large number of support personnel; it is insufficient to simply have a certain number of infantry troops. Additionally, operations that utilize force are more complicated than standard operations and subsequently require troops that have been trained for the complex tasks assigned to the military in POs.<sup>47</sup> Although a PO can still use regular troops for a variety of tasks, in combat missions, “top-caliber units will generally have to represent a large fraction... perhaps half or more.”<sup>48</sup> Moreover, even though commanders may choose to not use force, POs still require adequate equipment and competent staff to provide a credible threat of force.<sup>49</sup> Lastly, the ability to use the resources is affected by regulations, so administrative factors also affect mission capacity.<sup>50</sup> Still, even when proper resources are present, adequate mission capacity requires that the commander possesses sufficient information about the situation.

Situational awareness, which is the commander’s assessment of the situation on the ground, is critical, particularly because the majority of POs have operated in the context of internal conflicts and state collapse.<sup>51</sup> These environments are particularly complicated because they “involve both regular military and paramilitary forces” that may need to be militarily defeated.<sup>52</sup> Yet, as an external actor that is sensitive to political fallout, particularly from troop casualties, POs are at a disadvantage against local belligerents, particularly those who “choose to test the intervening force and will likewise be willing to suffer casualties in an effort to expel the intervention.”<sup>53</sup>

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<sup>47</sup> Findlay, 356.

<sup>48</sup> O’Hanlon, 45.

<sup>49</sup> Franck, 128.

<sup>50</sup> Malaquias, 416.

<sup>51</sup> Boulden, 133.

<sup>52</sup> Franck, 128.

<sup>53</sup> O’Hanlon, 12 and 37.

Commanders thus require timely and accurate information to mitigate the risk to their troops and to ensure that the use of force discriminates between civilians and belligerents.<sup>54</sup> Although simple conceptually, ensuring discrimination may be difficult in reality, due to the nature of contemporary conflicts where POs are being deployed.<sup>55</sup> For instance, when using force in a civil conflict involving insurgent or militia groups, it may prove impossible to differentiate between an innocent civilian and a hostile belligerent. Moreover, rebel groups may use civilians, particularly women and children, as human shields in order to deter POs from using force. Yet, despite this pressing need for high-quality intelligence to improve situational awareness, commanders face challenges in obtaining information. Intelligence gathering is considered ‘taboo’ in the realm of POs because there is a general resistance, especially from developing states, to the intelligence-gathering by the UN.<sup>56</sup> Thus, POs may not have the required information for a commander to authorize the use of force.

The final aspect of mission capacity is a decisive one; command and control, or unity of effort,<sup>57</sup> has a major impact on a commander’s decisions to use force. Robust POs require “a coherent force structure with [a] clear division of responsibilities,”<sup>58</sup> which “runs from the UN Security Council through the UN Secretary-General and his [special] representatives in the field [SRSGs] to the military contingents supplied by

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<sup>54</sup> Interview 67 and Findlay, 359.

<sup>55</sup> Marten, 621

<sup>56</sup> Findlay, 358, See also David Carment and Martin Rudner, Peacekeeping Intelligence: new players, extended boundaries, (London/New York: Routledge, 2006), Patrick C. Cammaert, “Intelligence in Peacekeeping Operations: Lessons for the Future,” Peacekeeping Intelligence: Emerging Concepts for the Future, (Oakton, Va. : OSS International Press, 2003): 18, and Walter Dorn, “The Cloak and the Blue Beret: The Limits of Intelligence-Gathering in UN Peacekeeping,” International Journal of Intelligence and CounterIntelligence, 12.4 (December 1999), 414-447.

<sup>57</sup> Durch, “Are We Learning Yet?” 588

<sup>58</sup> Last, 211

the UN member states.”<sup>59</sup> Yet, UN missions typically face loose command structures, as states seek to retain control over their forces through both formal and informal mechanisms, and commanders must be aware of the sensitivities of troop contributing countries (TCCs).<sup>60</sup> For one, if the mission begins to incur heavy casualties, TCCs may decide to pull their forces out of the mission and other states may refrain from contributing more forces.<sup>61</sup>

Even if TCCs agree to provide troops to a robust mission, they can still place official caveats on the use of their soldiers in certain operations or on particular aspects of the UN’s rules of engagement (ROEs), they may give their soldiers alternative ROEs or they may simply give informal, but strict, instructions to avoid fighting. Consequently, a TCC may send peacekeepers to a robust operation but impose restrictions, formal or otherwise, that preclude their soldiers from being involved in any forcible operations. As Dale Stephens points out, “[s]uch contradiction at times means that a contingent may not be capable of performing tasks assigned to it.”<sup>62</sup> Furthermore, soldiers from different nations can have differing understandings of ROE,<sup>63</sup> and some contingents “at times will need to ‘call home’ to determine whether they can actually do the mission asked of them.”<sup>64</sup>

Command structures will clearly affect commanders’ decisions because they must take into account the number and quality of contingents that have national

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<sup>59</sup> Findlay, 9.

<sup>60</sup> Stephens, 159 and Alexander Woodcock and David Davis, (Eds.). The Cornwallis Group VI : analysis for assessment, evaluation and crisis management (Clementsport, N.S. : Canadian Peacekeeping Press, 2002): 446.

<sup>61</sup> This is particularly the case if the states provide troops without full understanding of the risks involved. Findlay, 355. See also Boulden, 131, and Holt and Berkman, 93.

<sup>62</sup> Stephens, 159

<sup>63</sup> Holt and Berkman, 92.

<sup>64</sup> Woodcock and Davis, 446.

permission to carry out robust operations. If the mission's infantrymen originate from TCCs that are sensitive to casualties, commanders will likely be more cautious when deciding whether to use force. Alternatively, commanders will have greater freedom to use force if TCCs indicate their willingness to incur casualties. Indeed, in some missions, TCCs and the troops they provide may be enthusiastic regarding the use of force; this not only lifts a previous restriction, but it can make force more likely as a commander may be tempted to use those troops.

### **1.2.iii. Mission credibility (versus mission creep)**

The third factor is the tension between ensuring mission credibility and preventing the mission from slipping into enforcement, where activities start to resemble war fighting.<sup>65</sup> This latter phenomenon is labelled 'mission creep,' which involves the gradual expansion and transformation of a mission's purpose, tasks and implementation.<sup>66</sup> Commanders will often avoid this out of concern that the PO's use of force could spur further insurgencies or similar activities, necessitating a full enforcement mission.<sup>67</sup> As Ray Murphy asserts,

[t]he identification of one of the factions as an enemy, and the use of force in pursuit of limited military goals designed to neutralize this enemy, will ultimately escalate rather than decrease the level of conflict.<sup>68</sup>

Further, although the use of force presents one tool for commanders, mission objectives may also be achieved through non-forceful means. Force will generally be

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<sup>65</sup> Boulden, 138.

<sup>66</sup> Franck, 40.

<sup>67</sup> Boulden, 138 and O'Hanlon, 34.

<sup>68</sup> Murphy, 74.

reserved as a last resort not only to avoid mission creep, but also to ensure force protection and prevent unnecessary collateral damage.

However, robust POs need to demonstrate a credible ability and willingness to use force when necessary. Otherwise, they will be “in a position of weakness that encourages the parties to the conflict to put pressure on the operation, thereby increasing the risk of problems.”<sup>69</sup> This reflects the idea that POs can serve as deterrents to violent activity if belligerents believe that the POs will use force.<sup>70</sup> Further, credibility among the population is crucial to ensure local support of the mission, particularly in terms of “perceptions that the [PO] can provide security and humanitarian assistance.”<sup>71</sup> Consequently, commanders may be motivated to use force to ensure that the mission retains credibility among both belligerents and civilians.<sup>72</sup>

#### 1.2.iv. Legalities

A fourth variable that affects the decision to use force is the area of legal regulations governing the use of force, including the authorization of force. A robust PO is authorized by a Security Council resolution that invokes Chapter VII of the UN

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<sup>69</sup> Boulden, 131. See also Dominick Donald, “Neutral Is Not Impartial: The Confusing Legacy of Traditional Peace support operations Thinking,” *Armed Forces & Society* 29. 3 (July 2003): 437; Murphy; Stanley A. McChrystal, “Memorandum from the Joint Chiefs of Staff,” *Humanitarian Intervention: crafting a workable doctrine*, ed. Alton Frye (Washington, D.C.: Council on Foreign Relations, 2000) 54-72; Michael O’Connor, “Policing the Peace,” *United Nations Peacekeeping Operations: ad hoc missions, permanent engagements*, ed. Ramesh Thakur and Albrecht Schnabel (New York: United Nations University Press, 2001): 57-74.

<sup>70</sup> Findlay, 18; Jean-Marie Guéhenno, “The United Nations Post-Brahimi: An Interview with the UN Under Secretary-General for Peace support operations,” *Journal of International Affairs*, 55.2 (Spring 2002): 489-492; Boulden, 134; Stuart Kaufman, “Preventing Ethnic Violence: Conditions for the Success of Peacekeeping,” in *Peace in the Midst of Wars*, Eds. David Carment and Patrick James (Columbia, University of South Carolina Press., 1998): 224.

<sup>71</sup> John T. Fishel, “War By Other Means? The Paradigm and its Application to Peace Operations,” *The Savage wars of peace: toward a new paradigm of peace operations*, ed. John T. Fishel (Boulder, Colorado: Westview Press, 1998) 3-18.

<sup>72</sup> Moreover, individuals may be spurred by the incentive to prove their own personal or national credibility as a robust commander.

Charter, thereby permitting the use of force beyond self-defence.<sup>73</sup> Once a robust mandate is present, a mission's rules of engagement (ROE) will provide specific rules regarding the limits to which soldiers can apply force.<sup>74</sup> So, a key legal requirement for a commander's decision to use force is the existence of both a mandate and ROE that support robust operations.<sup>75</sup> Yet, there are cases of POs using force without the proper mandate, and documentation shows that even when a mandate is updated to allow force, ROE have often remain unchanged.<sup>76</sup> Thus, although proper mandate and updated ROE are of significant importance to the use of force decision, the lack of one or the other may not preclude use of force. Still, even with a proper mandate and sufficient ROE, commanders need to ensure that the application of force retains the support of the Special Representative of the Secretary-General (SRSG), who possesses ultimate control over a mission's activities, under the authority of the Secretary-General.<sup>77</sup>

In addition to these concerns, broader international laws and norms have a role in use of force decision making. First, as Katarina Månsson describes, human rights laws are of particular import to peace operations, even if they have not played as great a role as some observers may like.<sup>78</sup> Peace operations are affected by human rights law through both the UN Charter as well as the Office of the High Commissioner for

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<sup>73</sup> Findlay, 8.

<sup>74</sup> Note that ROE are also critical for the tactical conduct of soldiers; that is, they provide information to individual soldiers regarding the conduct of their daily activities.

<sup>75</sup> Holt and Berkman, 79; Carnegie Commission on Preventing Deadly Conflict.

<sup>76</sup> Boulden, 130.

<sup>77</sup> Findlay, 10.

<sup>78</sup> Katarina Månsson, "Integration of Human Rights in Peace Operations: Is There an Ideal Model?" *International Peacekeeping* 13.4 (2006): 547-63.

Human Rights. Indeed, Månsson asserts that “the Charter accords the UN both a moral and legal mandate to integrate human rights in peace operations.”<sup>79</sup>

Another key set of laws that affect the use of force in POs is that of the law of armed conflict, or international humanitarian law. The law of the Hague, the law of Geneva and customary international humanitarian law together govern how states and ‘armed dissidents’ can engage in armed combat. Because these laws were intended for states, “the extent to which humanitarian law applies to and affects U.N. military undertakings remains unclear.”<sup>80</sup> However, by 1999 the UN had accepted that international humanitarian law applied “[w]here UN military personnel participate in armed conflict.”<sup>81</sup> Indeed, peacekeepers are often given training on international humanitarian law, as they are told that it sets “out the minimum standards applicable to the conduct of hostilities to limit unnecessary suffering and to ensure respect for human dignity during an armed conflict.”<sup>82</sup> Further, POs arguably avoid this paradox through consent of the host state and impartiality of UN activities. However, these two issues are not without their own challenges.

#### **1.2.v. Consent and impartiality**

Regarding consent, some maintain that interventions without consent are illegitimate. However, robust POs will likely have state consent in that they generally

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<sup>79</sup> Månsson, 547-63.

<sup>80</sup> Brian D. Tittmore, "Belligerents in blue helmets: applying international humanitarian law to United Nations peace operations," *Stanford Journal of International Law*, 33 (1997): 61-117.

<sup>81</sup> Christopher K. Penny, “‘Drop That or I’ll Shoot ... Maybe’: International Law and the Use of Deadly Force to Defend Property in UN Peace Operations,” *International Peacekeeping*, 14:3 (2007): 363.

<sup>82</sup> “Lecture: Law of Armed Conflict and CF Code of Conduct,” Presentation. Peace Support Training Centre, Kingston Ontario, 20 October 2006. This was a lecture for Canadian troops specifically, but the centre serves to train peacekeepers from other nationalities as well.

possess status of force agreements between the UN and the host state.<sup>83</sup> Moreover, one can argue that in their acceptance of the UN Charter, all member states effectively have given prior, if general, consent to the UN's use of force. Others claim that states give up consent, or that it is unnecessary, when there is "grave human suffering."<sup>84</sup> Further, given that the key belligerents facing robust POs tend to be illegal, asymmetric forces, consent is arguably less important for a robust PO.

A potentially more critical aspect is that of impartiality; traditional peacekeeping required the attempt to maintain impartiality towards all parties.<sup>85</sup> Academics such as Stuart Kaufman maintain that peacekeepers cannot apply force and maintain impartiality because "they become simply another group of belligerents."<sup>86</sup> However, as Jane Boulden argues, a robust PO can apply force impartially – at least in theory – so long as the mandate is considered impartial.<sup>87</sup> Once a UN mandate is biased towards one or more belligerents, it has shifted into enforcement. As Ray Murphy notes, although impartiality "means adherence to the principles of the Charter

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<sup>83</sup> Findlay, 13.

<sup>84</sup> This argument holds that sovereignty is innately possessed by any state that meets a certain objective level of 'legitimacy,' and any use of force requires the consent of a sovereign host state. Others, however, argue that a state must earn its legitimacy through its actions, and evidence of egregious violations, such as genocide, constitute a state's loss of legitimacy. By their actions, in other words, they give up their right of consent. A further argument is that interventions don't require 'consent' to be legitimate when relieving 'grave human suffering.' Garrett, 3-4 and 29-30. Schnabel and Thakur, 238-55.

<sup>85</sup> Sanderson. The role of PO impartiality has caused a furor in the debate over use of force, yet this disagreement over impartiality reflects the problems with the current understanding of the term. As originally conceived, it simply meant that the troop-contributing countries were not to have any strong links to the parties involved, as it could indicate bias. This was a direct consequence of the two superpower blocs contest for global influence during the Cold War. Given that peacekeepers were not authorized to use force, once deployed there was no dilemma over the bias of the PO as a whole or its actions in part. However, as the UN became involved in situations where the PO could have a direct impact on the hostilities, the issue of PO impartiality began to be raised. Further confusion has arisen due to the equation of neutrality with impartiality. Authors often use the terms interchangeably, but neutrality implies absence of action towards all parties, whereas impartiality indicates an active stance but applied equally to all parties. Dominick Donald, 417.

<sup>86</sup> Kaufman, 198.

<sup>87</sup> Jane Boulden, "Mandates Matter: An Exploration of Impartiality in United Nations Operations," *Global Governance*, 11.2 (April/June 2005): 153.

and to the objectives of the mandate, it is not the same as equal treatment of all parties in all cases for all time, which can amount to appeasement.”<sup>88</sup> This is particularly evident when a party to the conflict fails to provide the agreed upon (or necessary) cooperation with the PO.<sup>89</sup>

#### **1.2.vi. Decision makers’ backgrounds**

A final aspect that will affect the decision to use force is the background and the personal experience of the decision maker in question. UN commanders originate from different countries, possessing different training, education and field experiences, which will influence their perceptions of the factors listed above.<sup>90</sup> More experienced commanders may feel more comfortable in making the decision to use force. Or they may have a strong aversion to the use force because of a particularly negative past experience.

Beyond their technical backgrounds, decision makers will also have different personal backgrounds, particularly in terms of culture, personality, religion and other beliefs. Indeed, according to the UN Brahimi Report, “the tenor of an entire mission can be heavily influenced by the character and ability of those who lead it.”<sup>91</sup> Individual backgrounds thus provide the sixth variable that affects the decision to use

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<sup>88</sup> Murphy, 96.

<sup>89</sup> Murphy, 74.

<sup>90</sup> Findlay, 354.

<sup>91</sup> United Nations, Report of the Panel on United Nations Peace Operations, 16.

force. The next section of this chapter will turn to the theoretical underpinnings of the research framework.

### **1.3. Drivers, Disablers and Enablers: How variables affect decisions to use force**

The effects of the variables listed above can be broadly divided into three types. First, a variable can act as an incentive in that it provides a reason for the commander to use force. For instance, protecting civilians from human rights abuses might motivate the use of force. When commanders perceive these incentives in the field, they act as drivers, motivating the commander to use force. On the other hand, variables can also be disincentives, placing constraints on the decision to use force. An example would be the existence of national caveats to the rules of engagement that prevent troops of that nation from engaging in open conflict. The existence of such a factor in the field creates the second type of effect, disablers to the use of force, which discourage a commander from using force. Removing and/or mitigating this disabler creates the third type of variable, an enabler to the use of force.

The decision maker's perceptions are a key factor affecting whether and to what degree a variable is a driver, disabler or enabler. As Robert Jervis asserts, "[i]n determining how he will behave, an actor must try to predict how others will act and how their actions will affect his values."<sup>92</sup> Although his analysis concentrates on interactions between states, Jervis' reasoning can be applied to the field level as well, because although military training attempts to remove subjectivity from decision making,

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<sup>92</sup> Robert Jervis, "Hypotheses on Misperception," *World Politics*, 20.3 (April 1968): 454.

evidence from both psychology and history overwhelmingly supports the view... that decision-makers tend to fit incoming information into their existing theories and images. Indeed, their theories and images play a larger part in determining what they notice.<sup>93</sup>

Jervis goes on to describe Thomas Kuhn's argument that these theories can form a paradigm, a way in which actors structure their understanding of the massive amounts of information that they encounter on a daily basis.<sup>94</sup> The thesis will assume that given their extensive military training and education, commanders use a military paradigm to assess information, causing them to analyse situations differently than civilians.<sup>95</sup> Further, while there will be individual discrepancies based on differences in education, training, and culture, the thesis will assume that military commanders use similar paradigms when assessing information in peace operations.<sup>96</sup> Returning to the topic of robust operations, this raises the question: what do military commanders perceive as the incentives and disincentives to use force? To better structure an analysis of this question, the thesis uses the 'poliheuristic' decision model as a decision analysis framework.

The poliheuristic decision model was conceived by Alex Mintz<sup>97</sup> due to drawbacks inherent in the rational model of analysis. Rational actor models have been

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<sup>93</sup> Jervis, 456

<sup>94</sup> Jervis, 458.

<sup>95</sup> Fully understanding the composition of the military paradigm warrants a deeper analysis than is possible in this thesis; for the purposes of this study, it will suffice to assume that a military paradigm differs from that of a civilian.

<sup>96</sup> This assumption is purposefully rigid due to size constraints of this thesis. It would, however, present an interesting research project to relax the assumption and instead focus on the impact of national and individual differences on decisions to use force. For instance, does an Indian commander possess a different paradigm than a Pakistani commander? What are the perceptual differences between Canadian and Nepalese officers?

<sup>97</sup> The theory was first described in Alex Mintz, "The Decision to Attack Iraq, A Noncompensatory Theory of Decision Making" *Journal of Conflict Resolution*, 37.4 (1993): 595-618 and later refined in Alex Mintz, "How Do Leaders Make Decisions? A Poliheuristic Perspective," *Journal of Conflict Resolution*, 48.1 (2004): 3-13.

consistently used in the social sciences to explain why individuals or organizations take the actions that they do. The rational model posits that the actor under consideration makes a decision by considering all possible alternatives, estimating the values of their expected outcomes, and comparing these values to determine which alternative has the highest expected utility.<sup>98</sup>

Rational actor models thus assume that decision makers use compensatory methods to choose between options. That is, if one factor of an option is undesirable, it may still be chosen because another variable is attractive enough to compensate for the negative aspect of the first. However, it is not always the case that one positive variable can simply offset another negative variable. In addition, decision makers do not necessarily have the time and cognitive ability to compute and compare options for every possible factor, placing obvious constraints on decisions that occur under “time pressures and rapidly changing conditions.”<sup>99</sup> These drawbacks to the rational model brought about Mintz’s formulation of the non-compensatory model of decision making, later coined the poliheuristic decision model.

In the poliheuristic model, before decision options are compared, “the value of an alternative on a single [variable] is processed first, and alternatives that score below the cutoff value on this [variable] are eliminated.”<sup>100</sup> Once options have been narrowed through this process, the remaining choices are compared and the best option is selected.<sup>101</sup> In other words, if a decision maker perceives a factor as falling below a

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<sup>98</sup> For an authoritative discussion on rational actor models, see Graeme Allison, Essence of Decision: Explaining the Cuban Missile Crisis, 2<sup>nd</sup> edition, (New York: Addison-Wesley Educational Publishers Inc., 1999): 77-142.

<sup>99</sup> Mintz, “The Decision to Attack Iraq,” 596.

<sup>100</sup> *Ibid.* 599.

<sup>101</sup> Mintz, “How Do Leaders Make Decisions?” 6-7.

certain threshold point, it would be considered a sufficiently strong disincentive that other criteria are not even considered. For instance, when deciding upon a future career, an undergraduate student is unlikely to consider the financial cost of graduate studies if the idea of pursuing further education is undesirable. Personal preference would prove a strong enough disincentive that the student would not need to take finances into account.

In the context of using force, like Jervis' perceptions analysis, the poliheuristic decision model has largely been applied to foreign policy decisions.<sup>102</sup> Yet the model is not necessarily limited to addressing state-level decisions to use force; the framework can also be applied to command decisions within POs. Given the time constraints and complexities facing UN commanders in the field, they are unlikely to use the rational-actor method. Indeed, one field level interviewee vigorously refuted the possibility of rational decision-making.<sup>103</sup>

The poliheuristic model allows for mental heuristics that are likely used during peace operations. That is, commanders are more likely to make their decision based on a few key variables, as opposed to taking all possible factors into account. This is particularly the case for disincentive variables. For example, commanders are less likely to consider other variables if they do not possess the basic troop numbers or equipment necessary to use force.

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<sup>102</sup> Mintz, "The Decision to Attack Iraq," 601.

<sup>103</sup> Interview 5. Of course, some individuals' cognitive ability or a particular situation may allow for rational decisions. For the purpose of this thesis, though, we will assume that these are uncommon, rather than the norm. It does, however, present an interesting area of research into the cognitive process of commander decision-making. This would require a different research direction, including psychological profiles and a focus on the internal decision-making process of commanders.

In modifying Mintz's theory to fit POs, then, we understand that *commanders are less likely to use force when they perceive a factor as a disincentive to doing so.* For instance, the decision maker may not believe that the practical aspects of the situation have crossed the minimal threshold required to permit the use of force. To illustrate, a situation occurs when a rebel group is about to attack a village. Commanders are less likely to authorize the use of force if their units do not have sufficient capacity to adequately respond to the attack. For instance, the unit requires transportation and time to arrive before - or at least during - the attack. Moreover, the unit must have the proper training and equipment for aggressive operations. If the unit lacks these requirements, the commander may view the low mission capacity as a strong enough disincentive to eliminate the use of force as a decision alternative.

The disincentive hypothesis is useful in providing insight as to the restrictions that need to be lifted to enable the use of force, but it does not provide a satisfactory causal variable. In order to provide a more complete explanation, we need to move beyond the precepts of the poliheuristic theory and build on the model. This second hypothesis claims that in addition to disincentives, decision makers will also face incentive variables. In this case, *commanders are more likely to use force when they perceive a factor as presenting an incentive to do so.* Indeed, the incentive presented by one factor may be considered so important as to negate another's disincentive. Returning to the previous example, if commanders believe that a lack of response would seriously undermine their units' credibility, they may feel compelled to respond, even if there is a low chance of arriving on time or of presenting an effective response to the militia group.

Taken together, these two hypotheses present a basic theoretical framework to assess the incentives and disincentives of the command decision to use robust force: the greater the incentive (disincentive), the more (less) likely the commander will use force. Yet we can make this framework more specific to POs. First, as described above, poor mission capacity has provided a key disabler in prior UN missions. Thus, if the ability to use force – mission capacity – increases sufficiently, it will enable the use of force. This creates a first, and indeed obvious, hypothesis:

*Hypothesis 1. UN commanders are more likely to use force when the mission's capacity increases.*

Reducing constraints, however, only removes a disincentive, thereby acting as an enabler. As a DPKO official declared, UN commanders are not “Rambos running around in the jungle,” shooting anything and everything in sight.<sup>104</sup> Once the disincentive has been removed, force still requires a causal variable – an incentive – to motivate a commander to decide to authorize the use of force. In robust missions, Security Council mandates provide the general authorization to use force in the pursuit of certain mission objectives, “but with enough ambiguity to leave room for differing interpretations as to when force should be used and for what purposes.”<sup>105</sup> Commanders will thus translate the mission mandate into tangible field objectives, and some of the objectives will provide an incentive to use force. Based on their understanding of the mandate and an evaluation of the situation in the field, a commander will determine whether force is justified. This will produce a driver to use

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<sup>104</sup> Interview 70. Still, an argument can be made that the provision of capacity for robust action will incite robust activities due to worries – or even threats – that the capacity will be removed if unused. Colloquially, this is the “use it or lose it” phenomenon.

