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CENTER FOR INTERNATIONAL STRATEGIC ANALYSES

**The Transformative Power of the United Nations
Peacekeeping in the Protection of Civilians - PART 3**

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Research Paper No. 32

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. The Transformative Power of the United Nations Peacekeeping in the Protection of Civilians

PART 3

Section Four

Discussion

This Section seeks to discuss the findings of the document and case studies. The analysis was expanded from description to interpretation and was linked to the relevant literature, giving the reader a holistic sense of the investigative phenomenon. After all, the analysis is more than merely an automatic process, it hinges on creative insights (Gaskell, 2002:54). While Part 1 and 2 consist of an in-depth articulation of the ways in which the UN has sought to respond or not to POC issues, Part 3 discusses the implications and the insights of the findings.

4.1) Responding to the Protection of Civilians Issue

Since the authorisation of the first POC Resolution (i.e. 1265), the UNSC sought to respond to civilian abuses in various ways in relation to both its policies and practices. The first significant response towards the violence that tormented civilians during these 15 years concerns the new innovative tasks and techniques that UN peacekeepers incorporated. At a high policy level this was demonstrated through several resolutions. For example, in the case of the DRC, Resolution 1592 instructed specific CASO tactics to disrupt the capabilities of armed groups threatening civilians. Similarly, Resolution 1706 regarding Sudan's armed conflict, instructed UN troops to occupy key areas (e.g. buffer zones, IDP camps) and demilitarised zones in an attempt to deter violence towards civilians. Both policy examples illustrate an effort to further guide peacekeepers in how to implement their POC mandates in both direct and indirect ways of protecting civilians in armed conflicts. Furthermore, the authorisation of the UAV's in the DRC to enhance the UN's surveillance capabilities and track and observe any threats to the Congolese population constitutes a new innovative proactive technique capable of saving millions of lives. This becomes more apparent judging by the numerous occasions of missing 'warning signs' that led to civilians being massacred. Additionally, MONUC's innovation and adaptability have also been demonstrated by the use of mobile operating bases in the DRC. This constituted a way to better adapt to the vast regions in the DRC so as to improve intelligence, communication, and decision-making to protect civilians.

In the field these new tasks were translated into better POC. In the case of the DRC in Ituri, due to a CASO, MONUC clashed with FNI killing 60 armed combatants (see Case study 1). More importantly, peacekeeping operations have seen improvements in terms of military-civilian cooperation, which is a core issue of the UN. On one hand, in 2008, due to military-civilian cooperation, the UN Secretary-General claimed to have directly protected 300,000 civilians in several areas in the DRC. On the

other, the establishment of the 'protection network' between UNOCI and several leading NGO's proved a valuable proactive technique of improving UN's intelligence to respond to civilian needs (see Case study 2).

The second significant development in the UN's response to humanitarian crises is the authorisation of 'extreme measures' and the coercive enforcement of its POC mandates. In all three case studies the defining moment of the operations was the coercive measures that the UNSC was forced to authorise to halt civilian massacres. In the case of Libya albeit NATO intervention (due to its rapid deployment and reaction capabilities), the UNSC's Resolution 1973 authorised the No-Fly Zone and the use of force towards Qadhafi's army to stop the civilian massacres. Likewise, in Ivory Coast the widespread indiscriminate violence towards civilians was followed by the authorisation of Resolution 1975. The concerted attack by the UN and French helicopters which bombed heavy weapon stockpiles in rebel camps portrayed a reactive indirect response to protect and halt deliberate attacks on civilians. In both cases, there were concerns for misinterpreting the resolutions using excessive force by the UN. However, the case of the DRC's FIB seems to attest the suggestions of a new politics of protection by Bellamy and Williams (2011). Regardless of the effectiveness of the FIB, Resolution 2098 re-wrote history and it might as well signify a new era in UN peacekeeping. FIB is not only another case where the UN sought to respond to the POC issues by force. It is based on a 'clear' mandate to "carry out targeted offensive operations...in a robust, highly mobile and versatile manner" (UN, 2013: 6) to neutralise armed groups posing threats to civilian population. Although only a temporary development according to UN officials (The International, 2014), the 3,000 strong FIB constitutes the first time that the UNSC authorised peacekeepers to actually take the offensive rather than wait and respond to provocations. Although it is too soon to judge based on results, this development marked the first time the UN (even on a temporary basis) manifestly breached its fundamental peacekeeping principle (i.e. the use of force only in self-defence) to protect civilians.