<sup>105</sup> Johnstone.

force, where a commander perceives field realities as necessitating and warranting the use of force. This leads to the second hypothesis:

*Hypothesis 2. UN commanders are more likely to use force when they perceive drivers to doing so.*

The following thesis takes these two hypotheses to analyse one of the UN's most recent and forceful missions: Mission des Nations Unies en République Démocratique du Congo (MONUC). MONUC has applied force extensively in eastern DRC, particularly in Ituri, North Kivu and South Kivu between 2005 and 2006. It received both criticism and praise for using lethal force, and it has been rebuked for not using force in cases where force seemed clearly warranted. MONUC thus presents a rich case study to assess incentives and disincentives to use force.

## Chapter 2. Background to the Democratic Republic of Congo and MONUC

### 2.1. Origins of the conflict

The contemporary history of the Democratic Republic of Congo (DRC) is rife with international intrusions, violence and resource exploitation, which began in the colonial period and only increased after independence. Africa writ large experienced abuse at the hands of colonialism, but the DRC was particularly mistreated under the Belgian King Leopold, who owned the Congo as personal property. Under King Leopold's direction, the Congolese peoples were subject to widespread and severe atrocities while the Belgians extracted the region's rich natural resources.<sup>106</sup> As in Rwanda, Belgium exploited and enhanced ethnic divisions among the Congolese population, creating a source of tension that flourished well beyond its colonial years.

King Leopold handed power to the Belgian government in 1908, but the country continued to suffer under Belgium. In the 1960's, the Congo began to agitate for self-determination, ultimately achieving independence in 1960 when Belgium abruptly relinquished control to an unprepared Congolese society. Immediately following independence, Congolese forces "mutinied against [their] Belgian officers and began disintegrating into roving armed bands."<sup>107</sup> Belgium responded by intervening militarily, and Katanga, a mineral-rich province, declared its own independence. Consequently, the "Security Council called upon Belgium to withdraw its troops from the Congo and authorized military assistance."<sup>108</sup> This resulted in the

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<sup>106</sup> Adam Hochschild, King Leopold's ghost: a story of greed, terror, and heroism in Colonial Africa (Boston : Houghton Mifflin, 1998) 366.

<sup>107</sup> Trevor Findlay, The blue helmets' first war? Use of force by the UN in the Congo, 1960-64, Clementsport, NS: Canadian Peacekeeping Press, 1999) 1.

<sup>108</sup> United Nations Department of Peacekeeping Operations, Republic of Congo – ONUC Background, [online]: <http://www.un.org/Depts/DPKO/Missions/onucB.htm>.

United Nations Operation in the Congo (ONUC), which remained in the country until 1964, and “its use of force was unprecedented for a peacekeeping mission.”<sup>109</sup> Still, even after ONUC withdrew, Congo remained in chaos, and in 1965, Mobutu Sese Seko, née Joseph Desire Mobutu, attained power through a bloodless coup. Although he managed to bring some semblance of stability, he subjected the DRC to extreme corruption and abuse for the subsequent three decades.<sup>110</sup> His rule had severe implications for Congo’s development. Under Mobutu, corruption and cronyism raged so extensively that the Congo’s 2007 real GDP per capita and many human development indicators were unchanged or worse than in 1960.<sup>111</sup>

For the population, security threats were rampant; the national army preyed on civilians because they were denied recompense, as Mobutu laboured to prevent an army coup.<sup>112</sup> The Congolese forces were given instructions to ‘se débrouiller’ (“helping oneself to the local population’s assets”<sup>113</sup>); they were not only allowed but forced to sustain themselves through pillaging and civilian exploitation. Infrastructure was wholly neglected as Mobutu’s concern rested solely on maintaining his own

<sup>109</sup> Findlay, *The blue helmets' first war?* 142

<sup>110</sup> See, for instance, Michela Wrong, *In the Footsteps of Mr. Kurtz: Living on the Brink of Disaster in Mobutu's Congo* (London: Harper Perennial, 2002) 368; David Shearer, “Africa's great war,” *Survival* 41.2 (1999): 89-105; Paul S. Orogun, “Crisis of government, ethnic schisms, civil war, and regional destabilization of the Democratic Republic of Congo,” *World Affairs* 165.1 (2002): 25; Ola Olsson and Heather Congdon Fors, “Congo: the prize of predation,” *Journal of Peace Research* 41.3 (2004): 323; James F. Miskel and Richard J. Norton, “The [EU] intervention in the Democratic Republic of Congo,” *Civil Wars* 6.4 (2003): 1.

<sup>111</sup> United Nations Statistics Division, “GDP per capita, current international dollars (PPPs) (WB estimates),” Accessed online: [http://unstats.un.org/unsd/cdb/cdb\\_years\\_on\\_top.asp?srID=29922&CtIID=&crID=180&yrID=1975%2C2003](http://unstats.un.org/unsd/cdb/cdb_years_on_top.asp?srID=29922&CtIID=&crID=180&yrID=1975%2C2003) and United Nations Development Program, “Human Development Report: Congo, Dem. Rep of the,” Accessed online: <http://hdr.undp.org/statistics/data/countries.cfm?c=COD>

<sup>112</sup> Shearer, 89-10590.

<sup>113</sup> Séverine Autesserre, “Local Violence, National Peace? Postwar ‘Settlement’ in the Eastern D.R. Congo (2003–2006),” *African Studies Review* 49.3 (2006): 12. Also confirmed in interview 1.

lifestyle and the cronyism that was prevalent in his regime.<sup>114</sup> Eastern DRC suffered in particular, as Mobutu feared the possibility of civil uprising in that part of the country.<sup>115</sup> Despite Mobutu's efforts, however, as the country suffered, a rebellion movement started to form. In 1997, with the support of the Ugandan and Rwandan governments, Laurent Kabila led an alliance of Congolese rebel groups across the nation and wrested control from the Mobutu government.<sup>116</sup>

Kabila's movement was legitimized as a Congolese uprising against an oppressive and corrupt dictator. As David Shearer demonstrates, though, another reason that Kigali instigated the coup was to eliminate the threat of former genocidaire Hutu militias that operated out of the internally displaced camps along the border between Congo, Rwanda, and Uganda.<sup>117</sup> As mentioned above, Belgium had nurtured strong ethnic divides in their colonies; in Rwanda it was between Hutus and Tutsis. Tutsis were treated as the elite, given priority in a variety of areas, including education and employment. Following independence, the antagonistic relationship erupted in violence between the two groups on several occasions. It ultimately culminated in a genocide of Tutsis and moderate Hutus in 1994, a state-sponsored event orchestrated by Hutu extremists.<sup>118</sup> Following the genocide, millions of Hutus, including the génocidaires that were intimately linked to instigating and carrying out the atrocities, fled the advancing Tutsi-led Rwandan Patriotic Front (RPF). Many found themselves

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<sup>114</sup> Orogun, 25-25.

<sup>115</sup> Shearer, 89-105.

<sup>116</sup> Gïrard Prunier, "Rebel movements and proxy warfare: Uganda, Sudan and the Congo (1986-99)," *African Affairs* 412 (2004): 359-83., 381, Shearer, 89-105 89, Olsson and Fors, 321-23.

<sup>117</sup> Shearer, 89-92.

<sup>118</sup> See for instance, Human Rights Watch, Leave None to Tell the Story, 1 April 2004, Accessed online: <http://www.hrw.org/reports/1999/rwanda/>, Romeo A. Dallaire and Brent Beardsley, Shake hands with the devil: the failure of humanity in Rwanda New York : Carroll & Graf ; 2004., 2004), Samantha Power, A Problem from Hell: America and the Age of Genocide. (New York: Perennial, 2003).

living in internally displaced camps in eastern DRC, and Hutu militias began to form, staging attacks against Rwanda. These activities were ignored by Mobutu and thus motivated Rwanda to support an uprising. Paul Orogon also suggests that Rwanda was likely acting to protect the Banyamulenge population, a Rwandaphone Tutsi ethnic group persecuted under Mobutu's regime.<sup>119</sup>

Uganda's support for the coup was likewise motivated by more self-interested reasons than Congolese liberation. John F. Clark argues that it was primarily driven by President Museveni's desire to support his Rwandan ally.<sup>120</sup> Gerard Prunier alternatively maintains that it was part of the Uganda-Sudanese proxy war, as Uganda used the opportunity to strike at the Sudanese-backed Ugandan militia groups that were based in Congo.<sup>121</sup> In addition to their political-security concerns, Uganda and Rwanda both had economic incentives to establish a presence; Congo's rich natural environment provided an ample source of resources for extraction.<sup>122</sup> In essence, both Rwanda and Uganda had multiple interests in eastern DRC, and their support of Kabila's insurgency afforded them significant influence over the region.

Once in power, Kabila was unable to bring the stability that Rwanda and Uganda desired, and by August 1998 he faced an ironic twist in fate: eastern Congolese militia forces, backed by Kigali and Kampala, rose up against the

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<sup>119</sup> Orogun, 25-41 30 and Olsson and Fors, 325

<sup>120</sup> John F. Clark, "Explaining Ugandan Intervention in Congo: Evidence and Interpretations," The Journal of Modern African Studies 39.2 (2001): 283.

<sup>121</sup> Prunier, 359-83 374.

<sup>122</sup> Olsson and Fors, 321-36 321. In late 2005, the International Court of Justice in fact "ruled that Uganda violated the sovereignty of the Democratic Republic of Congo, plundered its natural resources and was responsible for human rights abuses when it sent its troops there." "Uganda Found Guilty of Invading, Looting DR Congo," The Monitor, 19 December 2005.

government.<sup>123</sup> Ugandan and Rwanda were distressed by Kabila's lack of action in eastern DRC. They attempted to (re)install a government that would prove more responsive to the Ugandan and Rwandan armed elements that thrived in eastern DRC's vacuum of power.<sup>124</sup> This was particularly the case for Rwanda, which publically announced its support of the Banyamulenge rebel group, the *Rassemblement Congolais pour la Democratie* (RCD), which rose against both Kabila and the former Rwandan *génocidaires*.<sup>125</sup> Supporting its ally, Uganda backed the RCD, and it also supported the Congolese Liberation Movement (MLC) that was engaged against anti-Ugandan militias.<sup>126</sup> But the Rwandan-Ugandan alliance eventually collapsed when the RCD split into two competing groups, the RCD-Goma, backed by Rwanda, and the RCD-ML, backed by Uganda.<sup>127</sup> The crisis ultimately brought five bordering nations to war within the DRC, causing "Africa's first world war."<sup>128</sup> The conflict ensued for two years before the parties were brought to a dialogue, which resulted in the Lusaka Ceasefire Agreement. This ended hostilities between the main states involved and called for the withdrawal of all foreign forces, the disarmament of internal militias and

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<sup>123</sup> "Mission Review: Democratic Republic of Congo," *Annual Review of Global Peace Operations 2006*, New York: Center on International Cooperation, Lynne Rienner Publishers, 2006): 73-80. See also Shearer, 89-105.

<sup>124</sup> Shearer, 89.

<sup>125</sup> Orogun, 29.

<sup>126</sup> *Ibid.* 32.

<sup>127</sup> RCD-ML is also known as RCD-Kisangani. Orogun, 32.

<sup>128</sup> The phrase was introduced to the discourse by Susan E. Rice, US Assistant Secretary for State for Africa. The five other nations included Angola, Namibia, Zimbabwe, Chad and Sudan, although Sudan did not provide military support. Shearer, 89-89 and 104. Kabila's forces were supported by Angola, Namibia, Zimbabwe, Chad and Sudan, facing "multiple rebels backed by Uganda and Rwanda." *Mission Review: Democratic Republic of Congo*, 3.

armed groups, and the deployment of a UN mission to observe and help maintain the agreement: so was MONUC born.<sup>129</sup>

## **2.2. Deployment of MONUC**

In an in-depth description of MONUC's political and military evolution, John Predergast and Philip Roessler separate MONUC's deployment into five phases.<sup>130</sup> The objectives of each phase were based on Security Council mandates and concepts of operation. The use of force was one of the tools that the Security Council gave MONUC to help achieve those objectives, but, as will be described below, it was not until Phase V that MONUC began to regularly use that tool.

### **2.2.i. Phases I and II: Disengagement mandate (August 1999 – November 2001)**

Following the Lusaka Ceasefire Agreement, under Resolution 1258 (6 August 1999) the Security Council authorized the deployment of 90 United Nations liaison personnel for a reconnaissance mission. A few months later, the council officially

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<sup>129</sup> "Ceasefire Agreement," Accessed online: [http://www.usip.org/library/pa/drc/drc\\_07101999\\_toc.html](http://www.usip.org/library/pa/drc/drc_07101999_toc.html) Accessed May 7, 2007; United Nations Peacekeeping Best Practices Unit, Operation Artemis: The Lessons of the Interim Emergency Multinational Force, October 2004, Accessed online: <http://pbpu.unlb.org/pbpu/download.aspx?docid=572>, 5; Philip Roessler and John Predergast, "Democratic Republic of Congo," Twenty-first-century Peace Operations, ed. William J. Durch, (United States Institute of Peace Press, 2006): 230.

<sup>130</sup> The thesis provides a summary of MONUC's evolution through the various phases. For a more comprehensive discussion, please see Roessler and Predergast, 229-318 and Henri Boshoff, "Overview of Military Strategy and Concept of Operations," Challenges of Peace Implementation: The UN Mission in the Democratic Republic of Congo, ed. Mark Malan and J. G. Porto (Pretoria, South Africa: Institute for Security Studies, 2003).

launched MONUC by passing Resolution 1279 (30 November, 1999), which authorized the deployment of 500 military observers to support the disengagement of the warring parties. The Security Council permitted a more significant presence on 24 February 2000 with Resolution 1291, which included a deployment of 5,537 military personnel to protect and support the observers.<sup>131</sup> Resolution 1291 also gave Chapter VII authorization to use force to protect UN assets and personnel, ensure freedom of movement for the UN, and to “protect civilians under imminent threat of physical violence.”<sup>132</sup> Yet despite Chapter VII authorization, MONUC was still considered an observer mission.

Even as an observer mission, MONUC faced a number of hurdles, including from Laurent Kabila’s government and UN member states.<sup>133</sup> Indeed, by January 2001, MONUC had only fielded 78 troops.<sup>134</sup> Although the Security Council eventually pressured Laurent Kabila’s government into allowing MONUC greater access throughout the country, violence continued to grow. The result was that “[b]y the end of 2000, the Congo found itself in a vicious cycle. The worse the fighting became, the more urgently UN peacekeepers were needed, and the less likely they were to be deployed.”<sup>135</sup> Under pressure from the Secretary-General, the conflicting parties met on 6 December 2000, resulting in new pledges to disengage. However, it was Kabila’s

<sup>131</sup> “Mission Review: Democratic Republic of Congo,” 74.

<sup>132</sup> United Nations Department of Peacekeeping Operations, MONUC: United Nations Organization Mission in the Democratic Republic of Congo, Accessed online: <http://www.un.org/Depts/dpko/missions/monuc/background.html>, accessed May 7 2007.

<sup>133</sup> “Kabila did not want to let UN forces deploy beyond the capital, and UN members’ [were reluctant] to place their troops in harm’s way. As a result, MONUC took three years just to reach its initial authorized capacity.” Roessler and Prendergast, 230.

<sup>134</sup> United Nations, Monthly Summary of Military and CivPol Personnel Deployed in Current United Nations Operations as of 31/01/01, 31 January, 2001, Accessed Online: [http://www.un.org/Depts/dpko/dpko/contributors/2001/Jan01\\_4.pdf](http://www.un.org/Depts/dpko/dpko/contributors/2001/Jan01_4.pdf)

<sup>135</sup> Further, MONUC faced ongoing resistance from Kinshasa, which caused a deteriorating relationship. Roessler and Prendergast, 265-6.

death on January 16, 2001, in fact, that provided an opportunity for MONUC to expand.

Laurent Kabila was succeeded by his son, Joseph Kabila, who fostered a better relationship with MONUC. Kabila's death also spurred the Secretary-General to revise the concept of operations for MONUC, resulting in a smaller military mission of 3,000 troops. The new concept was accepted by the Security Council with Resolution 1341 (2 February, 2001), resulting in a mission that would be more mobile to "monitor and verify troop disengagement... but at the cost of abandoning the protective elements of the mission's mandate."<sup>136</sup> UN members proved more responsive to this new mandate, and by October 2001, there were 2,408 armed UN personnel in the DRC, and "the secretary-general declared [Phase II] near completion."<sup>137</sup>

### **2.2.ii. Phase III: Disarmament mandate (November 2001 – May 2003)**

Following the disengagement phase, MONUC turned its attention to eastern DRC in order to ensure the complete withdrawal of foreign forces and the disarmament of internal armed groups. Phase III was launched with Resolution 1376 (9 November, 2001), which mandated MONUC's deployment to Kisangani and Kindu to help repatriate the foreign armed groups. Together, Ituri and the Kivus (North and South Kivu) encompassed a region of particular concern, due to the large number of internal and external armed groups. First, both Rwandan and Ugandan national armed forces remained deployed and active in the region. Further, there were a variety of violent ethnic militias in Ituri, and the Mayi-Mayi militias were widespread across the Kivus.

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<sup>136</sup> *Ibid.* 267-8.

<sup>137</sup> *Ibid.* 269.

Additionally, there were two Ugandan rebel groups, the Allied Democratic Forces/National Army for the Liberation of Uganda (ADF-NALU) and the Lord's Resistance Army (LRA). Finally, but presenting key security and political problems, there was le Forces Démocratiques de Libération du Rwanda (FDLR), a Hutu umbrella group that consisted of the Interahamwé, génocidaires, as well as Hutus who had not participated in the 1994 genocide.

Yet, "MONUC lacked the capacity to undertake the enormous task of disarming and repatriating" the armed groups, which numbered approximately 50,000 to 80,000.<sup>138</sup> Disarmament was stalled for months, until Kinshasa signed agreements with Kigali (30 July, 2002) and Kampala (6 September, 2002). In these agreements, the DRC promised to address the Rwandan and Ugandan rebel groups that used the DRC as bases of operations. In return, Rwanda and Uganda agreed to withdraw their troops, and by October 2002, Rwanda had in fact done so.<sup>139</sup> In response, the Security Council increased MONUC personnel to 8,7000 with Resolution 1445 (4 December, 2002) and accepted the Secretary-General's suggested new concept of operations. MONUC was expected to take a more active, but still supportive and non-robust, role in the Kivus by helping disarm the illegal armed groups.<sup>140</sup>

However, the disarmament of Rwandan fighters was blocked by FDLR leadership, Rwanda, and the RCD-Goma, which attacked groups of "Rwandan

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<sup>138</sup> *Ibid.* 273.

<sup>139</sup> *Ibid.* 270.

<sup>140</sup> This was to support the Pretoria Agreement, which was signed by the DRC and Rwanda on 30 July 2002 regarding the withdrawal of Rwandan forces. Uganda signed a similar agreement with the DRC at Luanda on 6 September 2002. United Nations Secretary General, Special Report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of Congo, S/2002/1005, 10 September 2002.

combatants waiting to enter the DDR program.”<sup>141</sup> Moreover, MONUC’s capacity in the Kivus was reduced when conflict broke out in Ituri, a region at the northern border of North Kivu. Still, by spring 2004, “the number repatriated had increased dramatically,” although there were still an estimated 10,000 – 30,000 Rwandan belligerents remaining in the Kivus, in addition to the estimated 17,100 militants in the Ituri armed groups.<sup>142</sup>

### **2.2.iii. Phase IV: Expanded mandate (May 2003 – August 2004)**

Although the Lusaka Agreement officially ended the war, conflict persisted, particularly in Ituri, where regional influences combined with prior land conflicts to ignite major hostilities, including multiple massacres, between the main ethnic groups. “At least 60,000 people died in Ituri between 1999 and 2003,”<sup>143</sup> and the situation rapidly became a major crisis, becoming a “theatre of spiralling violence bordering on genocide.”<sup>144</sup>

The ethnicity of the conflict had its roots in colonialism; Belgium had adopted the archetypical colonial ‘divide and conquer’ strategy, elevating the Hema tribe over the Lendu. The Hema were well situated post-independence, and rose to prominence under the Mobutu regime, skilfully manipulating his system “to their advantage and

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<sup>141</sup> Rwanda was motivated by a desire to continue to exploit minerals, and to keep “pressure for domestic political reform at manageable levels.” This was because once in disarmament camps, the Rwandan combatants may have begun to agitate for a more liberalized political system in Rwanda. Roessler and Prendergast, 276-7.

<sup>142</sup> Mission Review: Democratic Republic of Congo 77, and Roessler and Prendergast, 277-8

<sup>143</sup> Roessler and Prendergast, 279.

<sup>144</sup> International Crisis Group, Congo Crisis: Military Intervention in Ituri, (International Crisis Group, 2003): i. Hereafter referred to as ICG, Congo Crisis,

increas[ing] their economic domination.”<sup>145</sup> Hema and Lendu groups clashed during the Mobutu decades, primarily over land, but the broader DRC war both caused and allowed the ethnic conflict to escalate.<sup>146</sup> In the chaos of the wider conflict, Uganda established a major influence in Ituri; Kampala “trained and armed militias, sided with the Hema and manipulated rebel lieutenants to turn against their leaders.”<sup>147</sup> In response, the Rwandan and DRC governments both established proxy forces to combat both Uganda’s influence and its resource extraction.

In an effort to pacify the region, Angola facilitated a dialogue between Uganda and the DRC, which resulted in the 6 September 2002 Luanda Agreement. The key aspect of the agreement was that it called for the complete withdrawal of Ugandan forces from Ituri. However, Uganda’s presence was complicated; the Ugandan army had played a somewhat stabilising role, even as it fuelled the conflict. Ituri would only be further destabilized by the complete absence of external forces. MONUC was aware that it could not immediately replace the UPDF with its own security forces, so the mission appealed to Uganda to implement a phased withdrawal. Kampala demanded official authorization from the Security Council to remain, or they would withdraw immediately. The Security Council, however, “made clear its unwillingness to call on Uganda to stay on in Ituri,” even temporarily.<sup>148</sup> This was because such authorization would

encourage states to foment discord and anarchy in neighbouring countries, then benefit from that disorder through the exploitation of

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<sup>145</sup> ICG, Congo Crisis, 2.

<sup>146</sup> United Nations Peacekeeping Best Practices Unit, 3 and ICG Congo Crisis.

<sup>147</sup> ICG, Congo Crisis, 2.

<sup>148</sup> United Nations Peacekeeping Best Practices Unit, 4. See also ICG, Congo Crisis.

resources, and finally threaten an even greater crisis by hastily departing and leaving a security vacuum.<sup>149</sup>

Kigali placed particular pressure on Ugandan withdrawal, because Rwanda had earlier been forced to depart from the Kivus. Indeed, Rwanda threatened to intervene militarily if Uganda failed to leave immediately. Thus, by 6 May 2003, the Ugandan forces had completely withdrawn.<sup>150</sup>

Immediately prior to and following the Ugandan departure, security in Ituri deteriorated severely.<sup>151</sup> The Security Council condemned the militias responsible for various atrocities and requested “the Secretary-General to increase MONUC’s presence in the Ituri area” with Resolution 1468 (20 March 2003).<sup>152</sup> Yet only 4,159 troops were deployed in the DRC as of April 2003, less than half of the mandated 8,700.<sup>153</sup> Rather than sending a robust force, MONUC instead had to rely on a reserve Uruguayan battalion of 700 troops that had been “trained for static guard duty.”<sup>154</sup> The unit was accordingly unprepared and ill-equipped to properly address the security challenges in Ituri. Thus, despite the deployment of the Uruguayans, chaos ensued, engulfing Ituri in weeks of massacres, pillaging, ethnic cleansing, and unlawful

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<sup>149</sup> Roessler and Prendergast, 283.

<sup>150</sup> ICG, *Congo Crisis*, i.

<sup>151</sup> See especially Human Rights Watch, *Ituri: "Covered in Blood" - Ethnically Targeted Violence in Northeastern DR Congo* (Human Rights Watch, 2003), Accessed online: <http://hrw.org/reports/2003/ituri0703/>; United Nations Secretary General, *Fourteenth report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo*, S/2003/1098, 17 November 2003, 1-2. United Nations Peacekeeping Best Practices Unit, 7. Anneke van Woudenberg, "Ethnically targeted violence in Ituri," *Challenges of Peace Implementation: The UN Mission in the Democratic Republic of Congo*, ed. Mark Malan and J. G. Porto (Pretoria, South Africa: Institute for Security Studies, 2003): 189-207.

<sup>152</sup> United Nations Security Council, *Resolution 1468*, S/RES/1468, 20 March 2003.

<sup>153</sup> Even after including military observers and civilian police, the total force size was 4,735. United Nations Department of Peacekeeping, *UN Missions Summary of Military and Civilian Police*, 30 April, 2003, Accessed Online:

[http://www.un.org/Depts/dpko/dpko/contributors/2003/April2003\\_4.pdf](http://www.un.org/Depts/dpko/dpko/contributors/2003/April2003_4.pdf)

<sup>154</sup> Roessler and Prendergast, 281.

detentions.<sup>155</sup> In response, the UN Security Council authorized an international emergency force with full Chapter VII enforcement powers under Resolution 1484 (30 May 2003). The European Union responded with Operation Artemis, led by France, to restore order to Bunia.<sup>156</sup>

Operation Artemis was successful in establishing control of Bunia, particularly aided by its high quality of troops and equipment, intelligence gathering ability, air assets, and public information team.<sup>157</sup> However, Operation Artemis was deployed with a strict timeline, and it was scheduled for departure on 1 September 2003. With Resolution 1493 (28 July, 2003), the Security Council therefore adopted the Secretary General's recommendation to authorize and deploy a brigade to Ituri, as part of a larger and more robust MONUC.<sup>158</sup>

Resolution 1493 signified the key transition between MONUC's status as a monitoring mission to that of a robust operation. The Council authorized an increase in size to 10,800 troops and reaffirmed MONUC's mandate to "use all necessary means" in order to, *inter alia*, "protect civilians and humanitarian workers under imminent threat of physical violence."<sup>159</sup> Indeed, as Henri Boshoff lists them, the key mission objectives as of this phase included:

- Peace and security (stopping the killing and ending the violence);
- Facilitating the transition (towards free and fair elections; normal functioning of transitional government institutions)

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<sup>155</sup> ICG, Congo Crisis, 12 and United Nations Peacekeeping Best Practices Unit, 7 - 9.

<sup>156</sup> United Nations Security Council, Resolution 1484, S/RES/1484, 30 May 2003.

<sup>157</sup> United Nations Peacekeeping Best Practices Unit, 14 – 15, Boshoff, 141, and Alpha Sow, "Achievements of the Interim Emergency Multinational Force and Future Scenarios," Challenges of Peace Implementation: The UN Mission in the Democratic Republic of Congo, ed. Mark Malan and J. G. Porto (Pretoria, South Africa: Institute for Security Studies, 2003): 209-221.

<sup>158</sup> United Nations Peacekeeping Best Practices Unit, 15.

<sup>159</sup> United Nations Security Council, Resolution 1493, S/RES/1493, 28 July, 2003, 2 and 5.

- Support for the establishment of the rule of law and human rights (ending the culture of impunity);
- Improving human conditions for sustainable peace (address the tragic legacy of war);
- Support and management (reform MONUC).<sup>160</sup>

The Security Council authorized the use of force for a number of these objectives and in support of the Congolese military, the Forces Armées de la République Démocratique du Congo (FARDC). The result was that

MONUC had full enforcement power in Ituri, and limited enforcement power ‘within its capabilities’ for the protection of civilians and in the Kivus.<sup>161</sup>

Still, despite some robust responses to instances of militia targeting MONUC in Ituri, during 2004, MONUC generally had a limited role in providing security in both Ituri and the Kivus. In Ituri, MONUC focused on the deployment of the new brigade,<sup>162</sup> and the Force Commander outlined limited actions for the Kivus: “establish a UN presence... monitor and verify the activities of belligerents and provide support to [disarmament].”<sup>163</sup> A crisis in Bukavu city in South Kivu, however, forced the United Nations to realize that not only was the situation in eastern Congo still highly volatile, but MONUC lacked the resources and structure to effectively handle security crises, despite Security Council mandates that implied the contrary.

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<sup>160</sup> Boshoff, 136-7.

<sup>161</sup> Mission Review: Democratic Republic of Congo.

<sup>162</sup> United Nations Secretary-General, Third Special Report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of Congo, S/2004/650, 16 August 2004, 7-8. Hereafter referred to as Secretary-General, Third Special Report.

<sup>163</sup> Lawrence Smith, “MONUC’s Military Involvement in the Eastern Congo (Maniema and the Kivus),” Challenges of Peace Implementation: The UN Mission in the Democratic Republic of Congo, Ed. Mark Malan and J. Gomes Porto, (Pretoria, South Africa: Institute for Security Studies, 2003): 234-235.

### 2.2.iii.a. The Bukavu Crisis

Tensions had been high in and around Bukavu from early 2004; this was partly due to power struggles between former RCD commanders and the new Congolese national army, the FARDC. But there were also ethnic overtones, and the Banyamulenge population came to MONUC with “claims of harassment and genocide.”<sup>164</sup> Dissident commanders (officially with the FARDC but previously from the RCD) Generals Laurent Nkunda and Jules Mutebusi, ostensibly in response to these claims, began to move their forces towards Bukavu in May 2004, rising up against the “Kinshasa-appointed regional military commander in South Kivu.”<sup>165</sup> Their forces faced no resistance from the recently established MONUC Kivu Brigade, and Bukavu city was overrun, prompting “heavy looting and violence, including rape.”<sup>166</sup> Congolese officials and the general population reacted strongly, in some cases physically attacking MONUC personnel and property, blaming MONUC for not enforcing its mandate to protect civilians.<sup>167</sup>

An internal evaluation found a number of factors that contributed to MONUC’s lack of robust response, but assigns a large portion of the responsibility to breakdowns in command between headquarters and the brigade. Early into the crisis, the Kivu brigade commander issued orders for units to prepare for robust defensive operations if necessary. However, when he consulted his superiors in Kinshasa, MONUC headquarters issued the order to threaten but not brandish deadly force. The UN report

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<sup>164</sup> Secretary-General, Third Special Report, 9-11.

<sup>165</sup> United States Agency for International Development, “DR Congo: Complex Emergency Situation Report #4 (FY 2004),” 20 August 2004, Online: <http://www.reliefweb.int/rw/rwb.nsf/AllDocsByUNID/cc7b11c0c886ebba85256ef6006c743d>

<sup>166</sup> United Nations Best Practices Office, 7 and Secretary-General, Third Special Report, 9.

<sup>167</sup> Secretary-General, Third Special Report, 10.

found that the decision to forbid the use of force was brought about by senior leadership fears that Rwanda might “react with force if MONUC acted under Chapter VII” and in direct opposition to military and political field analysis and recommendations.<sup>168</sup> MONUC implemented a number of changes, which will be discussed further below, and subsequently began to use force robustly.

#### **2.2.iv. Phase V: Robust mandate (2005 – 2007)**

Phase V<sup>169</sup> essentially had the same mission objectives as did Phase IV. Resolution 1565 (1 October 2004), however, demonstrated that the Security Council expected MONUC to have a stronger approach to the belligerent elements. Unlike previous resolutions, 1565 immediately focused on the military component and mission mandate with its first three paragraphs.<sup>170</sup> The Security Council authorized a rapid deployment of personnel and ‘force enablers,’ such as attack helicopters. The language became broader when describing the mandated tasks that MONUC could use ‘all necessary means’ to accomplish, as the resolution authorized MONUC

to deploy and maintain a presence in the key areas of potential volatility in order to promote the re-establishment of confidence, to discourage violence, in particular by deterring the use of force to threaten the political process, and to allow United Nations personnel to operate freely, particularly in the Eastern part of the Democratic Republic of the Congo.<sup>171</sup>

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<sup>168</sup> United Nations Best Practices Office, 18.

<sup>169</sup> Roessler and Prendergast, 293.

<sup>170</sup> The initial paragraphs of previous resolutions tended to first focus on the Security Council’s positive reception of current developments or its condemnation of negative ones before turning to the role of MONUC.

<sup>171</sup> United Nations Security Council, Resolution 1565, S/RES/1565, 1 October 2004, 2.

Then, as Holt and Berkman describe, Security Council resolution 1592 of March 2005 “provid[ed] specific authorization to engage in coercive tactics.”<sup>172</sup> The revised role of MONUC was articulated by the Secretary-General:

The military component of the Mission can play a significant role in support of its political strategy to strengthen the transitional process by discouraging violence in volatile areas...the primary role of MONUC in deterring armed challenges to the transitional process is to use its political good offices to mediate disputes. When that fails, however, the transitional process cannot be held hostage to armed challenges, as was the case in Bukavu.<sup>173</sup>

A key objective of Phase V – held over from Phase IV – was that in addition to ensuring immediate peace and security in Ituri, and in order to address the underlying tensions, MONUC was committed to supporting the DRC’s transitional process towards democratic elections.<sup>174</sup> As part of this process, MONUC was mandated to support the disarmament of internal and foreign armed groups across eastern DRC.

MONUC faced a number of foreign armed groups and internal armed groups, and in the Kivus, there were three main belligerents. First, the FDLR, presented a particular problem, as it gave “Kigali justification for continued interference in the Congo and threats to invade.”<sup>175</sup> Second, the RCD had agreed to join the transitional process, but not all commanders took concrete measures to accept their status within the new Congolese army. Instead, dissident commanders maintained personal control over a number of contingents, and as the Bukavu crisis demonstrated, some of these

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<sup>172</sup> Holt and Berkman, 166.

<sup>173</sup> Secretary-General, Third Special Report, 21.

<sup>174</sup> International Crisis Group, Boshoff, 135-45, United Nations Secretary General, Second Special report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of Congo, S/2003/566, 27 May 2003.

<sup>175</sup> International Crisis Group, The Congo: Solving the FDLR Problem Once and for All, Africa Report No 25 ed. (International Crisis Group, 2005) 1.

elements were willing to use force to retain that control.<sup>176</sup> Finally, the Mayi-Mayi, constituted another internal armed group in the Kivus with multiple unique but allied forces.<sup>177</sup>

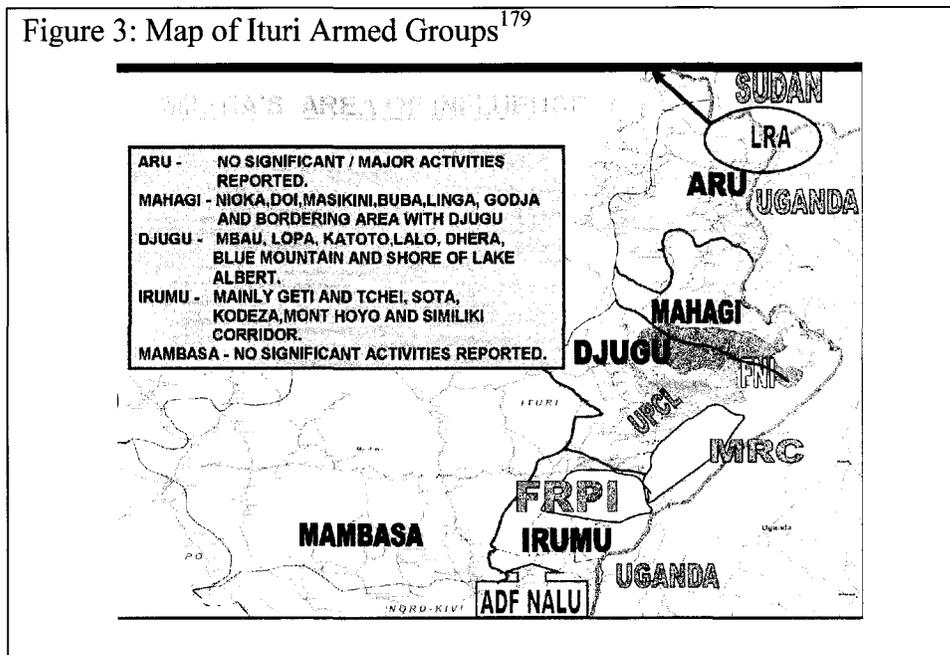
Ituri armed groups were more complicated. The formations and alliances of the various militia and political-military forces shifted constantly during and after the 2003 massacres. By the height of the violence in 2003, there were twelve major militia groupings, roughly divided into three groups: Hema, Lendu, and a mixed group of several other tribes.<sup>178</sup> In Phase V, three internal armed groups presented particularly high threats to civilians in Ituri: le Front des Nationalistes et Intégrationnistes (FNI), le Front de Résistance Patriotique de l'Ituri (FRPI), and le Mouvement Revolutionnaire Congolaise (MRC). Although their locations were fluid, by 2006 they were generally located as per Figure 3.

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<sup>176</sup> Secretary-General, Third Special Report.

<sup>177</sup> Hans Romkema, "The Situation in the Kivus," Challenges of Peace Implementation: The UN Mission in the Democratic Republic of Congo, ed. Mark Malan and J. G. Porto (Pretoria, South Africa: Institute for Security Studies, 2003): 224-228.

<sup>178</sup> ICG Congo crisis, 9.

Figure 3: Map of Ituri Armed Groups<sup>179</sup>

### 2.3. Conclusion

MONUC's first deployment in August 1999 was limited, consisting of a 90-person liaison group to determine the needs of a future force. Phase II (November 1999) expanded the UN's role as an official observer force with a small military force (February 2000) for protection of the observers and lasted until November 2001. During both phases, MONUC was only tasked to observe the ceasefire. In Phase III, the objectives expanded to include basic support for the disarmament of internal and foreign armed groups. This was followed by Phase IV that began in May 2003 and consisted of a major increase in MONUC's objectives to encompass, *inter alia*, the promotion of the transitional political system and peace and security. Yet MONUC did not use a large amount of force at this time. During Phase V, though, MONUC became "one of the more forward-leaning UN peacekeeping operations in terms of the use of

<sup>179</sup> Obtained during interview 36.

force.”<sup>180</sup> Thus, although Phase V objectives do not significantly differ from the previous phase, it involved a heavy use of force, signalling a key change for MONUC’s military role, as displayed in Table 1.

Table 1: Evolution of MONUC

Phase	Time period	Key resolution	Key Mission Objectives	Military tasks	Maximum Authorized Troop Strength
I/II	Aug 1999 to Nov 2001	1258 and 1279	<ul style="list-style-type: none"> <li>▪ Observe ceasefire</li> </ul>	<ul style="list-style-type: none"> <li>▪ Monitoring Force protection<sup>181</sup></li> </ul>	5,537
III	Nov 2001 to May 2003	1376 and 1445	<ul style="list-style-type: none"> <li>▪ Support repatriation of foreign forces</li> </ul>	<ul style="list-style-type: none"> <li>▪ Support disarmament</li> </ul>	8,700
IV	May 2003 to Aug 2004	1493	<ul style="list-style-type: none"> <li>▪ Promote peace and security</li> <li>▪ Facilitate transition</li> </ul>	<ul style="list-style-type: none"> <li>▪ Previous tasks</li> <li>▪ Security in Ituri and the Kivus</li> </ul>	10,800
V	Aug 2004 to present	1565 and 1592	<ul style="list-style-type: none"> <li>▪ Support establishment of rule of law and human rights</li> <li>▪ Improve human conditions</li> <li>▪ Reform MONUC</li> </ul>		16,700 <sup>182</sup>

In Phase V commanders were more willing to use force; the question that the thesis seeks to answer is: why did this occur? Security Council mandates provide a limited answer; there was little change in strategic objectives between phases IV and V. The thesis will instead describe how reduced disincentives (enhanced mission capacity) enabled incentives (drivers) to motivate the use of force.

<sup>180</sup> Roessler and Prendergast, 293.

<sup>181</sup> Including non-military UN assets and personnel.

<sup>182</sup> At times there were more than 16,700 troops due to temporary increases in deployment for elections-related reasons.

### Chapter 3. Removing a key disabler: mission capacity and the use of force

Academics and practitioners have established that one of the greatest disincentives for UN commanders to use force is that they simply lack the capacity to do so. Indeed, in the case of the Rwanda mission, a UN commissioned report<sup>183</sup> and the mission's force commander<sup>184</sup> both wrote scathing accounts of how even a modest increase in capacity could have allowed the UN to intervene more forcefully, or at least deterred some of the atrocities. An obvious but necessary area of analysis is therefore the role of mission capacity. As such, the first – and straightforward – hypothesis to explain the use of force is that:

*Hypothesis 1. UN commanders are more likely to use force when the mission's capacity increases.*

Capacity restraints had been as much a problem for MONUC as any other UN mission. As one interviewee pointed out, “you actually see implementation because MONUC was given the resources to act.”<sup>185</sup> A DPKO official stated that the quality of “troops and equipment matter. Some troops are better equipped; some are actively involved in conflicts [at home].”<sup>186</sup> Other interviewees at all levels confirmed the point that mission capacity was critical for MONUC to use force. Indeed, this area was the most frequently mentioned of all variables.<sup>187</sup> In 2003 when violence exploded in Ituri, MONUC was barely able to protect itself, and the mission was also not prepared when the “Bukavu Crisis” erupted in March 2004. In Phase V, however, the use of

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<sup>183</sup> United Nations, Report of the Independent Inquiry into the actions of the United Nations during the 1994 genocide in Rwanda.

<sup>184</sup> Dallaire and Beardsley, 562.

<sup>185</sup> Interview 71.

<sup>186</sup> Interview 66.

<sup>187</sup> Mission capacity was mentioned on 138 occasions. Interviews 1, 10, 16, 23, 27, 31, 34, 34, 35, 38, 41, 43, 45, 46, 48, 49, 53, 57, 61, 63, 68, 69, 70, 71, 73, 74.

force was enabled when MONUC was given greater mission capacity in five key areas: physical ability, administrative regulations, intelligence, communications, and command and control.

### **3.1. Physical ability: Troops and equipment**

For MONUC, the greatest disincentive to the use of robust force was the physical inability to act, because it lacked sufficient quantity of battle-prepared troops and force enablers, the equipment to support robust operations.<sup>188</sup> Troops that are expected to implement a robust mandate “need to be able to fight,” necessitating battle trained and prepared soldiers.<sup>189</sup> This problem was multiplied in the DRC because the terrain favours local belligerent elements; they are familiar with the territory and can hide in the dense foliage, easily evading patrols. Thus, the first way that MONUC increased its ability to use force was by enhancing its physical capacity to act.

As described above, the Security Council authorized several increases in troop size, and a number of countries agreed to provide battalion and brigade sized contingents. When the Ituri conflict broke out, MONUC only possessed half its mandated troops, but by mid 2003, MONUC had begun the deployment of Task Force II (the Ituri Brigade), which was to consist of 4,800 troops.<sup>190</sup> Conversely, by late 2004, with Resolution 1565, the Security Council had expanded the size of the mission to 16,700 military personnel.<sup>191</sup> This included three brigades of battle experienced and

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<sup>188</sup> Interviews 73, 74.

<sup>189</sup> Interview 74.

<sup>190</sup> Roessler and Prendergast, 286.

<sup>191</sup> United Nations Department of Peacekeeping Operations, Democratic Republic of the Congo - MONUC - Facts and Figures, Accessed online: <http://www.un.org/Depts/dpko/missions/monuc/facts.html>.

prepared infantry in Ituri, North Kivu and South Kivu, with Pakistani, Indian, Bangladeshi and Nepalese troops “all willing to take casualties” if necessary.<sup>192</sup> Further, “the Security Council authorized capacity outside of regular troops,” so the brigades were given heavy artillery in addition to several aviation units with attack helicopters for air support.<sup>193</sup> MONUC also began to use mobile operating bases (MOBs), whereby a unit was transported by air to a remote location where it established a base for approximately five to seven days.<sup>194</sup> This allowed MONUC to project and maintain a show of force into areas previously inaccessible to UN troops. However, these new capabilities, particularly aviation assets, were initially subjected to administrative regulations, which dampened their effectiveness.

### 3.2. Administrative regulations

Even if a UN mission possesses the necessary troops and equipment to act, they can still be restrained by UN regulations. For instance, as one DPKO interviewee pointed out,

most of the helicopters are military helicopters, but they are following civilian/UN rules... [So, the Force Commander and divisional Force Commander,] as UN staff... are not authorized to travel during operations with their own military people. Can you be more stupid than that? I don't think so. [pause] This is a problem... you can't have military observers... or [other civilians] like interpreters [on the flights]... so how can you do your job when you land without an interpreter?<sup>195</sup>

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<sup>192</sup> Interview 75.

<sup>193</sup> Interview 69.

<sup>194</sup> Brigadier General Maqsood Ahmed, "Concept of Mobile Operating Bases (MOBs) in UN Peacekeeping Operations," MONUC Force Review, ed. Zafar, Colonel Mohammad Ajmal (Kinshasa: MONUC, 2007): 14.

<sup>195</sup> Interview 68.

Regulations are governed by the Department of Administration (DoA); as one interviewee explained, in most UN missions, the head of the Department of Administration (DOA) usually arrives with the attitude of ‘here are the rules and here is how we get around them.’<sup>196</sup> The DOA in MONUC, however, enforced the rules rigorously, creating major problems for robust operations. For instance, militia camps are often inaccessible by foot, necessitating air drops, which were not originally allowed.<sup>197</sup> Further, according to one senior headquarters staff, “soldiers going on patrol in a helicopter, couldn’t get on board without a ticket... It was absurd.”<sup>198</sup>

UN regulations thus severely restricted MONUC’s ability to project its force into remote areas. As the DPKO interviewee asserted, “to do robust operations, you need air support to transport troops.”<sup>199</sup> Further, the mission was constrained from flying at night and in poor weather, which hampered MONUC’s basic ability to conduct robust operations. Yet, as the senior headquarters officer explained, this was not wholly the fault of the DOA.

Most nations would not allow night flying with the infrastructure [in the DRC]. Developed nations have a weather radar capability... Here, [the UN is] not going to resource a complete weather radar infrastructure.<sup>200</sup>

Such restrictions can have serious consequences for ongoing missions. For instance, a Guatemalan Special Forces unit was sent to Garumba Park in early January 2006 to conduct a reconnaissance of a Ugandan rebel group, the Lord’s Resistance

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<sup>196</sup> Paraphrased, Interview 51.

<sup>197</sup> Colonel David James, “The concept of robust military operations - challenges and responses,” *MONUC Force Review*, ed. Zafar, Colonel Mohammad Ajmal (Kinshasa: MONUC, 2007): 26; Interview 15. In fact, during field research, it required personal and public clearance from the SRSG for the DOA to allow the researcher to use MONUC transportation despite pre-authorization from DPKO, the SRSG, and FC.

<sup>198</sup> Interview 15.

<sup>199</sup> Interview 68.

<sup>200</sup> Interview 15.

Army (LRA).<sup>201</sup> According to one group interview, the unit was informed that any LRA presence would be limited to approximately twenty militia. This was a non-use of force mission as the Guatemalan unit was intended to simply observe the LRA. However, during an early morning patrol, they stumbled upon an LRA force sizeable enough to outnumber the Guatemalans, resulting in the capture of eight peacekeepers, who were subsequently tortured to death. The same group suggested that MONUC did not launch a robust operation in support of the reconnaissance unit due to night restrictions on air operations. Because the incident occurred before dawn, it was still considered night, and MONUC could not send in helicopters for robust air support and/or extraction.<sup>202</sup> In this case, administrative regulations restricted the ability to use force in support of a reconnaissance operation.

However, following discussions with the military, the DOA eventually softened the regulations, allowing the mission to undertake robust operations in a wider variety of situations.<sup>203</sup> For one, MONUC “receiv[ed] a number of waivers which [made] it possible to execute [the] military operations in a much more professional way.”<sup>204</sup> This made it easier to depart quickly, where it had previously taken days to receive authorization for flights. The increased force effectiveness will help prevent tragic results such as the Guatemalans experienced. However, the Garumba Park events illustrate another capacity issue: lack of proper intelligence.

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<sup>201</sup> Interview 7.

<sup>202</sup> Interview 9.

<sup>203</sup> Major General Patrick Cammaert, “Contemporary UN peacekeeping operations, problems and opportunities,” *MONUC Force Review*, ed. Zafar, Colonel Mohammad Ajmal (Kinshasa: MONUC, 2007): 10. Also confirmed in interview 15.

<sup>204</sup> Cammaert, “Contemporary UN peacekeeping operations,” 10.

### 3.3. Situational Awareness

UN missions often lack the technical and monetary tools necessary for effective intelligence gathering, which directly affects situational awareness. Troops will consequently be ‘situationally blind,’ or at least visually impaired.<sup>205</sup> Garumba Park demonstrated the effect of the lack of intelligence, as the LRA unit was approximately ten times larger than expected. While some countries conduct competitions in order to find the highest calibre officer for headquarters’ staff positions, some information officers may not possess the technical or substantive ability to adequately assess and provide information to commanders.<sup>206</sup>

Further, and even more damaging, MONUC lacks both the money (to pay informants) and the infrastructure (to gather electronic data) for intelligence gathering. As one commander stated, “intelligence is taboo,”<sup>207</sup> and MONUC cannot even do *information* gathering effectively, let alone intelligence gathering.<sup>208</sup> As a result, commanders often do not possess the basic information necessary to launch a robust operation. Indeed, one interviewee pointed out, “if you want to protect people from imminent threat... that presupposes foreknowledge.”<sup>209</sup> For instance, in July 2006, seven Nepalese peacekeepers were captured and held hostage for two months following a militia ambush of a joint MONUC-FARDC operation in Ituri.<sup>210</sup> Although MONUC possesses a Guatemalan unit that specializes in hostage extraction, MONUC did not launch a rescue mission. This was because they only possessed very basic

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<sup>205</sup> Interviews 9, 12, 74.

<sup>206</sup> Interview 14, 16 and personal observations.

<sup>207</sup> Interview 48.

<sup>208</sup> Interview 45.

<sup>209</sup> Interview 51.

<sup>210</sup> Interview 68.

information about where the hostages were being held, and without highly detailed information, “there [was] no way... [MONUC was] capable of mounting a hostage rescue operation.”<sup>211</sup>

Despite the lack of credible intelligence, MONUC commanders have been able to increase its information gathering ability by working with partner agencies. The first, and internal, source of information is from UN military observers (milobs). These are unarmed soldiers from a variety of countries that are placed in small units, usually four to six soldiers. The milobs serve as the mission’s ‘eyes and ears,’ interacting with locals to gather information and then coordinating with MONUC to convey that information back to the mission. Milob reports are incorporated into daily, weekly and flash situation reports to provide the mission with information about conditions in the mission area. While MONUC cannot establish military bases across the country, milobs are often able to better “interact with local authorities and communities, because they trust the milobs more than the contingents, which have weapons and arrive in armoured personnel carriers.”<sup>212</sup>

The second source of information is provided by civilian agencies, such as other UN agencies or NGOs. These actors are often even better able than milobs to integrate with local communities, and they can obtain information before the military.<sup>213</sup> Yet military and civilian organizations have notorious difficulties in coordinating, largely due to distrust and misunderstandings between civilians and

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<sup>211</sup> Interview 15.

<sup>212</sup> Interview 4.

<sup>213</sup> Interview 56.

military personnel.<sup>214</sup> To mitigate this problem, MONUC adopted an integrated approach to its mission, which included ‘cluster groups’ at every level of the mission. One cluster in which MONUC military participates is the ‘security cluster,’ whereby representatives of various UN agencies and NGOs meet to discuss the security situation, updates and future concerns. This information, however, must still be relayed between individuals and groups, and effective communication thus presents a fourth capacity area.

### **3.4. Communications**

Multiple interviewees cited proper communication as a problem area because of basic language barriers.<sup>215</sup> Although the DRC is French-speaking, MONUC’s language of communication is English, due to the lack of French-speaking military personnel. Thus, communication with locals – as well as the majority of international civilians – is restricted to English or requires translation. Further, observations during research implied that conversational ‘translation,’ even in security cluster meetings, is not generally provided by a trained interpreter; rather, it occurs when one member of a meeting is willing and able to provide informal translation.

Although this does not pose a significant problem for MONUC meetings, which are conducted in English, it can be problematic when MONUC officers attend external meetings where French is used. The presence of bilingual individuals does not ensure that all information is fully translated; both questions and their answers may lose important nuances. Indeed, at one meeting, the military presentation was read

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<sup>214</sup> Interview 44. See also James V. Arbuckle, *Military Forces in 21st Century Peace Operations: No Job for a Soldier*, 1st ed. Routledge, 2006) 194.

<sup>215</sup> Interviews 4, 38, 44, 45, 55, 57, 61, and 66.

from a prepared script by a French-speaking local civilian while the military representative responded to translated questions.<sup>216</sup> In the same meeting, the MONUC military officer was the only non-French speaker, and as the meeting moved from questions directed to MONUC, translation slowed and eventually halted completely, unless there was a question directly targeted to the officer.<sup>217</sup>

Even when a meeting is conducted in English, meaning may be lost, particularly for those with different linguistic and cultural backgrounds. For instance, the following paraphrased exchange occurred during one meeting between a political officer and military commander.<sup>218</sup>

**Civilian political officer:** Sometimes we become aware of security problems, but MONUC patrols are not there. If we tell you that there is a situation in certain location, can you send a patrol?

**Military commander:** Yes, we send patrols.

**Civilian political officer:** What I mean is, if we tell you about a specific situation, can we get you to send a patrol? For instance, yesterday in [location X]<sup>219</sup> there was a problem, but when we told your officers, nothing happened.

**Military commander:** [agitated] Yes, we send patrols to [location X]!

In this exchange, the civilian officer became frustrated and eventually gave up without a satisfactory answer to the question. In this case, there was likely a communication breakdown because the military officer did not completely understand

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<sup>216</sup> Personal observation.

<sup>217</sup> The researcher in fact observed a distracted military officer receive a phone call and leave the meeting and not return. However, it should be noted that the officer may rely on the Congolese civilian translator, who remained throughout the meeting, to provide a report on the discussion. Yet the translator took sparse notes, and this still means that the MONUC officer was not directly involved in the meeting, despite their presence.

<sup>218</sup> Personal observation.

<sup>219</sup> Location is not given in order to retain confidentiality of the meeting attendees.

the meaning behind what the civilian officer was asking. The civilian officer was attempting to create a more direct relationship in that the military would react to requests or information from the civilian branch of MONUC. The military officer, however, seemed to have heard the request as a challenge, that the civilian officer was questioning the efficacy or quantity of military patrols.<sup>220</sup>

Language barriers are not limited to military and civilian staff, as there can be multiple nationalities working within one military unit. Two soldiers that are both non-native English speakers would have communication problems as well. Thus, information sharing between various elements of the mission can be challenging; nuances and even entire meanings may be lost. However, MONUC has implemented one policy that has had a direct impact on this problem: homogenous brigades.

As described above, there are two brigades that are each entirely composed of troops from a single nation. According to senior leadership, “the unified brigade has an operational advantage over the other multinational brigades.” One reason is that homogenous brigades share a common language, instantly reducing communication problems between military staff, as they are able to use their native language (English or otherwise) in order to clearly convey orders and information. Further, civilians may have an easier time adjusting to communications with military personnel, because it would be likely that all military representatives would have similar cultural and linguistic backgrounds. This increase in communication effectiveness also directly contributes to better command and control, another issue that MONUC faced.

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<sup>220</sup> Of course, a less benign interpretation could be that the military officer was purposefully evading the question in an effort to, for whatever reason, avoid a deeper relationship with the civilian side of the mission.

### 3.5. Command and Control

For a UN mission, it is crucial to have effective command and control. This was highlighted by the Bukavu Crisis, when Nkunda faced no resistance from the recently established MONUC Kivu Brigade. In this case, the internal UN report pointed its finger at command breakdown at the highest levels. This was due to confusion over command coordination; it was unclear whether the decision was up to military or political leaders. The result was “the issuance of instructions from the civilian senior leadership that undermined the military chain of command and the military concept of operations during the crisis.”<sup>221</sup>

In order to separate the political from the practical aspects of the mission, the Security Council authorized an “Eastern Division” in Resolution 1565 (1 October 2004).<sup>222</sup> This Eastern Division was tasked to “oversee operations in the eastern part of the country,”<sup>223</sup> under command of a two star general who operated under the Force Commander and SRSG. The General Commanding Officer (GOC) of the Eastern Division was directly responsible for MONUC’s activities in the East, allowing the Force Commander to concentrate primarily with “political” and “diplomatic” issues in Kinshasa. The GOC was expected to provide leadership and general guidelines (“standing orders”) to the various brigades that are deployed in Eastern Congo.<sup>224</sup>

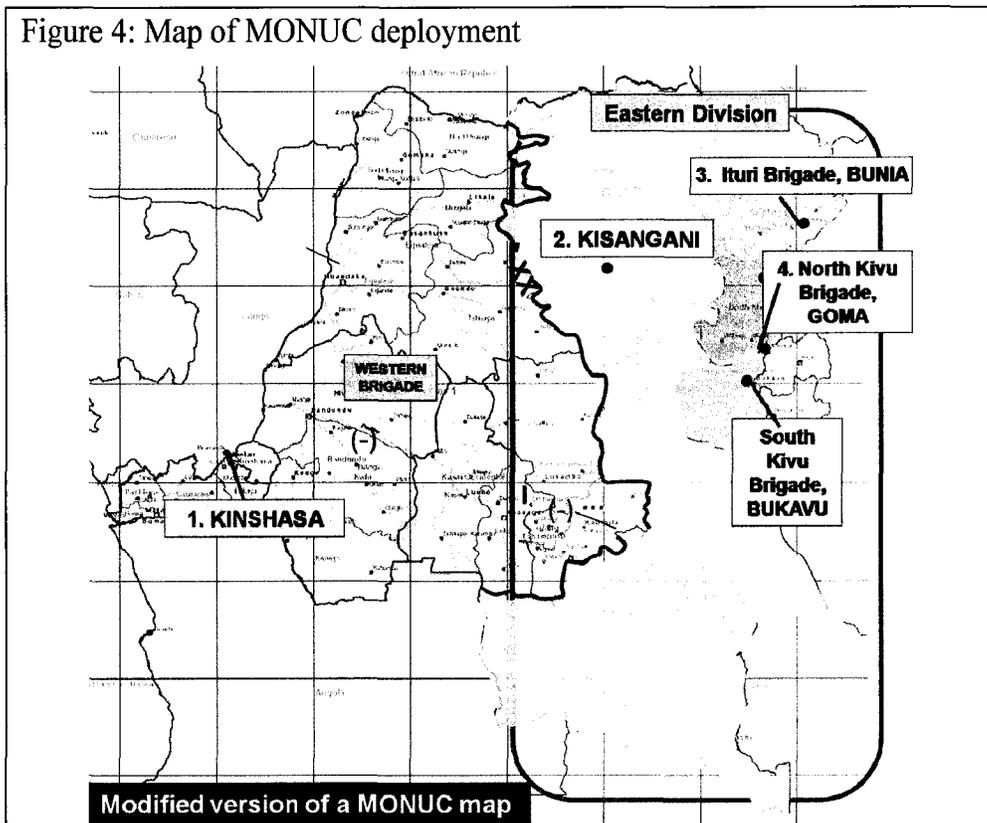
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<sup>221</sup> United Nations Best Practices Office 20.

<sup>222</sup> Roessler and Prendergast, 287-8.

<sup>223</sup> United Nations Mission in the Democratic Republic of Congo, Eastern Division, (Kisangani: Eastern Division Best Practices, 2006): 10.

<sup>224</sup> United Nations, Guidelines for Troop Contributing Countries to the United Nations Organization in the Democratic Republic of Congo (MONUC), (New York: Department of Peacekeeping Operations Military Division Force Generating Service, 2005): 33. Although the brigades are subject to division command, peace operations are subject to blurred lines between strategic, command and tactical decisions. Thus, orders may originate in division or strategic headquarters, but they also may be given at the field level by a brigade or battalion commander. Interview 15 and Secretary-General, Third Special Report, 21 – 23.



According to a UN best practices document, being organized as a command headquarters

gives [the Eastern Division] a cohesive, highly energetic, and disciplined feel and allows a high level of understanding of the urgency and importance of operational tasks, not to mention a willing sense of accountability in relation to tasking... [A] high level of transparency is given and the flow of information internally to the Division is smooth.<sup>225</sup>

Establishing an Eastern Division thus “made it easier for MONUC to be more operational [in the east]; they [were] not bogged down with administrative political details.”<sup>226</sup> Yet there is another, more subtle, problem that affected MONUC’s command and control: confidence between field commanders and headquarters staff.

<sup>225</sup> United Nations Mission in the Democratic Republic of Congo.

<sup>226</sup> Interview 73.

Command and control confidence is affected when field and headquarters do not agree whether force should be used. On one hand, often mentioned by senior leadership is that different contingents may have different interpretations of MONUC's mandate and rules of engagement. MONUC ground troops may not have the "mentality" for robust operations because of "improper understanding of the mandate," leading to the view that they should only use force in self-defence.<sup>227</sup> In the field, another officer asserted that because of rules and regulations, MONUC often effectively operates like a chapter six mission.<sup>228</sup>

On the other hand, there are times when field officers believe that there is too much risk involved with an operation ordered by headquarters. Indeed, one MONUC officer felt that his superiors blatantly ignored input from his brigade. The officer went on to describe his frustration that

the staffs are from different nationalities, basically from the Western [world] with some South African [soldiers] and some other nationalities who do not have troops here... Had there been one or two ... battalions [from the headquarters' countries], could [they] ask [us to use force] in the same way? To go to the jungle and incur casualties? ... In my opinion, they want casualties... peacekeepers as well as on Congo's side, the militias.<sup>229</sup>

In principle, troops in UN missions are subject to the UN chain of command and should follow a UN superior's orders. In practice, however, when uncertain, officers often 'check in' with their national superiors prior to carrying out a UN

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<sup>227</sup> Interview 14, and United Nations Mission in the Democratic Republic of Congo.

<sup>228</sup> Interview 31. The reverse also occurs, where field analysis may urge the use of force but headquarters says that force is politically impossible, as was the case in Bukavu. Although this can be viewed as a failure in training and/or leadership, it nonetheless has an adverse effect on the ability to use force.

<sup>229</sup> Interview 18.

order.<sup>230</sup> Even when they do not directly phone their national commanders, they are often operating under unofficial directives that may contradict UN orders. For instance, one interviewee observed that at least one MONUC contingent was given instructions of ‘no body bags,’ meaning that they must do everything to avoid casualties.<sup>231</sup> Indeed, a senior commander pointed out that

the UN doesn’t have some central staff training; we are all brought up through our national training... and it’s not a particular nation, but the multinationality... [Different nationalities] are uncertain... [when] somebody else from outside their country is giving them the order... well, if I was ordered by a [superior from my country] there would be no problems at all... [but] if somebody from another army orders me to fire... and being aware of the training that I’ve received [from my country]... people tend to be quite cautious before they open fire and... added to that caution is ‘I don’t know this chap... He’s from a different place.’ There will inevitably be an extra layer of caution.<sup>232</sup>

The same interviewee confirmed the existence of unofficial rules imposed by the troop contributing countries:

Unfortunately... there are stories of senior commanders on this mission whose unit had taken serious casualties, several dead, [and] their career is over. They are repatriated almost immediately and they are finished.<sup>233</sup>

Despite their informality, such orders, and fears of domestic repercussions, will directly curb a contingent’s willingness to conduct risky operations. This in fact occurred in the Bukavu crisis, where a contingent was given a direct order to defend the airport, using force if necessary. The command was, however, disobeyed by the battalion commander, who instead met with Nkunda and “agreed to hand over control

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<sup>230</sup> Interview 75. See also Chapter 1.

<sup>231</sup> Interview 78.

<sup>232</sup> Interview 15.

<sup>233</sup> *Ibid.*

of the airport.”<sup>234</sup> Today, MONUC headquarters personnel are generally aware of the general nature of troop restrictions, particularly if a contingent faces informal restrictions on its ability to use force. In these cases, the mission will assign such contingents to risk-free environments that will not put the contingent's home instructions at odds with the tasks assigned by senior leadership.<sup>235</sup>

### 3.6. Conclusion

This section reaffirms the common view that poor capacity acts as a disabler to the use of force. MONUC has been able to overcome these limitations in a number of ways, including an increased number of troops that are prepared for battle, an easing of administrative regulations, better interaction with locals and civilian agencies for information gathering, homogenous brigades and enhanced command and control through an Eastern Division. This has eased the capacity disabler, thereby enabling the use of force by eliminating a prior disincentive. However, it does not adequately explain the drivers behind the use of force.<sup>236</sup>

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<sup>234</sup> United Nations Best Practices Office 15. Also confirmed in interview 84.

<sup>235</sup> Interview 75.

<sup>236</sup> As mentioned above, there is the possibility that commanders may use force for the sake of demonstrating its importance in order to prevent the Security Council from taking back the additional troops and/or equipment. Or, for nationalistic reasons, commanders may wish to demonstrate their countries' ability to act robustly.

## **Chapter 4. Five drivers behind MONUC's use of force**

### **4.1. Introduction**

During UN operations, commanders will face situations where they must determine whether or not the use of force is justified. Self-defence, or force protection, has always been a legitimate reason to use force; peacekeepers could always react robustly to protect themselves and other UN personnel. As described in the research framework, however, recent UN operations have been authorized to use “all necessary means” to carry out other mandate objectives. This phrase is a euphemism for robust rules of engagement (ROEs) that allow peacekeepers to use up to lethal force, beyond self-defence. Several UN missions that possessed but did not make use of robust mandates faced criticism for not using force to stop violence against civilians and/or to prevent situations from deteriorating to the point of renewed conflict. The previous chapter described the increase in MONUC's capacity that enabled commanders to make use of force decisions. Yet, our understanding is incomplete without looking at the situations considered by commanders as justifying the use of force.

While some interviewees – including three senior commanders – referred to the mission's ROEs as providing answers as to when force can be used,<sup>237</sup> ROEs only provide general guidance as to when force can be used, rather than conferring specific requirements as to whether force should be used. Further, there is no international peacekeeping doctrine to which a commander can turn, and strategic objectives set by the Security Council are imprecise for command decisions. It is thus difficult for field

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<sup>237</sup> One of the most senior commanders of the mission stated that “the most important issue is the rules of engagement because all the decisions to use force are based on what are we allowed to do and what are we not allowed to do.” Interview 14. Also interviews 12, 15, 18, 23, 38, 57, and 63.

commanders to determine when a situation warrants forceful action. Indeed, a senior MONUC decision maker pointed out the difficulties, questioning

How far do you use [robust] force? [If t]here is a standing threat, do we pursue war against that standing threat? Do we just keep defending the population? Become a defence? Or do you become an offensive force protecting the population against an armed group that threatens the very existence of a group of civilians? Or do you just keep trying to protect when and if the threat materializes?<sup>238</sup>

Because the Security Council only provides broad directions in their mandates, commanders need to make decisions based on their perception of the mission objectives and the situation in the field. When the pursuit of a mission objective is perceived by a commander as warranting the use of force in the field, it acts as a driver, motivating the use of force. As commanders perceive more objectives that warrant the use of force and/or more field situations that necessitate the use of force, force becomes more likely. Consequently,

*Hypothesis 2. UN commanders are more likely to use force when they perceive drivers to doing so.*

This chapter will show that the hypothesis holds for MONUC commanders, as they perceived five drivers in the DRC: stopping direct (ongoing or imminent) threats, preventing future direct threats, protecting the FARDC, preventing external interference, and ensuring mission credibility in general. In order to coherently present these drivers, the following section draws from interview data to present the three concepts in abstract. The subsequent section will use fifteen cases of robust operations by MONUC to illustrate the various concepts in practice, demonstrating that forceful operations are often employed on behalf of multiple objectives.

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<sup>238</sup> Interview 54.

## 4.2. Overview of MONUC's drivers to use force

As an integrated mission, MONUC's list of objectives is neither simple nor small, and mission personnel, including peacekeepers, are called upon to conduct a wide variety of tasks. Indeed, MONUC's military personnel have contributed far beyond their traditional military duties, such as providing support for the DRC elections. This is due to the general aim of the mission, which is to assist the DRC's transition to a peaceful government and society. MONUC has a number of tools to achieve its broad set of tasks, including robust force, to achieve its objectives. Force is thus authorized for, *inter alia*, civilian protection and, more generally, "to contribute to the improvement of the security conditions in which humanitarian assistance is provided"<sup>239</sup> In the field, commanders have therefore understood that the basic reason behind the use of force was the pursuit of general security. As one interviewee asserted, it was "clear in our mind... It was our task to bring peace and security."<sup>240</sup> Another stated that "in the case of MONUC, [the mandate] is to establish an environment that is safe and secure enough for the elections to happen."<sup>241</sup> This broad interpretation combined with an insecure environment to cause MONUC commanders to translate the mandate into five specific drivers to use force in the DRC.

### 4.2.i. Stopping direct threats against civilians

One of the main drivers perceived by MONUC commanders is civilian protection in its most fundamental interpretation: a response to direct violence against civilians. Operations in pursuit of this objective are reactive in the sense that a

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<sup>239</sup> Resolution 1493, 5; Resolution 1565, 2; Resolution 1592, 3.

<sup>240</sup> Interview 34.

<sup>241</sup> Interview 6.

commander is making a decision to directly protect a *specific* group of civilians from a *specific* threat. There are two ways in which this can occur; the first is when a commander learns of an ongoing attack and sends a unit to stop the violence. The second type of reactive operation is when a commander receives sufficient forewarning of an imminent attack to launch an operation either to defend the civilians or to intercept the belligerent group before they reach their intended targets. In this second case, the commander is reacting to an imminent danger facing civilians.

Today, protection of civilians against direct violence is widely regarded as providing a justified incentive to use force in POs.<sup>242</sup> This lesson particularly came from Srebrenica, where a Dutch contingent did not stop Serb forces from entering the ‘safe zone’ and subsequently brutalizing civilians, massacring between 7,000 and 8,000 Bosniak men.<sup>243</sup> The lesson also emerged from Rwanda, where a UN mission proved impotent against genocidal forces. After the 2004 Bukavu crisis, MONUC was criticized internally, locally and internationally for its lack of reaction to the attack by the FARDC Generals Nkunda and Mutebusi on Bukavu city in 2004.<sup>244</sup> The severe and widespread criticism of MONUC’s lack of robust action speaks to the contemporary understanding that when belligerent groups present a violent threat to civilians, force is not only allowed but in fact expected. This lesson has been adopted by MONUC

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<sup>242</sup> See the International Commission on Intervention and State Sovereignty, and Holt and Berkman.

<sup>243</sup> United Nations, ICTY Judgment in the case of Prosecutor vs Radislav Krstic, 19 April 2004, Accessed online: <http://www.un.org/icty/krstic/Appeal/judgement/krs-aj040419e.pdf> and United Nations Secretary-General, Report of the Secretary-General pursuant to General Assembly resolution 53/35: The fall of Srebrenica.

<sup>244</sup> See Chapter 2, and Human Rights Watch, D.R. Congo: War Crimes in Bukavu, June 2004, Accessed online <http://hrw.org/english/docs/2004/06/11/congo8803.htm>; “Occupation de Bukavu par L. Nkunda : les étudiants déplorent l'inaction de la Monuc,” All Africa, 7 June 2004; “Anti-UN demos in at least five DR Congo towns, one dead in capital,” Agence France Presse, 3 June 2004; United Nations Peacekeeping Best Practices Unit.

commanders; indeed, as one staff officer asserted, the “first objective in MONUC is the protection of civilian lives.”<sup>245</sup>

Yet, despite enhancements, MONUC still faces a capability gap in terms of proper reaction time to belligerent attacks. Militia attacks are often swift and distant; this, combined with insufficient transportation and intelligence capabilities, means that UN operations are often unable to respond soon enough to stop civilian attacks.<sup>246</sup> Moreover, MONUC battalions are only deployed to a few strategic locations, leaving large areas of the region vulnerable to attack. To be effective, then, UN missions have turned to proactive operations, which are justified by the perceived need to prevent attacks.

#### **4.2.ii. Preventing future threats through coercive disarmament and disruption of belligerent activities**

In order to be more effective, MONUC began to conduct proactive operations, taking the initiative to seek out belligerent groups. The motivation behind this driver was to coerce the disarmament of belligerent groups and to disrupt their activities. This was explicitly authorized in March 2005 with Resolution 1592, which stated that

MONUC may use cordon and search tactics to **prevent attacks on civilians and disrupt the military capability** of illegal armed groups that continue to use violence in those areas.<sup>247</sup>

MONUC leadership and commanders determined that this meant that it was unacceptable to wait for belligerents to attack civilians, referring to these activities as civilian protection from ‘ongoing imminent violence.’ According to one senior officer,

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<sup>245</sup> Interview 6.

<sup>246</sup> Interview 34.

<sup>247</sup> Emphasis added. Resolution 1592, 3.

the interpretation of the mandate to protect civilians needed to be wide, as they could not wait for a “smoking gun.”<sup>248</sup>

Part of the reasoning behind the prevention of future threats as a driver clearly results from the capabilities gap; neither the UN nor the FARDC have the capacity to station protective forces everywhere in eastern Congo.<sup>249</sup> The second part of the rationale relates to the fact that the belligerent groups have exhibited the willingness and ability to attack civilians. Without tangible evidence to the contrary, MONUC has determined that it is not unreasonable to suspect future attacks, particularly in areas subject to recent and frequent episodes of communal violence. Indeed, MONUC ROEs allow for force to be used against belligerent groups who exhibit hostile intent, and commanders have perceived this as including *ongoing* hostile intent.<sup>250</sup> As the former GOC of the Eastern Division maintains,

[H]ow imminent is imminent? Do we need to wait for a smoking gun to use force up to deadly force? UN soldiers have been witnesses several times to scenes of the most brutal violence... The perpetrators fled to the bush after their criminal acts waiting for the next opportunity to do it again... MONUC must immediately respond to find the threat and deal with it... and, sometimes, the only way to implement disarmament is through the (proactive) use of lethal force... Through continued attacks... [belligerents] set a historic precedent and formed an imminent threat demonstrating an **ongoing** hostile intent. According to the ROEs “only a reasonable belief in the hostile intent is required before the use of force is authorized.”<sup>251</sup>

Ongoing hostile intent, or ongoing imminent threat, has been used by MONUC to justify a variety of operations that are intended to coerce militant groups to disarm and, in the interim, displace them into less populated areas. Thus, MONUC

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<sup>248</sup> Interview 14.

<sup>249</sup> Interviews 48 and 52.

<sup>250</sup> Interview 54 and Holt and Berkman, 165-166.

<sup>251</sup> Emphasis in original text. Cammaert, “Contemporary UN peacekeeping operations,” 8-9.

commanders have launched operations to clear territory of illegal armed groups or to capture top militia leaders.<sup>252</sup> Although MONUC commanders refer to such activities as pre-emptive civilian protection, they are better understood as prevention missions, because despite the ‘ongoing hostile intent’ of the belligerents, they do not present an *imminent* threat to civilians.<sup>253</sup>

#### 4.2.iii. Protecting FARDC

Similar to the situation where the UN provides protection to civilians facing direct violence, MONUC commanders will also use force to defend or support the national army against belligerent attacks. This is because MONUC is deployed in support of the government and, by extension, the national armed forces. Usually this means that the UN has a supportive role in ensuring security; for instance, during robust activities, MONUC is usually a partner in FARDC-run operations.<sup>254</sup> As a MONUC officer asserted, “MONUC's support to FARDC is [intended] to bring security.”<sup>255</sup> However, the FARDC “as of mid-2005 remained significantly underprepared for the complexity and dangers of the task at hand.”<sup>256</sup> The credibility of the FARDC, ostensibly MONUC’s security partner, was poor, as the soldiers were known to flee battles, including those that they initiated.<sup>257</sup> According to one senior

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<sup>252</sup> United Nations Secretary-General, Twenty-Second Report of the Secretary-General on MONUC. S/2006/759, 21 September 2006.

<sup>253</sup> Imminent threat requires that the commander is able to identify which civilians are under threat from the armed group. That is, the belligerents are actively moving to attack civilians, or the commander has credible information that they will do so shortly.

<sup>254</sup> Interview 14, 15, 41, 46, 48, and 55.

<sup>255</sup> “MONUC Gets Tough on Foreign Armed Groups,” UN Integrated Regional Information Networks. 22 March 2006.

<sup>256</sup> Roessler and Prendergast, 297.

<sup>257</sup> Interview 47.

MONUC commander, even “in joint missions, the FARDC often runs away.”<sup>258</sup> As a result, MONUC has often taken the lead role in ‘joint’ operations, but this has expanded to the point where the UN is required to protect the Congolese army or retake positions that they lost to the militias.

Operations to protect the national army are justified by the fact that if belligerents were allowed to prevail over national forces, further conflict would likely erupt, as belligerents would gain confidence in their ability to defeat the national military. Indeed, this is a primary reason for the mandate to support the national army, particularly when a militant group attacks a strategic position. Not only could it boost belligerent confidence, but it would also provide them with a strategic location from which to launch further attacks. Thus, support of the FARDC against belligerents will serve as a driver for MONUC commanders to use force.

#### **4.2.iv. Preventing external interference**

A fourth way that UN forces seek to ensure peace and security is by averting external - usually regional - actors from interfering in the internal affairs of the state to which the mission is deployed, particularly because the intervening actor can cause the conflict to intensify.<sup>259</sup> External involvement is a significant concern for MONUC, given the history of regional intervention in the DRC. Multiple states have militarily intervened in the DRC, though none as heavily as Rwanda and Uganda. Both of these

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<sup>258</sup> Interview 15.

<sup>259</sup> For example, United Nations Secretary-General, [Eighteenth report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo](#), S/2005/506; United Nations Secretary-General, [Twenty-First Report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of Congo](#), S/2006/390, 7. Hereafter referred to as Secretary-General, [Eighteenth Report](#) and Secretary-General, [Twenty-First Report](#).

states have deployed their national forces officially and illicitly to eastern DRC for national security as well as resource extraction reasons.<sup>260</sup> In so doing, they played key roles in arming and training local militant groups.<sup>261</sup> Thus, once Rwanda and Uganda withdrew their forces, MONUC was acutely aware that any re-deployment would be detrimental to the security situation. Not only could they become re-involved in arming militia groups, but the DRC government would likely react strongly, deploying the national armed forces against them and possibly re-igniting a regional war.<sup>262</sup> Consequently, a fourth driver for MONUC's use of force is the prevention of incursions by external actors, particularly Rwanda and Uganda. Indeed, both countries placed constant pressure on MONUC to use greater force against the foreign armed groups in the east.<sup>263</sup>

#### 4.2.v. Mission credibility

The previous four drivers were directly related to the mission's mandate, but there is one final driver that is more general. PO history and MONUC's specific experience have taught commanders that to be effective, the UN must be viewed as a credible security force. This is a pervasive issue for all aspects of the mission, and credibility was described by one military interviewee as being the most critical component regarding the decision to use force, "because once it is lost, [MONUC would] have to work exceptionally hard to gain it back... using military force is a last

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<sup>260</sup> See Chapter 2 and Autesserre, 8.

<sup>261</sup> Autesserre, 6

<sup>262</sup> Interview 75 and United Nations Secretary-General, Report of the Secretary-General pursuant to paragraphs 10 and 14 of Security Council resolution 1649 (2005), S/2006/310, 22 May 2006.

<sup>263</sup> Interviews 49, 53, 68, 70, and 73.

resort, but also a form of coercion, an influential force.”<sup>264</sup> As a Kinshasa staff officer stated, MONUC needs to have “a strongman image. To earn respect, you must take respect.”<sup>265</sup> Otherwise, belligerents may believe the UN forces to be ‘paper tigers’ unable or unwilling to react to violence, and they will be more willing to undertake hostile activities. Conversely, if the UN demonstrates its ability to use force, “the militias [will] fear the UN, and they will withdraw.”<sup>266</sup> Thus, commanders perceive a final driver to use force due to the perception that MONUC can establish a secure environment by ensuring mission credibility through proactive operations. The incentive is to demonstrate that the UN is in fact both willing and able to apply robust force against belligerent elements.

#### **4.3. MONUC’s drivers to use force in Ituri and the Kivus**

Although the chapter has thus far described the five drivers separately, in reality most commanders are motivated by more than one concept in their use of force. This section will thus review the drivers behind several uses of force.<sup>267</sup> As introduced above, in 2005 MONUC established an Eastern Division to directly undertake a more robust campaign in the east. The Eastern Division was given three full brigades with battle-ready infantry battalions as well as force enablers, such as attack helicopters, and a number of other specialized units, including a Special Forces team. The three brigades were located in Ituri, the location of the massacres that initially propelled

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<sup>264</sup> Interview 5.

<sup>265</sup> Interview 7.

<sup>266</sup> Interview 64. Other interviewees confirmed the widespread view that MONUC could act as a deterrent. Interviews 1, 38, 48, and 72.

<sup>267</sup> For a list of these and six other robust operations, see the appendix; for an interactive map of the various deployments, visit <http://maps.google.com/maps/ms?ie=UTF8&hl=en&msa=0&msid=106351615668254954048.000001134aca254cfb915&z=6&om=1>.

robust operations, and North and South Kivu, the birthplace of Congo's recent wars. In both Ituri and the Kivus, MONUC proceeded to use force to pursue a variety of objectives, usually in collaboration with the national army.<sup>268</sup>

#### 4.3.i. Ituri

Operations in Ituri particularly demonstrate the breadth of drivers available to motivate the use of force. As previously described, Ituri was the site of widespread violence at the hands of a variety of militia groups. Following an EU intervention mission, MONUC deployed a greater capacity to respond to the militant threat in Ituri. With battle-experienced Nepalese (NepBatt), Bangladeshi (BanBatt), and Pakistani (PakBatt) infantry battalions, attack helicopters, active encouragement from the SRSG and the overarching direction from the GOC and Eastern Division staff officers, MONUC's Ituri Brigade turned to proactive operations against belligerent groups.

In Phase V, the Ituri Brigade launched a series of aggressive cordon-and-search operations directed at the various internal armed groups operating within Ituri. The first one – Operation Loga – occurred directly after an ambush by the FNI that “killed nine Bangladeshi peacekeepers in February 2005.”<sup>269</sup> MONUC's response resulted in the deaths of 50 militiamen.<sup>270</sup> In this case, the incentive may have been simple

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<sup>268</sup> Due to interview restrictions, for cases prior to December 2005, the research draws primarily on news sources. For cases since then, primary interview sources are used in conjunction with news media.

<sup>269</sup> Holt and Berkman, 165

<sup>270</sup> The deaths were described by the Secretary-General as occurring “in self-defence” when the militia began to fire on the peacekeepers during the operation. “DRC: UN Troops killed 50 militiamen, anon says” 4 march <http://www.irinnews.org/report.aspx?reportid=53269>. The deaths of the militia were a result of tactical ‘self-defence’ by UN soldiers, but it was a Chapter VII operation because it was launched with the intention of destroying an FNI camp. Roessler and Prendergast, 298

revenge,<sup>271</sup> but another plausible incentive would be the need to demonstrate willingness to use force and thereby advance MONUC's credibility among the militia forces. As a former political affairs officer maintained, it was an "important step because the [MONUC] response was to use force, not withdraw."<sup>272</sup> Had the UN not reacted to an ambush by the militias, that group and others may have gained confidence to stage further attacks, which could degrade the security environment as well as place UN personnel in harm.

Even if the incentive for the March 2006 operation was revenge, however, it represented only the first in a series of aggressive activities, which had broader incentives than simple reprisal. As Victoria Holt and Tobias Bergman explain, throughout 2005 "MONUC compelled disarmament of militias through aggressive cordon-and-search operations, intended both to force armed groups to join the DDR program and to pre-empt attacks on local civilians."<sup>273</sup> Indeed, even after the SRSG's 1 April 2005 ultimatum for militias to disarm, the Ituri Brigade "continued robust operations against militia fighters who refused to disarm."<sup>274</sup> For instance, in late August 2005, the brigade launched a major operation "in the framework of the overall fight against insecurity and to keep pressure on the 'aggressors' who [were] still a danger in the region."<sup>275</sup>

Another series of operations occurred in the fall of 2005, near the southern shores of Lake Albert and the Ugandan border. First, from 9 – 24 September 2005, the

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<sup>271</sup> William Maclean, "Congo braces for fresh turmoil after bloody clash," Reuters Foundation, 2 March 2005, Accessed online:  
<http://www.reliefweb.int/rw/rwb.nsf/0/75e649f48c731cae85256fb800650839?OpenDocument>.

<sup>272</sup> Interview 75.

<sup>273</sup> Holt and Berkman, 165

<sup>274</sup> Roessler and Prendergast, 298

<sup>275</sup> "UN launches major security push in northeast DR Congo," Agence France Presse, 24 August 2005.

mission carried out Operation Aveba Boga against a variety of armed groups in the Aveba region.<sup>276</sup> Two months later, Operation Ituri Enthusiast was initiated, targeting another group and resulting in the deaths of thirty-nine militiamen and two FARDC soldiers.<sup>277</sup> As part of this operation, on 18 November 2005 near Lake Albert, the Ituri Brigade and the FARDC destroyed a rebel camp and recaptured Semliki village. Semliki was the location of a large number of militia soldiers and a key strategic point in terms of traffic between Uganda and the DRC.<sup>278</sup> Following the success of the Semliki operation, by 22 November 2005, MONUC engaged in another joint-FARDC offensive against a militia group near Aveba that resulted in the deaths of fifty-nine militia members. Similar to the Semliki operation, it was designed to displace the belligerents to make the region more secure.<sup>279</sup>

The robust activities in 2005 are indeed thought to have led to the massive disarmament of over 15,000 fighters.<sup>280</sup> By 2006, though, a number of belligerent forces remained in Ituri, including the Front des Nationalistes et Intégrationnistes (FNI), a group that continued to present a consistent threat to civilians in northern Ituri. After the group's then-leader surrendered in 2005, leadership was taken up by Peter Karim.<sup>281</sup> Despite MONUC's operations, by November 2005, he had seized Nioka town, north of Bunia, and used it as a base of operations.<sup>282</sup> In reaction to Karim's

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<sup>276</sup> Interview 36.

<sup>277</sup> It is unclear how many died at the hands of the FARDC as opposed to MONUC soldiers. Information obtained from a list of information about MONUC's robust operations provided by a DPKO interviewee.

<sup>278</sup> "DR Congo: Some 19 militiamen killed in UN-army operation," BBC, 16 November 2005.

<sup>279</sup> "Almost 60 rebels killed during DR Congo/UN operation," Agence France Presse, 22 November 2005.

<sup>280</sup> Holt and Berkman, 165; Roessler and Prendergast, 298, and Interview 63.

<sup>281</sup> Interview 36 and Crispin Nlanda, "Close to 6,000 militiamen to surrender their weapons in Ituri," MONUC 30 November 2006, online: <http://www.monuc.org/news.aspx?newsID=13298>

<sup>282</sup> "UN forces in hit on rebels," Geelong Advertiser, 26 Dec 2005

increasing control over the region, MONUC jointly launched Operation Ituri Eden with the FARDC on 19 December 2005 and by 22 December, they had successfully removed the FNI from Nioka, killing approximately 30 militia soldiers.<sup>283</sup>

Though the FNI militiamen remained dispersed, they continued to attack civilians, the FARDC and MONUC, and on 18 April, Karim seized Bule town.<sup>284</sup> However, after MONUC responded, and “[l]ater in the day, two platoons from the Nepalese battalion and some 40 FARDC troops recaptured Bule.”<sup>285</sup> Consequently, on 20 May 2006 MONUC launched Operation Ituri Element-III, a joint FARDC operation that was intended to “to capture the FNI militia leader [Peter Karim] and clear the area.”<sup>286</sup> Yet, on 28 May 2006, the FNI ambushed MONUC and FARDC troops and captured seven Nepalese peacekeepers. This led to crisis talks between MONUC and the FNI, which ultimately resulted in the release of the UN hostages unharmed.<sup>287</sup> During the negotiations, Karim also indicated a willingness to enter disarmament discussions. Those discussions, facilitated by MONUC, culminated with the DRC government extending Karim an offer to join the FARDC as a colonel and Karim agreeing to disarm his militia. In the fall of 2006, MONUC consequently stopped their aggressive operations against the FNI, directing the Ituri battalions “not to carry out offensive[s] targeting [the] FNI... militias [sic] as [they were] undergoing [a] peace process with the government.”<sup>288</sup>

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<sup>283</sup> “DRC army retakes town, UN says” Agence France Presse, 24 Dec 2005 and “UN forces in hit on rebels,” Geelong Advertiser, 26 Dec 2005.

<sup>284</sup> “Verbatim Press Conference of 12 April 2006,” MONUC, 12 April 2006 and “Verbatim Press Conference of 19 April 2006,” MONUC, 19 April 2006.

<sup>285</sup> “Verbatim Press Conference of 19 April 2006,” MONUC, 19 April 2006.

<sup>286</sup> Interview 35.

<sup>287</sup> Interviews 15, 16, 59, and 68.

<sup>288</sup> Interview 35.

In addition to the FNI proper, MONUC faced a variety of militia groups in the region surrounding Bunia town, including the umbrella group the Mouvement Revolutionnaire Congolais (MRC).<sup>289</sup> The FNI was aligned with the MRC, as was another key belligerent force, the Front de Résistance Patriotique de l'Ituri (FRPI). The FRPI had a history of attacking MONUC and other UN personnel as well as civilians, and they were given a deadline of 11 January 2006 to surrender their weapons peacefully.<sup>290</sup> Their lack of compliance led to MONUC's launch of Operation Ituri Encourager, which "aim[ed] to put an end to FPRI presence in the sector of [Tchei], 25 km southwest of Bunia."<sup>291</sup> However, this operation did not end militia activities, and by March 2006, the MRC, and particularly the FRPI, had in fact "increased its attacks against FARDC."<sup>292</sup>

MONUC responded with force again, including Operation Ituri Impulse and Operation Ituri Explorer, "to counter the activities of the armed groups, weaken and reduce their capacity."<sup>293</sup> On 30 March 2006, the Pakistani batallion launched the former, "a cordon and search operation in the zone stretching out from Mandro as far as Loga."<sup>294</sup> The latter, Operation Ituri Explorer, was initially set to begin in February 2006, but it was delayed due to a FARDC mutiny.<sup>295</sup> When it eventually began in May 2006, it was led by the Bangladeshi batallion and targeted the MRC, with a specific

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<sup>289</sup> Secretary-General, Twenty-First Report.

<sup>290</sup> "Weekly Press Briefing of 18 January 2006," MONUC, 18 January 2006.

<sup>291</sup> *Ibid.*

<sup>292</sup> MONUC spokesperson quoted in "DR Congo militias increase attacks in Ituri: UN," 29 March 2006.

<sup>293</sup> "Verbatim Press Conference of 5<sup>th</sup> April 2006," MONUC, 5 April 2006.

<sup>294</sup> *Ibid.*

<sup>295</sup> Interview 53.

focus on the FRPI.<sup>296</sup> By 22 May 2006, the operation had “inflicted a heavy loss on the militiamen of the MRC,” and on 25 May 2006, MONUC and the FARDC re-took Tchei town, which had been held by the MRC.<sup>297</sup> The operations resulted in the deaths of seventy-three militia soldiers and thirteen FARDC soldiers.<sup>298</sup>

In addition to regular operations, MONUC also laid ambushes to apprehend militia leaders, such as the MRC’s India Queen (née Innocent Kaina) and Boscoe Ntanga, a leader from another internal armed group, the UPC-L.<sup>299</sup> For instance, Operation Purple Rain was

a special operation... from 02 Dec 06 to 04 Dec 06 as directed by [the Eastern Division] with an aim to capture a special target who was being reported as conducting his activities in and around [Kwandruma].<sup>300</sup>

Despite the proactive operations, militia groups continued to attack the FARDC. On the evening of October 6<sup>th</sup> 2006, the Ituri Brigade received information regarding an imminent attack by the FRPI against a strategic FARDC location, Mont Awi (or Avi Heights).<sup>301</sup> The FRPI and the FARDC had fought over the region, and each had taken Avi Heights on several occasions. This time, with MONUC’s support,

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<sup>296</sup> “73 rebels and 13 soldiers killed in northeast DR Congo,” *Agence France Presse*, 1 June 2006 and “UN Peacekeepers Back Congolese Soldiers in Drive to Disarm Irregulars,” *UN News Service*, 26 May 2006.

<sup>297</sup> “At least 32 militiamen, five soldiers killed in DR Congo,” 22 May 2006.

<sup>298</sup> “DR Congo: Eighty six said killed in recent offensive against rebels in northeast,” *BBC* 2 June 2006. It was during these operations that MONUC was accused of taking actions that resulted in “[s]ettlements destroyed and families burned alive in a ruthless campaign to wipe out militias.” UN accused over Congo village massacre: Settlements destroyed and families burned alive in a ruthless campaign to wipe out militias,” *The Observer*, 18 June 2006. The UN and the FARDC denied the occurrence of a massacre and maintained that Kazana was not a peaceful ‘hamlet.’ According to the SRSG, “between March 8 and April 21, no fewer than 19 firefights and attacks originated from militia groups using Kazana as an operational base.” “DR Congo army denies carrying out massacre in northeast,” *BBC Monitoring Newsfile* 23 June 2006.

<sup>299</sup> Interview 36 and “DR Congo army captures militia leader in northeast,” *BBC*, 17 May 2006.

<sup>300</sup> Interview 35.

<sup>301</sup> Interview 83, 18, 36

[t]welve militiamen were killed in a three-hour battle and two UN peacekeepers were wounded, one of them seriously, before the [FRPI was] repulsed and returned to [its] base nearby.<sup>302</sup>

Beyond the immediate goal of deterring the militant groups from taking violent action, the operations described above were also designed to coerce them to disarm. Ituri groups had shown a clear willingness to harm civilians, so preventing future attacks was a primary motivation to act robustly. In most cases, MONUC did not directly react to an ongoing or imminent attack, and so they cannot be considered reactive or pre-emptive strikes. Although commanders and MONUC leadership refer to these as having been ‘civilian protection’ operations, as argued above, they are effectively preventive operations to prevent future attacks while also establishing a secure environment. These concepts were also used extensively by the Kivu brigades as they faced dissident army leaders and various militant groups that threatened civilians and the general security environment.

#### **4.3.ii. North Kivu and South Kivu**

The Kivus (North Kivu and South Kivu) have historically served as a crucible for regional and local conflict. This strategic location at the juncture between Congo, Rwanda and Uganda has witnessed multiple conflicts, including the devastating 1998 war. Further, “the lack of legitimate state authority in the east encouraged the continuation of violence, which seemed the easiest road to power and wealth.”<sup>303</sup> Thus, although the introduction of a more robust capacity was a direct response to the rapid security deterioration in Ituri, MONUC expanded its concept of operations to include

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<sup>302</sup> “12 more die in Congo violence,” *Gulf Times*, 8 October 2006.

<sup>303</sup> Autesserre, 10.

robust operations with the FARDC in the Kivus.<sup>304</sup> This support was provided through a number of measures, including the use of force against dissident FARDC units and both Rwandan and Ugandan foreign armed groups.

#### **4.3.ii.a. General Laurent Nkunda**

A notorious internal belligerent in the Kivus was General Laurent Nkunda, a general of the former Congolese armed forces. As described above, when he and another dissident general staged an assault on Bukavu city during Phase IV, MONUC did not respond. This event set a precedent for Phase V, as MONUC was severely criticized for not acting despite the intense fighting and attacks on civilians. Furthermore, the lack of response had an adverse effect on MONUC's credibility, raising fears that Nkunda or other belligerents may be encouraged to take similar actions.<sup>305</sup> MONUC's experience in Bukavu clarified incentives for using force against Nkunda, as demonstrated by events near the North Kivu town of Sake in November 2006.

Following the Bukavu crisis, Nkunda moved to North Kivu.<sup>306</sup> Although Nkunda had agreed to join the FARDC, tensions had remained high between Nkunda's troops and the various FARDC brigades deployed to the area. Nkunda refused to blend his troops with the FARDC. He claimed that the Rwandaphone Tutsi minority was being targeted by the FARDC, requiring his units to remain in the region to protect the

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<sup>304</sup> Indeed, MONUC switched its main focus of operations to the Kivus on 29 May 2005. United Nations Department of Peacekeeping, MONUC. See also United Nations Secretary-General, Fifteenth report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo, S/2004/251, 25 March 2004, 8-9.

<sup>305</sup> Interview 48.

<sup>306</sup> Autesserre, 22.

Tutsi population.<sup>307</sup> Although Nukunda's claims of Banyamulenge targeting was generally accurate for a host of local, national and regional reasons,<sup>308</sup> his support for "minority rights" was more likely a pretext for continued personal control over the North Kivu area.<sup>309</sup> As one interviewee pointed out, "Nkunda says protection of ethnic minority, but his actual intentions differ."<sup>310</sup> Tensions were subsequently high between his troops and the local FARDC, and the situation eventually erupted on 24 November 2006, when a Tutsi man was killed by the national police outside of Sake in what appeared to be "a deliberate assassination," triggering a violent response by Nkunda.<sup>311</sup> He and his troops descended on Sake, and the resident FARDC battalion quickly fled, alongside Sake's population, leaving Nkunda in control of a deserted Sake, 25 kilometres from Goma.

MONUC's Sake battalion, located on the road to Goma a short distance away, did not immediately respond with force, first attempting to resolve the crisis by facilitating dialogue between Nkunda and the FARDC.<sup>312</sup> However, on 27 November Nkunda's troops began moving from Sake towards Goma. Within MONUC, consensus quickly emerged that MONUC could not allow "a repetition of the Bukavu crisis."<sup>313</sup> The SRSG authorized the North Kivu brigade to take all action it deemed necessary to prevent the fall of Goma city; the decision about whether and when to use force was left to field commanders. Field commanders determined that they would create a "line

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<sup>307</sup> Interview 47 and United Nations Secretary-General, Twenty-second report, 10 .

<sup>308</sup> Autesserre, 11.

<sup>309</sup> Interview 47. Also "Renegade DRC general threatens to withdraw troops from army," AFP, 10 May 2007.

<sup>310</sup> Interview 6.

<sup>311</sup> Interview 47. Also confirmed in interviews 38 and 40.

<sup>312</sup> Interview 40.

<sup>313</sup> Interview 49. Also confirmed in interview 47.

in the sand” on the road between Sake and Goma.<sup>314</sup> Maintaining constant communication with Nkunda, they warned him that if his troops crossed that line, MONUC would respond with force. When Nkunda’s troops did cross the line, MONUC reacted immediately, and the result was swift. Nkunda’s troops retreated under MONUC fire, pushed back to their original deployments beyond Sake.<sup>315</sup>

In the case of Sake, MONUC was clearly reacting to a hostile threat from a belligerent element, and there were multiple reasons why MONUC regarded the fall of Goma as unacceptable. For one, in terms of pre-emptive protection, MONUC feared an ethnic massacre if Nkunda and his troops entered Goma. Further, Goma represented the hub of economic activity between the DRC and Rwanda and sat at an intersection of three critical transportation routes, so the fall of Goma would have significant repercussions on regional stability.<sup>316</sup> Moreover, UN credibility was at risk, ‘another Bukavu’ could provide even greater encouragement for belligerent groups as they would increasingly view the UN as inept. As one interviewee explained, if Goma fell, “the very presence of MONUC would have been questioned.”<sup>317</sup> Here, a combination of reasons provided MONUC with the justification to use force against Nkunda in November 2006, and prior experience particularly enhanced the incentive to ensure UN credibility.

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<sup>314</sup> Interview 15. Also confirmed in interview 47.

<sup>315</sup> Sake events were discussed extensively during research. Interview 38, 48, 55, 6, 40, 47, 51, 49, 13, 34, 15, 5, 53.

<sup>316</sup> Interview 47. There had been ongoing tensions between the Rwandaphone and non-Rwandaphone communities over control of Goma. Autesserre, 21

<sup>317</sup> Interview 40.

#### 4.3.ii.b. Le Forces Democratiques de Liberation du Rwanda (FDLR)

Le Forces Democratiques de Liberation du Rwanda (FDLR) represented a significant foreign armed group in the DRC. The group formed following the massive exodus of Hutus from Rwanda to Congo in 1994, and they are commonly referred to as ‘interahamwés’ or ‘former génocidaires’ due to the early prevalence of individuals that participated in – or were responsible for – the Rwandan genocide. By 2005, though, the FDLR’s political wing was based in Europe,<sup>318</sup> and “only a small number of those responsible for the 1994 genocide were in the Congo.”<sup>319</sup> In fact, most FDLR soldiers were between eighteen and twenty-five and thus “had arrived in the Congo when they were young, had grown up there as refugees, and used violence because they had no other means of subsistence.”<sup>320</sup> Yet, even if the younger fighters might have been inclined to disarm, the few hardliner leaders maintain tight control, using death threats to prevent defections.<sup>321</sup>

The Eastern Division campaign plan, adopted in March 2005,<sup>322</sup> saw the Kivus brigades as taking a robust approach towards the FDLR.<sup>323</sup> This was justified as protecting civilians from both direct as well as ongoing imminent danger, since the Rwandan foreign armed group had run rampant, committing

probably thousands of unlawful killings, rapes, pillages, abductions and the use of child soldiers. Their presence in the Kivu provinces has also led to the impoverishment of the civilian population in the areas in which they operate, through pillage and the extortion.<sup>324</sup>

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<sup>318</sup> “MONUC Gets Tough.”

<sup>319</sup> Autesserre, 6

<sup>320</sup> *Ibid.*

<sup>321</sup> Interview 73 and “MONUC Gets Tough.”

<sup>322</sup> Interview 68 and United Nations Mission in the Democratic Republic of Congo.

<sup>323</sup> Interview 74.

<sup>324</sup> Amnesty International, “North-Kivu: Civilians pay the price for political and military rivalry,” 28 September 2005, Accessed online: <http://web.amnesty.org/library/index/engaf620132005>

In South Kivu, the first action taken by the Pakistani brigade was to launch Operation Night Flash in an effort to provide direct civilian protection in Walungu territory.<sup>325</sup> The operation included rapid intervention responses to rebel attacks on civilians, using innovative early warning systems, such as locals banging pots and pans when the rebel groups approached.<sup>326</sup> This provides a clear example of UN peacekeepers using force to protect civilians from direct threats, given that the Pakistani soldiers were responding to specific actions by the FDLR.

By March 2005 there seemed to be hope for the peaceful disarmament of the FDLR when their political leaders denounced the genocide and made the ‘Rome commitment’ to disarm and return to Rwanda. However, the FDLR continued to pose a threat in the spring and summer of 2005.<sup>327</sup> Following a massacre of forty civilians between 9 July and 10 July,<sup>328</sup> the mission and the national army faced internal and external pressure to ‘step up the pace’ in coercing the foreign armed group to disarm.<sup>329</sup> The FDLR denied their involvement in the July massacres, claiming it was carried out by the ‘Rastas,’ an offshoot FDLR group.<sup>330</sup>

Still, only a few days later the South Kivu brigade destroyed another FDLR encampment,<sup>331</sup> and in July and August, MONUC launched Operations Falcon Sweep,

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<sup>325</sup> Joelle Sabella, “Operation night flash: hope is born again in Kanyola,” MONUC, 15 April 2005.

<sup>326</sup> Roessler and Prendergast, 297; Holt and Berkman, 166.

<sup>327</sup> Secretary-General, Eighteenth Report, 6-7.

<sup>328</sup> “FDRL [sic] Burns 40 Villagers to Death,” The New Times/All Africa Global Media, 13 July 2005.

<sup>329</sup> “‘Urgent’ disarming of DR Congo militias needed: three African leaders,” Agence France Presse, 16 July 2005; “UN Security Council Condemns Massacre in Eastern DR of Congo,” UN News Service, 14 July 2005; “UN steps up pace in eastern Congo after massacre,” Reuters, 13 July 2005. This was in addition to an earlier EU statement supporting the use of force. “EU says backs use of force to disarm DR Congo based rebels,” BBC Monitoring Africa, 24 June 2005.

<sup>330</sup> “Rwandan rebels deny UN destruction of camps in eastern DR Congo,” Agence France Presse, 19 July 2005; “MONUC Gets Tough.”; “Congo: Divisions Follow Increased Pressure On Hutu Rebels,” SouthScan, 2 November 2005.

<sup>331</sup> “UN destroys six Rwandan rebel camps in DR Congo,” Agence France Presse, 15 July 2005.

Iron Fist and Thunderstorm “to establish control over the Walungu Territory.”<sup>332</sup> Although the operations were designed to ensure that the FDLR left the DRC “peacefully,”<sup>333</sup> similar to Ituri, these were still forceful operations given that the battalions were sent with the ability and willingness to use force if they met with FDLR resistance. In fact, Operations Falcon Sweep and Iron Fist destroyed at least six FDLR camps, following warnings to the militia to leave the premises.<sup>334</sup> Further, on 15 September, MONUC launched Operation New Hope, which targeted the Rastas, and resulted in the deaths of three militiamen and the destruction of two bases of operations.<sup>335</sup>

MONUC’s actions against the FDLR are indicative of the driver to prevent future violence. Because the massacres and other violence had already occurred, MONUC was unable to stop or pre-empt the violence; instead, the intention was to discourage the groups from committing further massacres. Yet, regional analysts argued that the FDLR would not disarm before the hardline leaders were eliminated,<sup>336</sup> and in spring 2006 MONUC resumed forceful operations following a lull since fall 2005.<sup>337</sup> However, once MONUC realized that Rwanda was not providing the FDLR

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<sup>332</sup> Holt and Berkman, 166 and “UN Peacekeepers Pursue Militias in Eastern DR of Congo,” UN News Service, DATE. In late August 2005 MONUC responded by deploying “five fighting companies with aerial support to force [the FDLR] to fulfil its pledges to disarm and return home.” “UN Mission Launches New Military Operation in Troubled East.” The New Times/All Africa Global Media, 27 August 2005.

<sup>333</sup> “MONUC launches an operation codenamed “Thunderstorm” in South Kivu,” MONUC, 21 July 2005.

<sup>334</sup> Roessler and Prendergast, 297

<sup>335</sup> Interview 68.

<sup>336</sup> “Foreign Rebel Groups Ignore Deadline to Leave,” UN Integrated Regional Information Networks, 29 September 2005.

<sup>337</sup> This included Operations South Sentinel and South Sustain that were intended to clear the areas of Manga, Ekingi and Chibiroro of FDLR troops. “Verbatim Press Conference of 5<sup>th</sup> April 2006,” MONUC, 5 April 2006. Research did not uncover the reason behind the lull in activity.

with incentives to repatriate, they eased their aggressiveness, for reasons that will be further discussed below.

As in Ituri, aside from Operation NightFlash, MONUC was motivated by a desire to prevent attacks by the FDLR, rather than reacting to actions by specific units against specific civilians. This was justified by the ongoing attacks carried out against civilians. Furthermore, the continued existence of the foreign armed groups, such as the FDLR, heightened tensions between Kinshasa, Kisangani and Kigali, as leaders accused one another of supporting the various militia groups,<sup>338</sup> and Rwanda had threatened to invade if the FDLR threat was not eliminated.<sup>339</sup> Thus, in addition to preventing future attacks, MONUC also took a robust approach in order to preclude the DRC's neighbours from militarily re-engaging. This need to prevent external intervention was likewise demonstrated in December 2005 and January 2006 when MONUC engaged Ugandan rebel forces.

#### **4.3.ii.c. Allied Democratic Forces/National Army for the Liberation of Uganda (ADF-NALU) and the Lord's Resistance Army (LRA)**

In the summer and fall of 2005, tensions grew between Uganda and the DRC. Uganda was threatening to re-invade eastern DRC to eliminate the Allied Democratic Forces/National Army for the Liberation of Uganda (ADF-NALU), a Ugandan rebel group based in the Congo.<sup>340</sup> Uganda also threatened to invade if the FARDC did not respond to another rebel group, the Lord's Resistance Army (LRA), which was in

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<sup>338</sup> James Munyaneza, "Uganda Closes Congo Border," The New Times, 15 July 2005.

<sup>339</sup> Autesserre, 7

<sup>340</sup> "Uganda Warns DR Congo Over Border Rebel Threats," The Monitor, 27 June 2005, "Uganda gives rebels in Congo ultimatum to surrender," Reuters, 27 September 2005.

Garumba park.<sup>341</sup> By 21 October 2005, Uganda was increasing pressure for MONUC to take a direct role in eliminating the Ugandan rebel groups, particularly the LRA.<sup>342</sup> The Security Council likewise pressured MONUC, and on 9 November, France's Security Council ambassador stated: "it is important that the Congolese army, with the support of MONUC, engages in a more robust approach."<sup>343</sup>

The Congolese government first reacted by issuing a deadline of 30 September 2005 for the ADF to disarm. The date passed without result, and in November 2005, the DRC government and MONUC issued another deadline for mid-December.<sup>344</sup> When the ADF again disregarded the deadline, the Security Council imposed its own deadline of 15 January 2006.<sup>345</sup> After the constitutional referendum of 15 December 2005, MONUC supported the FARDC in launching an aggressive set of operations to dislodge the ADF. The operations resulted in heavy casualties, including the deaths of one MONUC peacekeeper, eighty-six rebels, and six FARDC soldiers.<sup>346</sup> MONUC justified the actions as protecting civilians because "the rebels 'rejected all disarmament proposals and an amnesty and repatriation to Uganda' and... to back the FARDC troops."<sup>347</sup> MONUC claimed that they were a "permanent source of insecurity to local people."<sup>348</sup>

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<sup>341</sup> "Ugandan president threatens to invade DR Congo to disarm LRA," *Agence France Presse*, 29 September 2005.

<sup>342</sup> "Uganda urges UN on LRA," *New Vision*, 21 October 2005.

<sup>343</sup> "U.N., Uganda want firmer action on rebels in Congo," *Reuters*, 9 November 2005.

<sup>344</sup> "DR Congo, UN mission issue deadline to Ugandan rebels to surrender arms," *BBC Monitoring Africa*, 9 November 2005.

<sup>345</sup> United Nations Security Council Resolution 1649, 3.

<sup>346</sup> Office of the Secretary-General, Report of the Secretary-General pursuant to paragraphs 10 and 14 of Security Council resolution 1649 (2005); "Ugandan rebels kill UN peacekeeper in DR Congo," *Agence France Presse*, 25 December 2005 and "DR Congo army takes Ugandan rebel camps," *Agence France Presse*, 26 December 2005.

<sup>347</sup> "DR Congo army takes Ugandan rebel camps," *Agence France Presse*, 26 December 2005.

<sup>348</sup> *Ibid.*

Yet, not everyone agreed that civilian protection was the primary driver in this case, and Agence France Presse reported that

a UN observer in Nord-Kivu said the operation ‘is mainly aimed at pleasing Museveni and taking away any excuse he might have for threatening to enter the DRC now that elections are approaching.’<sup>349</sup>

Further, the acting head of MONUC North Kivu acknowledged that

there is the expected result that this could trigger mass repatriation - but this has not materialised. You have to remember that the area is huge - mostly inaccessible - and so these people move to other areas. But it shows something is being done.<sup>350</sup>

MONUC also responded to the LRA, though with disastrous results, where eight peacekeepers were brutally killed, as described above.

In justifying its use of force against both the ADF and the LRA, MONUC claimed it was reducing the ongoing threat to civilians. However, the degree of threat that the ADF posed was unclear, particularly given that the actions resulted in the displacement of up to 11,000 civilians.<sup>351</sup> In the Secretary-General’s reports to the Security Council in 2005, the ADF was not raised until the August report, which even claimed that “[t]here are some indications that the upsurge in ADF/NALU activity is being instigated by other armed groups in the area.”<sup>352</sup> In the case of the LRA, the Secretary-General determined in hindsight that they were not a “threat to the [Congolese] people... or to the electoral process.”<sup>353</sup> The primary incentive for action was therefore Uganda’s threat to invade. Kinshasa had been a key player in the

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<sup>349</sup> *Ibid.*

<sup>350</sup> “MONUC Gets Tough.”

<sup>351</sup> “DR Congo: Some 11,000 people said displaced in east as army, Ugandan rebels clash,” BBC Monitoring Africa, 29 December 2005.

<sup>352</sup> Secretary-General, Eighteenth Report.

<sup>353</sup> United Nations Secretary-General, Report of the Secretary-General pursuant to paragraphs 10 and 14 of Security Council resolution 1649 (2005).

previous insecurities, and MONUC was prepared to take forceful action to demonstrate that ‘something’ was being done in order to prevent a recurrence of that conflict.

#### **4.4. Conclusion**

This chapter demonstrated motivating role played by five specific drivers to use force beyond force protection. First, MONUC commanders perceived protection of civilians as a key driver, using force in such cases as Operation Night Flash. A second driver included preventing future threats, and MONUC consequently launched proactive operations such as Operation New Hope. For this prevention driver, there may be no imminent threat in the sense that the commander can identify which specific civilians are under threat. Rather, the intended effect is to coerce disarmament and/or disrupt belligerent activities. Commanders perceived a third driver as the protection of the FARDC; this brought about the robust response to the attack on Avi Heights. The fourth driver was to prevent external interference, and it motivated operations such as North Nightfinale. Promoting mission credibility, as evidenced in Operation Loga, served as a final driver, which was a pervasive factor and likely provided added incentive to all other drivers. Thus, as per Table 2, MONUC has experienced a spectrum of drivers to use force.

Table 2: MONUC's drivers to use force

<b>Driver</b>	<b>Description</b>
Force protection (self-defence)	UN personnel face ongoing or imminent violence.
Stop direct threats	A specific group of civilians faces ongoing or imminent violence.
Prevent future threats (coercive disarmament; disruption of activities)	An armed group is likely to use violence against a general group of civilians.
Protect the national armed forces	A belligerent group presents a threat to the national army
Prevent external interference	The existence of a belligerent group threatens the incursion of an external actor
Promote mission credibility	Non use of force threatens mission credibility

## **Chapter 5. Unexpected findings**

The thesis has thus far described the enabling effect of increased mission capacity and the drivers to use force perceived by commanders in the DRC. These areas were, in fact, initially intended to be the primary focus of the thesis. However, during the course of research, two unexpected findings emerged: the pervasiveness of the civilian protection concept and the disabling role played by other mission objectives.

### **5.1. The pervasiveness of ‘civilian protection’ in the field**

The previous chapter presented the five drivers behind the use of force; one unexpected finding was the fact that interviewees generally referred to all drivers as ‘civilian protection.’ This cross-cutting theme is one of the most publicized elements of the mandate, as MONUC specifically adopted ‘civilian protection’ as an umbrella concept for the variety of goals with which MONUC was tasked.<sup>354</sup> As Victoria Holt and Tobias C. Berkman explain, ‘civilian protection’ in this way refers to its broadest definition – reducing civilian insecurity – which can include, but is not limited to, immediate physical protection of specific civilians from specific threats.<sup>355</sup> The broad definition refers to the idea that civilians will be at risk when the security environment degrades, and so to protect civilians, UN missions must prevent this from occurring. Holt and Berkman reveal that

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<sup>354</sup> Holt and Berkman, 173.

<sup>355</sup> Holt and Berkman, 177.

[s]ome military thinkers... point out that *the result* of traditional military action may be that people are safer and more protected after force is used to stop an enemy's actions. As stated by one retired US Marine Corps officer: "If you want to protect civilians, go kill the bad guys." In other words, where traditional military action is used to achieve a political aim or to prevent actions by others, the end result... may most easily reduce the threats faced by civilians.<sup>356</sup>

Indeed, the 'civilian protection' concept has come to dominate current justifications for robust mandates, in large part due to UN failings in Rwanda and Srebrenica and the contemporary discourse exemplified by The Responsibility to Protect. Yet analyses and discussions of the broader 'civilian protection' have largely occurred at the strategic level, rather than at the field. Direct protection of civilians in the field, as described in Chapter 4, requires knowledge of an ongoing or imminent attack on a specific group of civilians by a specific group of belligerents.

The unexpected finding, then, is that MONUC has adopted the language of the strategic objective as the primary justification for the use of force at the field level. This explains why during field research interviewees consistently referred to robust operations as 'civilian protection.' A senior military commander stated that "our mandate of [sic] the protection of civilians... is a very wide mandate."<sup>357</sup> Another senior interviewee asserted that, in the context of a specific operation, "what dictate[d] our behaviour [was] our mandate to protect the population."<sup>358</sup> Indeed, one of the most senior members of mission leadership commented that in terms of the use of force, the civilian protection mandate was the most useful one that the Security Council could provide.<sup>359</sup> Overall, civilian protection was mentioned on 65 occasions during

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<sup>356</sup> Emphasis in original text. Holt and Berkman, 38.

<sup>357</sup> Interview 14.

<sup>358</sup> Interview 55.

<sup>359</sup> Interview 52.

interviews. Of the 32 military interviews, civilian protection was raised in nearly every interview<sup>360</sup> and at least 11 (33%) interviewees mentioned civilian protection as the key purpose behind force.

There are two potential, and possibly simultaneous, reasons behind the use of this phrase to refer to all drivers. For one, ‘civilian protection’ is a concept that can be understood by all actors: military, humanitarian, and political. It therefore provides a simply stated and universal justification for the use of force in a complex, integrated mission. However, the problem with this is that although all actors understand the need for civilian protection, each actor understands the concept differently resulting in “numerous and varied understandings of the meaning of civilian protection.”<sup>361</sup> Thus, not all actors may agree with the use of ‘civilian protection’ as a justification to use force.

A second reason for referring to robust activities as being justified by civilian protection is that it can provide an easy rhetoric to justify robust force when the true driver may create controversy. As one interviewee stated, “protection can act as an excuse or rationale for robust action that has a broader purpose.”<sup>362</sup> This is problematic, though, because the use of ‘civilian protection’ as a catchall justification for robust operations dilutes the utility of the phrase. As Holt and Berkman assert, the concept can “become a kitchen sink approach if the meanings of and priorities of protection are not clarified.”<sup>363</sup> Furthermore, as one eastern division staff officer stated,

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<sup>360</sup> It was not raised in some of the shorter (10 minute) interviews, but it was raised in every other interview, usually on several occasions in longer (one hour or more) interviews.

<sup>361</sup> Holt and Berkman, 35.

<sup>362</sup> Interview 71.

<sup>363</sup> Holt and Berkman, 48.

“civilian protection is new.”<sup>364</sup> Field commanders will likely find it difficult to know when force is actually warranted if they are told that the reason for the use of force is ‘civilian protection’ broadly defined. In general, it is concerning if UN commanders feel the need to mask their true intentions in the field with a phrase that is more suitable for describing strategic objectives. Still, as important as ‘civilian protection’ emerged to be as an umbrella term, the role of other objectives within that umbrella turned out to be even more important to interviewees.

## **5.2. Other objectives as disablers**

UN mandates are broader than civilian protection; as one senior field commander stated, MONUC operates in “a UN environment. Military decisions are not just military decisions.”<sup>365</sup> This is the reason that a civilian SRSG is the head of UN missions; military force is simply one tool that can be used to achieve one or more of a mission’s tasks. Interviewees thus confirmed the conventional wisdom that force is not a goal in and of itself; rather, “all military action has a political end.”<sup>366</sup> The SRSG, as the head of the mission, therefore has ultimate control and responsibility for the pursuit of mission objectives.

The Security Council tasked MONUC with a number of objectives, including support for the transitional process. Mission leadership stated that although the authorization to use force

is preferred for flexibility, it is often misunderstood. People often lose sight of the larger mandate. For instance, they ask ‘how can you have Chapter VII power and not go after Nkunda? Why not force the

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<sup>364</sup> Interview 7.

<sup>365</sup> Interview 12.

<sup>366</sup> Interview 54.

FAR/interahamwe to go back to Rwanda? The answer is that we are here to *support* Congolese authority.<sup>367</sup>

As described in Chapter 2, Resolution 1565 (1 October 2004) expressed the Security Council's acceptance, indeed expectation, that MONUC would use force. However, the resolution also gave MONUC the mandate to "provide advice and assistance to the transitional government and authorities" in the areas of political legislation, security sector reform and the electoral process.<sup>368</sup> Indeed, during the course of interviews, the importance of issues relating to transitional support was raised on 129 occasions. This contrasts with civilian protection, which was mentioned 65 times, and was only exceeded by mission capacity, broadly defined, which was discussed 138 times.

Support for transitional processes is central to contemporary UN missions, because even when contemporary peace operations include elements of enforcement, they are still primarily focused on creating stability. For MONUC, specifically, the Security Council expressed that it was

[d]etermined to promote the peace process at the national level, and in particular to facilitate the early establishment of an inclusive transitional government in the Democratic Republic of the Congo.<sup>369</sup>

The previous chapter demonstrated that the pursuit of peace has motivated the proactive use of force. Field research, though, uncovered an unexpected effect of this objective: it can act as a disincentive to the robust use of force.

In essence, robust force may contribute to one objective even as it reduces the ability to achieve another. For instance, the pursuit of political stability may conflict

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<sup>367</sup> Emphasis from original interview. Interview 61.

<sup>368</sup> Resolution 1565, 1 October 2004.

<sup>369</sup> Resolution 1484, 30 May 2003.

with the protection of civilians: threats to civilians may justify a forceful operation, but applying that force may put the transitional process into jeopardy. Thus, support for the transitional process can create disablers, discouraging the use of force. For MONUC this has occurred in three areas: disarmament of armed groups, supporting the Congolese army, and supporting democratic processes.

### **5.2.i. Disarmament of illegal armed groups**

MONUC is, in principle, deployed to a post-conflict area. MONUC “is not a party to the conflict,”<sup>370</sup> so the UN has no ‘enemy’ that it is attempting to defeat. The enemy is the insecure environment brought about by the violent activities of certain individuals and groups. The most promising long term and least costly short term way of achieving a secure environment is by the incorporation of the various armed groups into the national army or their demobilization into the general Congolese society. MONUC has thus been constantly tasked to facilitate the dialogue, negotiations and other activities that lead towards the demobilization of militia groups. This creates two disablers: the lack of effective disarmament programs and ongoing negotiations with belligerents.

First, as Chapter 4 discussed, MONUC undertook robust operations in order to compel disarmament, and it was deemed a success in Ituri, as up to 15,000 militia soldiers disarmed. Yet, Ituri had a disarmament program funded and ready to receive the militiamen as they disarmed; there is a greater challenge when militias are ordered to undergo disarmament without a proper reception program in place. In such cases, the armed groups are unable to formally disarm, and using force against those groups

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<sup>370</sup> Interview 70.

would just “scatter... them, widening the area of the problem.”<sup>371</sup> Further, if disarmament programs are not properly conducted, disgruntled ex-combatants may return to fighting, now armed with a greater sense of resentment. Indeed, without proper mechanisms to disarm belligerents and bring them into society or the national armed forces, coercive disarmament operations will have questionable effectiveness, unless the goal of the operation is to eradicate the group. Ituri in fact experienced this problem, as by June 2006, “a programme that was intended to support disarmed militia members [was] not being implemented, and many of [the MRC] who disarmed in 2005 [were] again being recruited.”<sup>372</sup>

Problems with disarmament processes extend to foreign armed groups, as demonstrated by the case of the FDLR. In March 2005, the FDLR agreed to return to Rwanda, “provided the Rwandan government created a political opening for the movement upon its return.”<sup>373</sup> However, in September 2005, the FDLR’s political wing, which was located in Europe, argued that their Rome commitment was based on two conditions that Rwanda had not met, and resisted repatriation, claiming that “[r]eturning to Rwanda without those two conditions would be jumping into the wolf’s mouth.”<sup>374</sup> Indeed, Rwanda was not yet willing or able to accept the FDLR, as “Kagame

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<sup>371</sup> Interview 69. Also confirmed in interview 73.

<sup>372</sup> Economist Intelligence Unit, Country Profile Congo (Democratic Republic), June 2006.

<sup>373</sup> Roessler and Prendergast, 297

<sup>374</sup> “Interview with Anastase Munyandekwe, spokesman for the Hutu-dominated FDLR,” *IRIN*, 13 September 2005, online: <http://www.globalsecurity.org/military/library/news/2005/09/mil-050913-irin01.htm>. They stated that they “asked that Rwanda open its political space so that we could exercise our political activities once back home. So far nothing has been done in this respect. We also required the establishment of an international follow-up committee, which would have discussed with us the modalities for both our disarmament and return... If there are people among us who were involved in the genocide, they should be brought to justice. But they should not be the ones on the Rwandan government’s lists where all opponents are genocide suspects and all collaborators innocent.

apparently did not want Hutu militias to be repatriated.”<sup>375</sup> Subsequently, MONUC became aware that using force against the FDLR would not push them back into Rwanda; rather, “they would just disperse and then move back [into the DRC].”<sup>376</sup> As a guerrilla force, the FDLR would be difficult to defeat through purely military operations.<sup>377</sup> This led to reduced proactive operations by MONUC against the Rwandan group as such activities were viewed as ineffective. However, the continued existence of the FDLR heightened regional tensions as it “provided Kigali with a pretext for coming back into the Kivus and pursuing what Rwanda was truly interested in: protecting Rwandaphones and exploiting the Congo’s resources.”<sup>378</sup> In this case, the incentive to prevent Rwandan involvement clashed with the disincentive that robust actions would likely have little effect on long-term repatriation.

The second aspect of disarmament that can affect the use of force is ongoing negotiations between militia or rebel groups and the national government. MONUC supports and facilitates these talks, as they are deemed the best option and first resort to resolve the conflict. As one senior interviewee emphasized, “force is only one option.”<sup>379</sup> Another senior leader maintained that “if you can solve the problem without using force, then do that, not force.”<sup>380</sup> Finally, as a field commander stated,

The goal is for setting peace, a level of law and order, not killing everyone. So, you open dialogue if there is an opportunity for reaching peace.<sup>381</sup>

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<sup>375</sup> Autesserre, 7

<sup>376</sup> Interview 53. Also confirmed in interviews 68, 54, 66, 73.

<sup>377</sup> Interview 73.

<sup>378</sup> Autesserre, 7

<sup>379</sup> Interview 54. Also confirmed in interview 48.

<sup>380</sup> Interview 61.

<sup>381</sup> Interview 12.

Political dialogue is, however, a lengthy process, and a militia group will not necessarily refrain from using violence during that time, particularly if national forces stage attacks, despite the UN's restraint. If belligerents re-engage in violence, the UN may face a driver to use force, but UN military interference could negatively affect the ongoing political process. As an example, when the FNI entered negotiations with the national government in the fall of 2006, the Ituri Brigade was given strict instructions to not engage in robust activities in order to maintain the peace process.<sup>382</sup> According to a senior commander,

No major offensive operations have been mounted; no force has been deliberately used in a pre-emptive way against these groups, because the negotiations are ongoing. The impact of the political requirements are [sic] superseding the military requirements to deal with them.<sup>383</sup>

It was not, however, made clear as to whether MONUC was to restrain purely from proactive operations, or if they should avoid interfering in any skirmishes<sup>384</sup> such as those that occurred in Fataki in December 2006. In this case, fighting broke out between the FARDC and the FNI, resulting in civilian casualties and destruction of civilian property.<sup>385</sup> The situation would seemingly have justified the use of force in support of the Congolese military, but the resident MONUC battalion did not react. Indeed, MONUC headquarters staff commented on the fact that the unit “needed to be reminded to take action.”<sup>386</sup>

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<sup>382</sup> Interview 35.

<sup>383</sup> Interview 15.

<sup>384</sup> Interview 55.

<sup>385</sup> Interview 23. In fact, the FNI attacked a MONUC meeting, and one MONUC peacekeeper was nearly killed by a militia member who mistook the peacekeeper for a FARDC soldier.

<sup>386</sup> Interview 59.

According to one interviewee, though, the battalion felt it necessary to wait for clarification before taking action because the implications of using force were ambiguous, as the unit was under instructions to not engage in robust force.<sup>387</sup> Because it was Christmas and most international personnel had deferred previous holidays, MONUC offices were decimated, operating on “skeleton crews.”<sup>388</sup> Standing orders did not cover the situation, nor did the ROEs or the mandate. As the interviewee stated,

no prior cooperation was carried out and no clear order was given by [Ituri Brigade headquarters] for the action to be taken, since [the] FNI was involved in the fight and it was still undergoing the peace talks with the government delegation... it was very confusing... to carryout offensive against them and also [the battalion was] bound by [the] earlier order from [Ituri Brigade headquarters] of not carrying out offensive against FNI. Thus despite... fighting between the two sides NepBatt did not involved itself in the fight as it could have jeopardize[d] the ongoing peace process and [there was no] clear order from [Ituri Brigade headquarters] for the action to be carried out on such scenario.<sup>389</sup>

The fear was that using force too quickly could push the FNI away from the political process and brandish the brigade with a “Rambo” reputation, to which DPKO is extremely sensitive. In this case, the commander determined that the potential political fallout was too high, and the decision was made to not use force. Here, concern for potential repercussions prevented a reactive operation, but concern for the political process can also influence proactive operations, particularly when the national armed forces are a potential target.

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<sup>387</sup> Interview 35.

<sup>388</sup> Interview 81.

<sup>389</sup> Interview 35.

### 5.2.ii. Supporting the Congolese army (FARDC)

Although MONUC has an objective to provide a peaceful and secure environment, it cannot be the sole security provider in the DRC. Not only does MONUC lack the capacity to do so, but MONUC is neither expected nor authorized to act as though it has a monopoly on force.<sup>390</sup> It is a supportive, not an occupying, power, mandated to “help extend state authority... reinforcing the FARDC,” particularly when the FARDC engages with negative elements.<sup>391</sup> Consequently, MONUC has supported the FARDC in a variety of proactive operations, but identifying the proper target for such operations is not always clear. This goes beyond the tactical level, where it can be difficult to visually differentiate between national soldiers and rebel militia.<sup>392</sup> This can cause hesitation at the tactical level, but it also affects commanders in their identification of the belligerents when deciding whether an operation is at all justified. As one interviewee stated, “we are in our mandate of the protection of the civilian population by any threat by everybody [sic], so the question is the use of force against whom.”<sup>393</sup>

In conventional operations, such as a traditional war, belligerents are clearly identified when the operation is launched and generally remain the same for the duration of the conflict. According to a senior officer, MONUC “is not [at] war, this is

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<sup>390</sup> Interview 73.

<sup>391</sup> Interview 68.

<sup>392</sup> As previously mentioned, most of MONUC’s robust operations are jointly conducted with the FARDC. In the midst of fighting that usually occurs in low-visibility conditions, such as jungle terrain, it can be nearly impossible for MONUC personnel to have the time and ability to determine whether they are facing a legitimate soldier or a rebel. Interviews 18 and 23. Both FARDC and militia soldiers wear similar – if not the same - uniforms because many FARDC soldiers originate from some militia group. Although they joined the national army, they still use the same uniforms, and their tactical abilities and movements remain similar to militias. Few Congolese soldiers – whether they were part of the national army or a militia group - have received formal training in terms of military tactics. For the most part, they simply possess basic knowledge of how to aim and fire a gun. Interviews 16, 23, 15.

<sup>393</sup> Interview 13.

peacekeeping.”<sup>394</sup> As such, MONUC is “not a party to the conflict”<sup>395</sup> and the objective is “more limited than defeating an enemy,”<sup>396</sup> because MONUC is mandated to use force against – and to deter – belligerent *activities*, rather than defeating specific belligerents. In other words, the ‘enemy’ is nebulous and identifying a legitimate target is entirely dependent on the actions of a group or person.

Actors can become a belligerent simply by virtue of their actions, rather than their group affiliation, and it is left to the decision maker to determine whether or not any given actor has become a belligerent based on specific acts. In such situations, the UN mission must determine whether a military unit or individual soldier is a ‘belligerent’ and, if so, whether force is justified. In the case of militia or foreign armed groups, as described in Chapter 4, MONUC has not had much difficulty in identifying belligerent elements. A larger problem emerges when a UN mission is deployed to a country where the nation’s own national army is involved in belligerent activities.

For MONUC, when the DRC’s national army units begin to engage in belligerent activities, it became more than a question of protecting civilians. MONUC commanders also needed to consider how robust action against the military would affect the transitional process. At one extreme, one can speculate that the national government might ask MONUC to leave if Kinshasa feels that MONUC has overstepped its authority. A ‘lesser’ negative impact could be a detrimental effect on the relationship between MONUC and the FARDC. This would still pose a significant problem, given that the majority of MONUC operations are jointly conducted. As will

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<sup>394</sup> Interview 55.

<sup>395</sup> Interview 70.

<sup>396</sup> Interview 71.

be demonstrated, MONUC's support for the FARDC can act as a disabler in two ways: when national army units fight one another and when national soldiers or units engage in human rights abuses.

#### **5.2.ii.a. Internal FARDC battles**

As described in Chapter 2, some militia groups that agreed to join the national army effectively remained outside of the FARDC. In these cases, the leader of the militia group has officially agreed to take up a position within the FARDC and is usually given the rank of Colonel or General. The troops he commands are expected to join the army as part of the 'brassage' process, where all troops are mingled among FARDC battalions. Because brassage would result in the dispersion of the troops, some commanders resisted brassage, "striv[ing] to maintain control over [their] former military assets under the umbrella of the newly unified army."<sup>397</sup>

Although these groups had not fully integrated into the army, in an effort to promote the political process, MONUC officially regarded these forces as being part of the FARDC, referred to instead as 'negative elements' rather than 'militia,' 'rebel' or even 'rogue' units.<sup>398</sup> A political officer in the field confirmed this point, stating "we can't call them rebels, we need to be careful." As elements of the FARDC, even if negative, they are not considered legitimate targets for aggressive operations. A military commander asserted that "MONUC does not have the mandate to attack

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<sup>397</sup> Autesserre, 9. See the article generally for an extensive analysis of the local, national and regional causes for this phenomenon.

<sup>398</sup> Interview 47. There is a notable exception at the international level, as Nkunda is titled a 'renegade' in Secretary General reports. See for instance, Secretary General, Third Special Report, 9.

because the brigades are technically FARDC.”<sup>399</sup> This is sensible; as described above, force should only be used as a last resort, particularly when there are ongoing negotiations that can resolve a situation without the need to resort to more violent means.<sup>400</sup> MONUC leadership, however, maintains that the national army is a legitimate target for reactive operations when they threaten civilians. According to an official MONUC spokesperson,

MONUC’s mandate to protect civilians includes incidents of harassment by the DRC security forces who should be serving to protect them.<sup>401</sup>

In the field, a staff officer supported this claim, asserting that violations by

anyone, by criminals, by FARDC, by whoever, we have got the right and the obligation to act against that aggressor with the means required to ensure the safety of the civilians.<sup>402</sup>

Yet it is not necessarily straightforward to determine whether a “negative element” has in fact acted in such a way to warrant a robust response. Chapter 4 presented a clear-cut case where a ‘negative element,’ in the form of the FARDC dissident General Nkunda, took over Sake and marched on Goma in November 2006. However, only a few months earlier, a similar event occurred that did not prompt a robust response from MONUC. In August 2006, General Nkunda’s troops clashed with a FARDC brigade in Sake, in what became a precursor to the November events.

In the lead up to the August elections, Nkunda had threatened action if “minorities” were not included in the new DRC administration.<sup>403</sup> Still, the situation

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<sup>399</sup> Interview 38.

<sup>400</sup> Interview 65,

<sup>401</sup> “MONUC response to the media on MONUC/FARDC April 21, 2006 joint operation in Kazanga, Ituri,”

MONUC 6 October 2006 and Interview 14.

<sup>402</sup> Interview 6. Also interview 13.

was exacerbated because of ethnic divides between Nkunda's troops, who were largely Banyamulenge, and the FARDC troops stationed in the area, which were predominantly Hutus.<sup>404</sup> Following a 'misunderstanding' where troops on both sides thought that the other had begun forcible disarmament, violence erupted between the two forces, resulting in Nkunda's troops descending on Sake, the retreat of the local FARDC brigade, and the deaths of three soldiers and the displacement of over 3000 civilians.<sup>405</sup>

Had the same situation occurred between the FARDC and an officially illegal armed group, such as the FDLR or Mayi-Mayi, it is reasonable to expect MONUC to have intervened immediately, given that it has a battalion positioned at Sake. Indeed, one commander stated that had the situation been exactly the same with only a different 'negative element,' such as the FDLR, then MONUC would have intervened because "the mandate is clear" that MONUC should respond to belligerent activities.<sup>406</sup> We can even compare this situation to a similar case in Ituri. As described in Chapter 4, on 9 December 2006, a MONUC battalion supported the FARDC in pre-empting a rebel attack on a strategic location that had been fought over on several occasions.<sup>407</sup>

Essentially, when the 'negative element' is the FARDC, objectives begin to clash. A robust response to uphold security would result in MONUC directly targeting the national army, an institution that MONUC is mandated to support. In such cases,

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<sup>403</sup> Eva Weymuller, "Elections-Drc: Ex-Rebel Leaders Warn Of Challenge Over Vote," Inter-Press Service, 1 August 2006.

<sup>404</sup> Interview 47 and Autesserre, 14. See Autesserre for a more detailed analysis of the causes for these frictions.

<sup>405</sup> "Three dead in clash between army brigades in DR Congo," Agence France Presse, 6 August 2006.

<sup>406</sup> Interview 40.

<sup>407</sup> Because these two cases occurred in different locations and involved different battalions, one might argue that it could be better explained as the Ituri battalion being more disposed to using force than the Sake battalion. However, the Sake battalion was in fact the same unit that responded to the November 2006 events.

peacekeepers will use force very cautiously, preferring other methods, such as mediation, to resolve the crisis. Sake in August 2006 illustrates this caution; MONUC maintained communication with both sides and did not forcibly intervene,<sup>408</sup> whereas the Ituri Battalion immediately responded to information about the impending attack on Avi Heights.

Non-action against Nkunda in August 2006 was primarily justified by the fact that the ‘skirmishes’ did not constitute a major threat to civilians.<sup>409</sup> Yet, as noted above, at least one commander believed that they would have been mandated to use force against a different ‘enemy’ in the same situation. Indeed, at Avi Heights, MONUC commanders did so. In addition to Nkunda’s status as a FARDC General, MONUC decision makers faced another disincentive to the use of force: mission credibility. In this case, in a reverse of the credibility objective described in Chapter 4, concern for credibility provided a disincentive to use force. After the initial FARDC brigade fled Nkunda’s troops, another integrated brigade took its place. However, although this second brigade performed better than the previous, they were led by and composed of Hutus.

MONUC is acutely sensitive to the possibility of “disturbing the delicate balance of ethnic groups in North Kivu.”<sup>410</sup> As noted above, analysts have questioned whether Nkunda effectively represented the Tutsi minority. However, launching proactive operations against his troops in support of a Hutu-dominated FARDC brigade – particularly when an ethnically related event originally ignited hostilities –

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<sup>408</sup> Interview 40.

<sup>409</sup> Interview 55.

<sup>410</sup> Interview 53.

carried the risk of reducing MONUC's credibility among civilians. As one interviewee emphasized,

no matter *how much* artillery and equipment... helicopters and whatever [MONUC has] got – no matter what they throw in there, they will never be able to defeat [Nkunda and his troops]... And if they do, it's not going to be a popular [decision]... There's going to be a lot of blood spilled.<sup>411</sup>

Given that civilians in North Kivu had a history of responding violently when upset with MONUC activities, it presented a risk of causing further hostilities. Thus, in the case of Sake, MONUC decision makers perceived two disincentives that deterred immediate proactive action against Nkunda. First, it was not clear that robust operations were the best method to deal with internal FARDC battles. Second, a robust operation may have harmed MONUC's credibility, with the possibility of triggering riots or other civilian violence.

Yet in November 2006, MONUC reacted when Nkunda moved closer towards Goma; this was justified because of the high incentives associated with protecting Goma. It would seem that in order to justify action against the FARDC, incentives must offset disincentives. This is why in November, MONUC was prepared to allow Nkunda to remain in Sake, but they would not allow a march on Goma. The political ramifications deterred action in August, but the civilian and security threats in November compelled MONUC to act, overriding the political concerns.<sup>412</sup>

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<sup>411</sup> Interview 47.

<sup>412</sup> In hindsight, the November 2006 decision turned out to be politically advantageous as well, since the events were likely instrumental in pushing Nkunda to begin serious discussions to merge his units with the FARDC. Interview 68.

### 5.2.ii.b. FARDC human rights violations

The second way that support of the FARDC creates a disabler is due to the fact that the ‘se débrouiller’ policy carried over from the Moubutu years, and over the past few years, the FARDC have become “the worst perpetrators of human rights abuses.”<sup>413</sup> For instance, in March 2007, the newly created Bravo Brigade<sup>414</sup> summarily executed 15 civilians, and

FARDC soldiers were responsible for numerous incidents of arbitrary executions and other human rights violations, particularly the right to physical integrity and the right to liberty and security of persons throughout the DRC.<sup>415</sup>

As previously mentioned, top MONUC leadership assert that the FARDC are subject to the same responses as any belligerent when they carry out such activities. However, despite reducing capacity constraints, MONUC is unable to respond to the vast majority of individual cases of violence against civilians. As a supportive rather than occupying force, they do not have the mandate or manpower to police the country. Should abuses occur directly in front of peacekeepers, they are authorized to protect the civilian(s) under attack, but it is not difficult for such activities to occur out of sight of MONUC personnel.

MONUC adopted aggressive targeting of militias in response to this capacity problem, but they still refrain from using these measures against the FARDC. For one,

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<sup>413</sup> Interview 52. Also confirmed in interviews 1, 23, 24, 29, 35, 36, 38, 46, 53, 66, and 73. Holt and Berkman, 177 United Nations Secretary-General, *Twenty-first report*, 16.

<sup>414</sup> This brigade was created as concession to Nkunda. The regular brassage process blends former militia into the larger FARDC, splitting groups and sending individuals to different battalions. Mixage takes Nkunda’s troops and combines them with existing brigades stationed in North Kivu, thus allowing Nkunda to retain effective control over loyal troops. Henri Boshoff, “Renegade DRC General Threatens to Withdraw Troops from Army Commentary,” 10 May 2007.

<sup>415</sup> MONUC Human Rights Division, “Monthly Human Rights Assessment - March 2007,” 16 April 2007, <http://www.monuc.org/News.aspx?newsID=14383>.

abuses generally occur on an individual basis, rather than a staged attack by an army unit. However, this is not always the case, as there are multiple units known for staged extortion and other, more violent, abuses.<sup>416</sup> Yet MONUC takes no action against these units, including one occasion in Matadi, where an entire army unit visibly and openly attacked civilians due to elections-related tensions.<sup>417</sup> In the case of Matadi, MONUC's Western Brigade did not respond because it occurred outside of the normal 'paradigm.' Despite the elections-related violence in August, MONUC personnel in the West did not anticipate the need to use force to protect civilians. They were thus unprepared to respond with force. Capacity played a clear role; the Western Brigade is not equipped to use force robustly. However, there was still a problem in that the FARDC instigated the conflict, and it was unclear whether MONUC intervention would have an overall positive or negative effect.<sup>418</sup>

This raises two issues. First, there is a problem with having one mandate for a mission that covers a country that is not only geographically but also politically large and varied. Citizens in western DRC are aware that MONUC is authorized to protect civilians and may become frustrated when the mission does not, even if the mission is physically unable in that area. Credibility is thus affected, but civilian unhappiness is not limited to western DRC, as MONUC personnel discovered in January 2006, when civilians targeted MONUC in protest of the recent lack of protection.<sup>419</sup>

The second problem arises from the fact that MONUC supports FARDC troops in their operations. When government forces engages with militia forces, MONUC

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<sup>416</sup> Interviews 29 and 12. Personal observation.

<sup>417</sup> Interview 47, 12, and 51.

<sup>418</sup> Interview 51.

<sup>419</sup> Interview 47.

intervention would be on the side of the FARDC. Usually this is straightforward, occurring as a jointly planned and launched operation where roles are arranged in advance. However, there are times where FARDC-militia skirmishes erupt, and MONUC may consider intervening, as was the case with the Fataki FNI-FARDC clashes in December 2006. The field commander perceived the situation as being more complicated, because it was the FARDC causing the most harm to civilians, largely due to FARDC soldiers who were burning the homes of suspected collaborators.<sup>420</sup> The MONUC commander was concerned that intervening on behalf of the FARDC would have a negative impact on MONUC's credibility with the population. The interviewee stated that

had MONUC supported FARDC initially then it would have blamed later by the locals for all the atrocities that was [sic] carried out by FARDC during the conflict.<sup>421</sup>

This creates a problem for MONUC to protect civilians under threat from their own national army. The official MONUC position is that they will defend any civilians from any threat. The reality, though, is that there are disincentives to intervene except in clear cases of rogue units. As a senior member of leadership claimed,

it is not always easy to implement [civilian protection], particularly when there are government troops, who are supposed to be the defenders of the security of the population, [who] become the victimizers of the civilians.<sup>422</sup>

Indeed, as mentioned above, MONUC is still careful even with their language; the dissident FARDC General Laurent Nkunda, for example, is a 'negative element' rather

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<sup>420</sup> Interview 35.

<sup>421</sup> Interview 35. As another interviewee maintained, mission credibility is a crucial consideration for UN commanders. Interview 5.

<sup>422</sup> Interview 54.

than an insurgent, rebel or militia force, even though his actions have been equivalent to that of other illegal armed groups.

### **5.2.iii. Support for democratic processes**

The third mission objective that presented a disabler to MONUC's use of force was the support for democratic processes. This is because the Security Council mandated MONUC to promote activities that would lead to a coherent, legitimate, and capable government in order to achieve positive peace and durable stability. Commanders must therefore be certain that prospective operations have a positive effect on the political environment, or - at minimum - not have a severely negative impact. In fact, there may be times where ongoing political processes are so important and widespread that they deter all proactive robust engagements. For MONUC, this occurred while preparing for and facilitating the DRC elections.<sup>423</sup>

In August 2006, the DRC held a historic multi-party, nation-wide election. The first round resulted in 45% for Joseph Kabila, the transitional president since the death of his father Laurent Kabila, and 20% for Jean-Pierre Bemba, one of the DRC's richest men and former leader of the Ugandan supported Mouvement de libération du Congo (MLC) militia group during the 1998 war.<sup>424</sup> Consequently, a run-off election was conducted in November 2006, which resulted in victory for Joseph Kabila. Extremely costly and entirely reliant upon international support – especially from MONUC aviation – the elections were nevertheless viewed as relatively free and fair: a

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<sup>423</sup> Interview 73 and United Nations Secretary-General, Report of the Secretary-General pursuant to paragraphs 10 and 14 of Security Council resolution 1649 (2005), 13.

<sup>424</sup> Economist Intelligence Unit, Country Profile Congo (Democratic Republic) September 2006.

success.<sup>425</sup> In order to ensure that elections ran smoothly, MONUC softened its approach towards militia groups.

Although MONUC did not stop providing direct civilian protecting during the period before and during the elections, commanders refrained from using force as aggressively as they did in the previous two years.<sup>426</sup> This was because it was unacceptable to disrupt elections; aggressive operations generally resulted in population displacement, and as one interviewee pointed out, “displaced people can’t vote.”<sup>427</sup> For instance, when in early 2006 the ADF returned to Eastern DRC, MONUC did not use force against them, despite the precedent-setting robust attack in late 2005. This was partly due to the reduced threat they posed to civilians, but also key was the fact that MONUC was “more concerned with elections.”<sup>428</sup>

Consequently, “during elections, MONUC backed off” from conducting robust operations.<sup>429</sup> With a limited amount of resources and fear of population displacement, MONUC needed to ensure that elections were carried out successfully. Political success is, and should be, a key objective for MONUC. As one high ranking MONUC interviewee stated, when MONUC commanders undertake robust operations, they

could do something that is militarily very relevant but the political consequences will be worse, [it could] be very bad for the mission.<sup>430</sup>

That decisions to use force are affected by their potential outcomes on transitional processes is a positive development from previous missions, where military, political and humanitarian actors operated in parallel. Indeed, this development concerns

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<sup>425</sup> Interview 1.

<sup>426</sup> Interviews 66 and 68, and United Nations Secretary-General, Report of the Secretary-General pursuant to paragraphs 10 and 14 of Security Council resolution 1649 (2005), 3 and 13.

<sup>427</sup> Interview 53. Also confirmed in interview 1, 5, 16, 35, 41, 49, 61, 66, 68, 70, 73, and 75.

<sup>428</sup> Interview 41.

<sup>429</sup> Interview 61.

<sup>430</sup> Interview 55.

commanders outside of UN missions as well, given the complex objectives facing, *inter alia*, African Union, North Atlantic Treaty Organization (NATO) and US-led coalition forces in other missions.

However, understanding the political implications of military missions can be difficult for commanders, largely because they lack expertise in the political realm. Political disincentives may cause commanders to hesitate when considering the use of force, even if the potential for negative consequences is remote. In some – perhaps many – cases, this hesitation is warranted. Yet, hesitations can be problematic when they result in non-decisions where force is not used because the time to act has passed, rather than as a result of a deliberate decision. If that hesitation was the result of a faulty assessment, the mission and commander are likely to receive severe retrospective criticism. Thus, as the conclusion will explain in greater detail, the problem is not that there *are* disablers; the trouble arises when commanders are not given support in making comprehensive assessments of those disablers.

### **5.3. Conclusion**

The research uncovered two unexpected, and related, findings. First, commanders refer to all drivers as civilian protection; second, support for the transitional process has acted as a disabler to the use of force. These two findings are related due to, and indeed brought about by, the key UN lesson from the 1990s: in order to achieve a lasting peace, missions must be multifaceted and address underlying problems, including political instability. To do so properly, MONUC became an ‘integrated mission,’ incorporating political, military, and humanitarian concerns to

reflect the interconnected nature of these issues. Civilian protection provided a universal, if not simple, concept that could unify the various facets of the mission. A senior MONUC official explained:

The protection of civilians is a very complex, complicated concept... [the military] need[s] to interact with all the components of the UN mission: within the brigade, within the Senior Management Team, within all levels of the mission, at the levels of all our offices in the field... [Commanders] all report to [the Force Commander] for arrival to the mission and [he] instruct[s] them to be in contact with all parts of the mission. The military is not an isolated part of the mission; it is an integrated part of the mission; the mission is a whole.<sup>431</sup>

And the mission as a whole was focused on achieving and fostering a stable political environment as a key step in achieving a lasting peace. At times robust force was considered the proper tool, as described in Chapter 4, but in other cases, the pursuit of political stability provided a disincentive to the use of force.

MONUC's pursuit of political stability is vital, as the DRC demonstrates the need for stability more than most states. The country has spent more than a century suffering from Belgian's avarice, Mobutu's corrupt and tyrannical regime, and a devastating war that caused four million deaths. Collectively, these events have decimated the country's population, economy and general development. A stable political system that ensures security, reduces corruption, and eliminates repression is a necessary change. Yet even as political change is viewed as a way to bring about security, so too is security viewed as necessary to bring about long-term political

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<sup>431</sup> Interview 55.

change.<sup>432</sup> This raises the question as to which will best lead to long term political stability: immediate security or immediate political change.

A cautious analyst would answer that both are necessary,<sup>433</sup> but this is unhelpful when a commander is considering a robust operation that could increase immediate security at the cost of immediate political change. Security enhancements might promote long term political stabilization. On the other hand, if the operation adversely affects the current political environment, it may reverse the positive security effects and worsen the possibility of long term stabilization. Because the long term intention is to contribute to political stability, commanders must decide whether the robust operation will in fact have this effect. Thus, decision makers, including brigade and battalion commanders, must assess an operation's potential impact on both the security and political environment.

The problem, then, is not that objectives related to the transitional process affect the decision to launch an operation. Rather, it occurs when military commanders, down to the battalion level, are not given support in making assessments of the political effects of a military operation. With experience and expert knowledge focused on the military implications of forceful operations, commanders should not be

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<sup>432</sup> See, for instance, Kimberly Marten Zisk, Enforcing the peace: learning from the imperial past New York : Columbia University Press, 2004): 202.

<sup>433</sup> This usually results in noncommittal phrases, such as POs "should use the minimum force needed to protect and advance its mission objectives." William J. Durch, "Are We Learning Yet?" 573. Conversely, Zisk asserts that while both are necessary, the international community should be solely concerned with providing security and only give suggestions for political change. Zisk, 158-165. One could argue, however, that MONUC has already adopted a role that is less interfering than the one she cautions against.

expected to make in-depth political assessments.<sup>434</sup> This is because, as Robert Jervis points out,

[t]he way people perceive data is influenced not only by their cognitive structure and theories about other actors but also by what they are concerned with at the time they receive the information...When messages are sent from a different background of concerns and information than is possessed by the receiver, misunderstanding is likely.<sup>435</sup>

Relating this back to UN operations, political actors will, in general, better understand political situations than military actors.<sup>436</sup> This is not a comment on the abilities of military or political actors; it is simply a consequence of the fact that human beings require paradigms as ways to interpret information.<sup>437</sup> Because their military paradigms are not the best prepared to deal with political situations, commanders should instead be able to rely on adroit political officers to provide in-depth, expert political analysis. Interviewees confirmed this, as political staff generally have been in the DRC longer than any military staff, and “they have a good understanding” of the situation.<sup>438</sup> Indeed, the entire purpose behind ‘integrated missions’ is to bring the various actors together to ensure coordinated and coherent action.

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<sup>434</sup> Not all commanders arrive with significant pre-deployment training, particularly regarding the political situation in the country, and there is a significant lack of institutional memory at headquarters, division, brigade and battalion level. Interview 41. As one political affairs from the field stated, “the institutional memory is kept by political affairs because the military is constantly shifting.” Interview 49. Further, as an Ituri staff officer stated, it can take a contingent (and its commander) roughly “two to three months to get used to the situation and then two to three months to prepare to leave.” Interview 16. Given that military contingents rotate every six months to one year and because they lack institutional memory, commanders are generally inadequately prepared to make political assessments.

<sup>435</sup> Jervis, 472-3.

<sup>436</sup> This will, of course, not always be the case; there can easily be an occasion where military actors are more politically adept than their political counterparts.

<sup>437</sup> Jervis 473.

<sup>438</sup> Interview 55.

Although structures for integration are in place in MONUC,<sup>439</sup> their effectiveness is curbed by challenges endemic to UN operations. They are culturally and linguistically disjointed, underfunded and underequipped, which results in several challenges for commanders to be fully aware of the political situation.<sup>440</sup> This means that while the decision to undertake a military operation needs to take into account a variety of issues related to the transitional process, the ability to do so properly is not necessarily in place.

Returning to the Fataki example, according to one peacekeeper, when fighting broke out in December 2006 between the Congolese army and the FNI, the lack of robust response was privately and quietly criticized. It had presented a clear case of civilian protection and yet the ground troops did not respond, despite possessing

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<sup>439</sup> This included daily briefs at each headquarters, bringing together the various heads of MONUC departments, from political to civil affairs to military operations; ‘security cluster’ meetings for MONUC military to meet with humanitarian and other actors; a Joint Operations Centre (JOC) to coordinate military-political decisions; a Joint Mission Analysis Cell (JMAC) and a Best Practices Unit (BPU) officer to conduct analysis and provide recommendations; daily, weekly, and flash email updates with up-to-date information. Personal observations.

<sup>440</sup> For instance, daily briefs and security cluster meetings are useless if the individuals do not understand the speaker and do not ask for clarifications. Personal observation, Interview 28. Political-military information sharing cannot happen when one officer does not return the email of another, and political officers cannot adequately contribute to military assessments if they do not understand the difference between various types of operations. Personal observation, Interviews 77 and 24. A JOC that is intended to be involved in decision making is underutilized if it is simply an information hub. Interview 60. JMAC and BPU officers are unable to support the entire mission when institutional memory is retained by a few individuals in headquarters because the officers do not have time to write comprehensive reports. Personal observation. For example, the BPU position was unstaffed between at least November 2006 and February 2007. Email updates are unhelpful to commanders without internet connections,<sup>440</sup> and poor writing skills of field information officers will increase strains on already burdened headquarters officers when field updates must be completely rewritten due to language errors. Interview 81. The lack of a central pool of information from which individuals can pull relevant information – such as archives of the daily, weekly and flash updates – ensures that situational awareness relies on the tenacity of the individual to search for information. Personal observation. This is often caused by understaffing and/or vacant positions. For instance, when I asked an information officer about events that occurred in his area of responsibility during a period of time for which he was technically responsible, he was unable to comment because he had been on leave and there was no collected information to which he could refer. Command and control relationships break down when headquarters believe that field commanders are unwilling to incur costs because of domestic repercussions.<sup>440</sup> They are strained further when field commanders feel that headquarters staff disregard their analysis and that mission leadership are more willing to sacrifice the lives of peacekeepers because they do *not* face domestic repercussions. Interview 18.

standing authorization to use force to protect civilians. In this case, some blamed the nature of the troops and the individual background of the decision maker.<sup>441</sup> While these may be plausible individualistic explanations for the non-use of force, the above discussion demonstrated that the lack of action can also be attributed to concern for the repercussions on the DRC's transitional process. Field commanders did not know how a robust response would affect the ongoing negotiations, and the ambiguity was not clarified by mission leadership. Indeed, there were few officers in Kinshasa or Eastern Division headquarters to provide an answer. Thus, Fataki demonstrates the non-use of force due to hesitation, rather than a deliberate decision, because of lack of information about the transitional process.<sup>442</sup>

In hindsight, the hesitation resulted in the best outcome; as one interviewee stated, it

led to the opportunity for FNI leader PK to come to the peace process with the Government and join the DCR process for his militias. The ongoing peace process and negotiation is the result of the operation.<sup>443</sup>

However, it should have been a deliberate decision made with relative assurance that it was the *best* decision, rather than the result of a non-decision due to hesitation.

Hesitations caused by a lack of information are a weakness that could provide

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<sup>441</sup> The same interviewee suggested that the lack of response was due to incompetence of the troops Interview 81. Another senior commander suggested that the commander feared repercussions from his home government. This is because seven troops from the previous Nepalese contingent had been taken hostage months earlier. The commander commented that "MONUC never should have left the Nepalese in Ituri; they should have been rotated out. It [was] not fair to leave them there." Interview 23.

<sup>442</sup> Further, blaming non-action on incompetence is somewhat unexpected, considering that Nepalese soldiers – who were responsible in Fataki – had been previously praised for their effective use of robust force. Interview 64; Holt and Berkman, 171. On the other hand, the battalion in place was new and had been deployed since the July events, where seven Nepalese soldiers were kidnapped and held hostage. One could plausibly argue that the new battalion either had home instructions to not engage in robust operations, or the commander refrained from acting for individualistic reasons, such as fear of domestic repercussions should the operation result in the capture or deaths of his soldiers.

<sup>443</sup> Interview 35.

belligerents with an advantage against UN missions, whether through purposeful exploitation or not.

UN missions rely heavily on local personnel, raising concerns of information leaks.<sup>444</sup> Yet, most concerns relate to security, such as timing and coordination of specific operations. Few seem concerned about leaks regarding the state of interpersonal relationships or information management. But if belligerents are aware of such problems, they may exploit them and take violent action during peace negotiations, secure in the knowledge that UN commanders will likely hesitate if they believe that a response might negatively affect the political environment. Indeed one could even speculate that the FNI was aware of the ‘skeleton crew’ status of MONUC as well as MONUC’s non-use of force policy towards the FNI, using the opportunity to strike at the FARDC and gambling that MONUC would not intervene.

MONUC experienced an example of this type of situation in 2006, though it may not have been purposeful. General Nkunda’s attack on Sake and subsequent movement towards Goma in November 2006 tested the North Kivu brigade’s ability to react in the face of disablers. Although MONUC had set a precedent in August by not interfering with the skirmishes between the FARDC and Nkunda’s troops, the Sake battalion responded quickly when Nkunda began to move towards Goma in November. Interviewees attributed this to the firm conviction, shared at both field and headquarters levels, that “we can’t let Goma fall... [MONUC] couldn’t have another Bukavu.”<sup>445</sup> Arriving at this consensus was greatly facilitated by the strong relationships that exist between the political and military officers within the North

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<sup>444</sup> Interview 68.

<sup>445</sup> Interview 47.

Kivu Brigade.<sup>446</sup> Further, there is better institutional memory and command confidence than in Ituri Brigade, due to the fact that it is a homogenous brigade.

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<sup>446</sup> Interviews 47, 48, 49.

## Chapter 6. Conclusion

This purpose of this thesis was to explore how Security Council authorization to use force translates into field level decisions by UN commanders. It emerged from the observation that the UN mission in the DRC, unlike the majority of its UN peace operation predecessors, was implementing its authorization to use force. Indeed, as explained by a senior commander,

we fired off [nearly] 50,000 small arms rounds this year. We fired over 300 helicopter rockets, several hundred high-explosive mortar rounds. These are combat situations where it is inevitable that people will tragically be hurt and killed... We have taken twenty-one fatalities in as many months.<sup>447</sup>

What caused MONUC commanders to use force against the belligerents? The mandate on its own does not provide a full explanation, given that MONUC did not invoke its Chapter VII authorization to use force in Phases I through IV, even when they faced serious crises in Ituri and Bukavu. National characteristics are likewise unhelpful in providing a full answer, given that the robust operations were carried out by a number of units from different countries.<sup>448</sup> Indeed, all nationalities and infantry battalions in Ituri and the Kivus had used force on at least one occasion.<sup>449</sup> These aspects are part of the answer, but as the thesis argues, the increased robustness that occurred in Phase V can best be understood by looking at mission capacity and drivers that motivated the use of force.

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<sup>447</sup> Interview 15.

<sup>448</sup> However, an analysis of the role of individual differences is warranted, given that several interviewees pointed particularly at the fact that Major-General Cammaert had “a more military style; [he was] more willing to take risks.” Interview 73. Another interviewee asserted that he was “very good and motivated; [he took] a robust approach.” Interview 66. A former political officer asserted that Cammaert and the SRSG “agreed to a broad and robust interpretation [of the mandate].” Interview 75.

<sup>449</sup> It must be noted, however, that it is possible that not all of the individual rotations used force because troops within battalions rotate periodically, usually every six to twelve months. So although the Bangladeshi, Nepalese Moroccan, Indian, and Pakistani battalions all used force, usually multiple times, some rotations within those battalions may not have used force.

First, there was an increase in MONUC's ability to carry out aggressive security operations. The command structure changed with the creation of an Eastern Division, thereby reducing the impact of headquarters politics on the implementation of the mandate. Three full battle-ready brigades, including two homogenous brigades, were sent to the most volatile areas: Ituri, North Kivu and South Kivu. Rigid regulations were softened, communications increased in the case of the national brigades, and operations had air support from attack helicopters and other force enablers.

Second, commanders clarified and expanded their understanding of the strategic objectives, translating them into specific drivers for the use of force. The clarification naturally included civilian protection from direct violence, defined by the thesis as a specific group of civilians facing ongoing (currently occurring) or imminent (about to occur) violence. MONUC commanders also perceived the prevention of future violence through coercive disarmament and disruption of belligerent activities as a driver. A third driver was the impetus to protect the national armed forces, the FARDC, from attack, and a fourth driver was the prevention of external interference. The final driver was more pervasive than a single objective: promoting mission credibility.

The analysis thus shows that, as per the first hypothesis, increasing mission capacity removes a strong disabling factor to the use of force. This enables commanders to adopt a translation of the mandate that fits with the field environment, allowing a driver to motivate the use of force, as anticipated by the second

hypothesis.<sup>450</sup> One unexpected finding was that rather than identifying the drivers separately, many interviewees described them all as ‘civilian protection.’ One reason that this occurs is to provide missions with an organizing principle that unites the different facets of the mission. It also may be used as an undemanding, catchall justification for the use of force to pursue broader objectives. In this way, ‘civilian protection’ is similar to concepts used in previous missions. In UNEF II, for example, ‘defence of the mission’ was a concept that could have been used to justify force in broad set of circumstances.<sup>451</sup> A key difference is that previous justifications emphasized self-defence, albeit stretched to its broadest possible definition. Such concepts limited commanders to *reactive* operations, in that they would still be expected to react to a specific action by a belligerent force. Civilian protection, as used by MONUC, justifies *proactive* uses of force that were previously expected from pure enforcement missions, rather than POs with robust mandates.

In this way, ‘civilian protection’ serves as a malleable term, providing commanders with the freedom to make decisions without (what may be perceived as) undue restrictions on the use of force. This is grounds for concern, however, should commanders begin to use force without, or with less, restraint. Further, once civilian protection is defined this broadly, its inclusion as a mission objective is weakened. It confuses the fact that in addition to the protection of civilians as a specific task, UN missions are mandated to pursue a broad range of objectives. Once civilian protection incorporates all drivers to use force, it is effectively meaningless at the field level, as

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<sup>450</sup> Unfortunately, we cannot know when, exactly, this expanded interpretation was introduced, and we cannot test whether a capacity increase in Phase IV would have resulted in as much force as occurred in Phase V. However, as in an earlier note, several interviewees suggested that the expanded conception was introduced, or at least encouraged, by the SRSG and GOC.

<sup>451</sup> Findlay, The Use of Force in UN Peace Operations, 101.

all objectives are subsumed under the ‘civilian protection’ umbrella – including those objectives that discourage the use of force, which was the second unexpectedly important finding.

Due to their broad mandates to bring about general stability, POs will face situations where certain objectives act as disincentives to the use of force. First, POs often are given the objective to support the disarmament of illegal armed groups. Although this can, in fact, motivate coercive disarmament against some groups, it can also act as a disabler when disarmament programs are ineffective or negotiations are ongoing with belligerent forces. Second, as a supportive force, POs will be mandated to work with the national armed forces. This creates a disabler in terms of intervening in internal battles within the national armed forces units and in the face of major human rights abuses by the state’s soldiers. Finally, support for democratic processes can present a strong disabler and may put proactive activities on hold; this is particularly the case during, and in the lead up to, elections.

Given the previously mentioned concern for lack of restraint by commanders, the disabling effect of these objectives should not be unwelcome. Indeed, as mentioned in the introduction, a key lesson from UN experiences in previous missions is that peace operations are not and should not be purely military affairs. Even during robust POs, the overall aim of the mission is not to achieve a purely military solution; force is simply a tool to assist the realization of an inherently political solution. Political effects from military operations are thus secondary only in *sequence*, not *importance*.

Moreover, UN missions do not and cannot operate on a “cookie cutter [basis]... they must be adapted to the ground situation.”<sup>452</sup>

Further, even as force can be prevented when it has a negative effect on political stability, drivers to use force can trump disablers in appropriate circumstances. This was evidenced by MONUC’s use of force against the dissident General Nkunda at Sake in 2006. Despite his official status as a FARDC commander, MONUC still used force to prevent an attack on Goma. Yet, in this case, MONUC was aided by prior experience; the outcome of Nkunda marching on Goma was described by one interviewee as “an obvious consequence; it had happened before [in Bukavu] and we were wrong, so it was obvious, even to the military.”<sup>453</sup> Chapter 5 showed that these conclusions are not always so simple when use of force disablers and drivers clash. This will be particularly the case when the commanders lack experience in using force in the conflict area, such as when a PO initially deploys or when it first receives a robust mandate. In some cases, hindsight will show that not using force is warranted; other cases, however, may result in the non-use of force despite the retrospectively clear need for a robust response. Thus, despite the historic precedence of MONUC’s use of force, UN missions can still repeat mistakes like Bukavu, where disincentive factors precluded the use of force, despite multiple clear and justified drivers. This possibility will be exacerbated when commanders do not receive proper support from their political counterparts. Consequently, the UN must ensure that the ‘integrated’ status of POs is actually reflected in collaboration between commanders and other mission personnel at all levels and is not reliant upon personality-driven relationships.

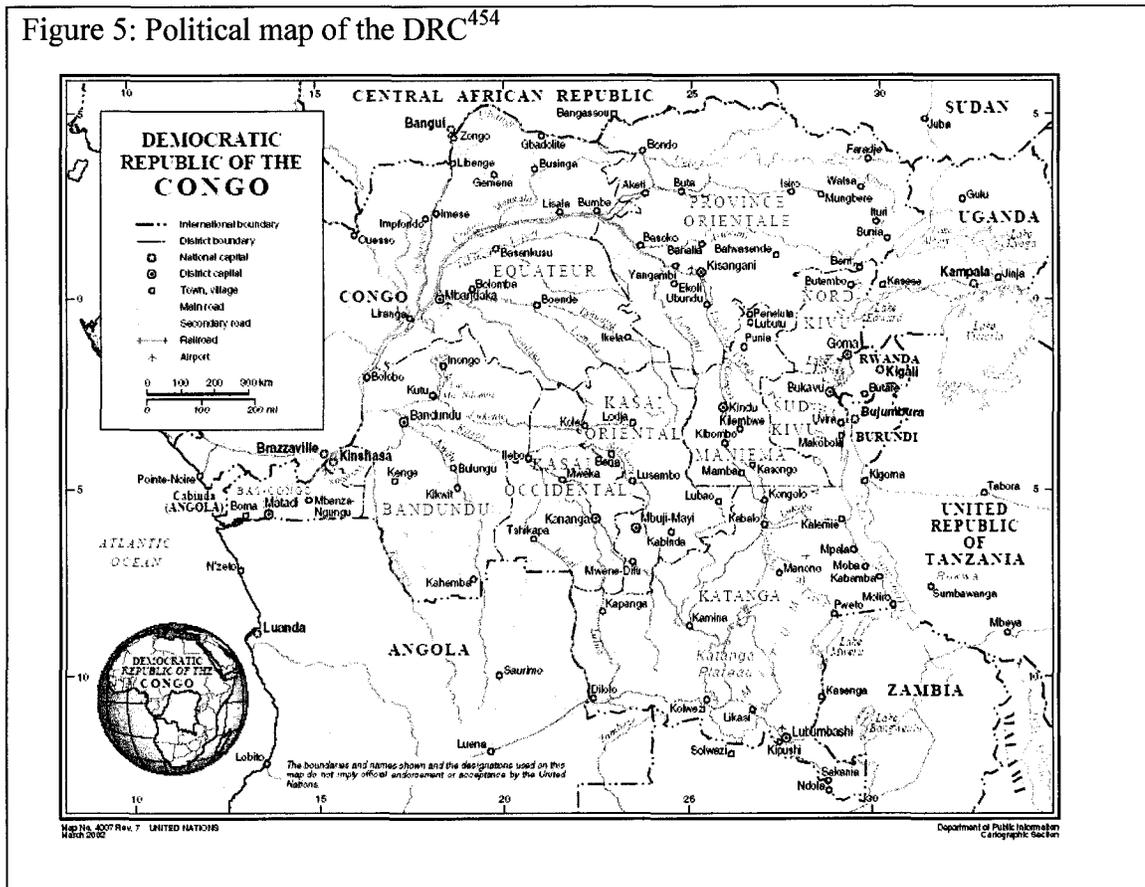
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<sup>452</sup> Interview 68.

<sup>453</sup> Interview 51.

## Appendix 1. Political map of the DRC

Figure 5: Political map of the DRC<sup>454</sup>



<sup>454</sup> United Nations Cartographic Department, Accessed online:  
<http://www.un.org/Depts/Cartographic/map/profile/drcongo.pdf>

## Appendix 2. Major robust activities by MONUC

Table 3: Major robust activities by MONUC

ID	Brigade*	Operation Name	Start Date	Location	Target
1	IB	Loga	01-Mar-05	Aveba	Ituri militia
2	IB	Ituri Enthusiast	14-Nov-05	Similiki	FRPI
3	IB	Aveba Boga	09-Sep-05	Aveba	Ituri militia
4	IB	Ituri Enthusiast	19-Nov-05	Bavi/Songolo	MRC
5	IB	Ituri Eden	19-Dec-05	Nioka	FNI
6	IB	Ituri Encourager	16-Jan-06	Aveba/Tchei	FRPI
7	IB	Explorer	15-May-06	Imuru-Tchei	FRPI/MRC
8	IB	Ituri Impulse	30-Mar-06	Mandro - Loga	
9	IB	Element-III	20-May-06	Mahagi/Djugu	FNI-Karim
10	IB	Avi Heights / Aveba defence	09-Dec-06	Aveba/Avi Heights	FRPI
11	IB	Boscoe Ntanga ambush	2006-all	Bunia	Boscoe
12	IB	Ituri Ember		Joo-Kofe	Ituri militia
13	NK	North Network	26-Apr-06	Rive (Virunga)	FDLR
14	NK	North Nexus	27-Oct-06	Virunga	Mayi-Mayi, FDLR
15	NK	North Niece	31-Oct-06	Nurondo	Mai-Mai
16	NK	North Nightfinale	25-Dec-05	Erengeti, Ruwenzori	ADF
17	NK	North Nutshell	22-Jan-06	Rutshuru-Rwindi	Nkunda
18	NK	North Necklace	12-Apr-06	Kahumiro	FDLR
19	NK	Sake-Nov	27-Nov-06	Sake	Nkunda
20	SK	NightFlash	01-Mar-05	Walungu	FDLR
21	SK	Thunderstorm/Iron Fist/Falcon Sweep	01-Jun-05	SouthKivu	FDLR
22	SK	New Hope	15-Sep-05	South Kivu	Rasta
23	SK	South Sentinel	22-Feb-06	SouthKivu	FDLR
24	SK	South Sustain	31-Mar-06	SouthKivu	FDLR

\*Brigade abbreviations

IB – Ituri Brigade

NK – North Kivu Brigade

SK – South Kivu Brigade

### Appendix 3. Interviews

Table 4: Interview List

ID				
1	MONUC civilian staff	Kinshasa	Formal interview	15-Jan-07
2	MONUC senior commander	Kinshasa	Formal interview	13-Jan-07
3	MONUC military staff officer	Kinshasa	Formal interview	15-Jan-07
4	MONUC military staff officer	Kinshasa	Formal interview	15-Jan-07
5	MONUC military staff officer	Kinshasa	Formal interview	15-Jan-07
6	MONUC military staff officer	Kisangani	Formal interview	17-Jan-07
7	MONUC military staff officer	Kisangani	Formal interview	17-Jan-07
8	MONUC military staff officer	Kisangani	Formal interview	17-Jan-07
9	MONUC military staff officer	Kisangani	Formal interview	18-Jan-07
10	MONUC military staff officer	Kisangani	Formal interview	18-Jan-07
11	MONUC military staff officer	Kisangani	Formal interview	18-Jan-07
12	MONUC senior field commander	Kisangani	Formal interview	18-Jan-07
13	MONUC civilian staff	Kisangani	Formal interview	19-Jan-07
14	MONUC senior commander	Kisangani	Formal interview	19-Jan-07
15	MONUC senior commander	Kisangani	Formal interview	19-Jan-07
16	MONUC military staff officer	Bunia, Ituri	Formal interview	20-Jan-07
17	MONUC field commander	Bunia, Ituri	Formal interview	22-Jan-07
18	MONUC field commander	Bunia, Ituri	Formal interview	22-Jan-07
19	Congolese civilian authority	Bunia, Ituri	Formal interview	22-Jan-07
20	Congolese civilian authority	Bunia, Ituri	Formal interview	22-Jan-07
21	Congolese civilian authority	Bunia, Ituri	Formal interview	22-Jan-07
22	MONUC civilian staff	Bunia, Ituri	Formal interview	23-Jan-07
23	MONUC military staff officer	Bunia, Ituri	Formal interview	23-Jan-07
24	MONUC civilian staff	Bunia, Ituri	Formal interview	23-Jan-07
25	MONUC field commander	Bunia, Ituri	Formal interview	23-Jan-07
26	Congolese civilian authority	Bunia, Ituri	Formal interview	23-Jan-07
27	NGO staff	Bunia, Ituri	Formal interview	24-Jan-07
28	Meeting observation	Bunia, Ituri	Meeting observation	24-Jan-07
29	MONUC civilian staff	Bunia, Ituri	Formal interview	24-Jan-07
30	MONUC field commander	Bunia, Ituri	Formal interview	25-Jan-07
31	MONUC field commander	Bunia, Ituri	Formal interview	25-Jan-07
32	NGO staff	Bunia, Ituri	Formal interview	25-Jan-07
33	NGO staff	Bunia, Ituri	Formal interview	25-Jan-07
34	MONUC field commander	Goma, North Kivu	Formal interview	27-Jan-07

35	MONUC field commander	Bunia, Ituri	Formal interview	20-Jan-07
36	MONUC military staff officer	Bunia, Ituri	Formal interview	20-Jan-07
37	MONUC military staff officer	Bunia, Ituri	Formal interview	20-Jan-07
38	MONUC military staff officer	Goma, North Kivu	Formal interview	27-Jan-07
39	NGO staff	Goma, North Kivu	Formal interview	28-Jan-07
40	MONUC field commander	Sake, North Kivu	Formal interview	29-Jan-07
41	MONUC field commander	Beni, North Kivu	Formal interview	30-Jan-07
42	MONUC civilian staff	Beni, North Kivu	Formal interview	31-Jan-07
43	MONUC commander	Butembo, North Kivu	Formal interview	31-Jan-07
44	NGO staff	Goma, North Kivu	Formal interview	02-Feb-07
45	MONUC military staff officer	Goma, North Kivu	Formal interview	02-Feb-07
46	MONUC military staff officer	Beni, North Kivu	Formal interview	31-Jan-07
47	MONUC civilian staff	Goma, North Kivu	Formal interview	03-Feb-07
48	MONUC field commander	Goma, North Kivu	Formal interview	02-Feb-07
49	MONUC civilian staff	Goma, North Kivu	Formal interview	03-Feb-07
50	MONUC civilian staff	Goma, North Kivu	Formal interview	03-Feb-07
51	MONUC civilian staff	Kinshasa	Formal interview	07-Feb-07
52	MONUC senior leadership	Kinshasa	Formal interview	07-Feb-07
53	MONUC civilian staff	Kinshasa	Formal interview	12-Jan-07
54	MONUC senior leadership	Kinshasa	Formal interview	07-Feb-07
55	MONUC senior leadership	Kinshasa	Formal interview	08-Feb-07
56	MONUC military staff officer	Kinshasa	Formal interview	11-Jan-07
57	MONUC senior commander	Kinshasa	Formal interview	11-Jan-07
58	Senior Management Team meeting	Kinshasa	Meeting observation	10-Jan-07
59	Military meeting	Kinshasa	Meeting observation	10-Jan-07
60	MONUC military staff officer	Kinshasa	Formal interview	12-Jan-07
61	MONUC senior leadership	Kinshasa	Formal interview	12-Jan-07
62	MONUC senior leadership	Kinshasa	Formal interview	12-Jan-07
63	Former MONUC civilian staff officer	Ottawa, Canada	Presentation	01-Nov-06
64	Canadian government representative	Ottawa, Canada	Formal interview	02-Nov-06
65	Canadian armed forces representative	Ottawa, Canada	Formal interview	02-Nov-06
66	Department of Peacekeeping	New York	Formal interview	03-Nov-06

Operations				
67	Canadian armed forces representative	Kingston	Formal interview	20-Oct-06
68	Department of Peacekeeping Operations official	New York	Formal interview	07-Nov-07
69	Department of Peacekeeping Operations official	New York	Formal interview	07-Nov-07
70	Department of Peacekeeping Operations official	New York	Formal interview	07-Nov-07
71	Academic interview	New York	Formal interview	08-Nov-07
72	Former MONUC civilian staff officer	New York	Formal interview	08-Nov-07
73	Former	New York	Formal interview	08-Nov-07
74	Former Department of Peacekeeping Operations official	New York	Formal interview	09-Nov-07
75	Former MONUC civilian staff officer	New York	Formal interview	13-Nov-07
76	Cluster meeting	<i>Not provided to ensure confidentiality.</i>	Meeting observation	02-Feb-07
77	Political/Military meeting	<i>Not provided to ensure confidentiality.</i>	Meeting observation	24-Jan-07
78	MONUC staff officer	Bunia, Ituri	Informal interview	24-Jan-07
79	Department of Peacekeeping Operations official	New York	Informal meeting	08-Nov-06
79	MONUC staff officer	Kinshasa	Informal meeting	12-Jan-07
80	MONUC staff officer	Kinshasa	Informal meeting	15-Jan-07
81	MONUC staff officer	Kisangani	Informal meeting	17-Jan-07
82	MONUC staff officer	Kisangani	Informal meeting	18-Jan-07
83	MONUC staff officer	Bunia, Ituri	Formal interview	23-Jan-07
84	Former MONUC field commander	Ottawa, Canada	Presentation	02-Mar-06

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