The third and the last significant UN response that this study identified is the creation of R2P in 2005. Albeit different to POC mandates, so far R2P has served as a political platform to hold countries accountable when neglecting their population along with raising awareness at an international level. Libya's humanitarian crisis in 2011 is evidence for the importance of R2P and the wide possibilities for its use. R2P not only helped frame Libya's armed conflict as a civilian protection one, but also drew the international community's attention to Libya and pushed the UNSC for a drastic and swift response.

4.2) (Un)able to Respond

Despite the UN developments that sought to respond to abuses against civilians, they only depict half of the story. The case studies analysis vividly illustrated several occasions where the UN officials and troops were unable or unwilling to intervene when civilians were at risk. The examples cited were carefully selected so as to stress on the cases where the UN could intervene to save lives but did not. The case of the DRC constitutes the case study with the most striking examples (probably due to the long duration of the mission) of non-implementing the mission's mandate. Firstly at a policy level, albeit a mandate to protect civilians under imminent threat, POC issue was absent as a central planning objective in MONUC as well as on the Secretary-General's reports (see Case study 1).

Equivalently, in the first era of UNOCI in Ivory Coast (2004-2009), despite a UNSC POC mandate, POC issues were treated as a secondary task to support the peace agreement (see Case study 2). This inconsistency between the UN policies and its practices in the field portrays, at best, a huge 'gap' between the lines of communication within the UN, and at worst, a superficial confrontation of the issue.

The second and most important point of reference throughout the analysis is the UN troops' non-intervention in civilian massacres. Bearing in mind that the lack of resources and capabilities are always a correlating factor, nevertheless in many cases, the UN troops (again under POC mandates) were capable to intervene and stop a massacre, but they did not. Two notable examples in Case Study 1 are of the civilian massacres in Kisangani and Kiwanja. In Kisangani, RCD-Goma massacred 103 civilians despite the presence of almost 1,000 UN troops and their Deputy Commander. Although managed to provide safety to some civilians, MONUC forces mainly observed the gunfire without intervening. In the second event as HRW reported, while the CNDP was slaughtering 150 civilians in Kiwanja, MONUC troops were only 1km away but decided not to intervene. Both these equally important examples constitute cases where the UN troops had the capabilities and the resources to intervene and save innocent civilians, but did not. However, despite the tragedy of neglecting POC in itself, they also consist of two distinguished examples for other reasons. In Kisangani, the UN claimed that MONUC was not adequately resourced and trained to carry out such objectives. However, judging by the critique of the MUNOC Commander at the time, the UN troops simply did not use their capabilities to protect helpless civilians. These facts depict a passive and idle approach and make the UN's response seem like an effort to avoid or transfer responsibilities. Additionally, in Kiwanja massacre, HRW among other things criticised MONUC for not intervening but also for competing priorities like the pre-eminence in rescuing humanitarian workers rather than civilians. Both cases raise serious questions regarding the implementation of POC mandates. They also clearly show that capabilities and resources are not always the reasons behind the UN's inability to protect. Instead, what was missing was the will to use force.

In addition to the above points, the analysis illustrated that despite the consistent POC language at a policy level stressing several times on the importance of the use of force to protect civilians under imminent threat, the implementation of the mandates is severely lacking. Indeed, the UN only chose to use force as a last resort and after many reoccurring civilian massacres.

One last point that needs to be made is the insuperable difficulties the UN missions face when it comes to cooperating with the host state. In many cases (e.g both in the DRC and Ivory Coast), the UN had to cooperate and conduct joint operations with untrustworthy, and sometimes, abusive government forces. In the case of DRC, FARDC has repeatedly been accused of neglecting, abusing and massacring civilians. Alternatively, in Ivory Coast, UNOCI found itself in the middle of Gbagbo's and Quattara's battle for power. Although the UN rightly supported Quattara (after his win in the elections), it needs to be noted that alike Gbagbo's forces, Quattara's forces used violence against civilians. These examples are not an 'alibi' for the cases that the UN proved unwilling to protect civilians, rather a manifestation of the complexities and the blurred lines of the field. Lastly, they

demonstrate the significance of being able to cooperate with the host state in order to implement POC mandates, and on the other hand the repercussions for the whole mission for failing to do so.

4.3) The Transformative Power of the United Nations Peacekeeping

Both the document and the case studies analysis showed multiple developments and setbacks when it comes to POC issues. However, when these developments are put into context, they reveal a transformative power that UN peacekeeping seems to possess. Since 1999, in order to address POC issues, the UN has actually breached all three of its fundamental peacekeeping principles. First, in Ivory Coast, the UN clearly breached two of its basic principles. Its decision to support Quattara as the righteous president of Ivory Coast after the presidential elections breached the principle of impartiality. Although this act seems to converge with the 'new impartiality' doctrine, the attack on Gbagbo's camps shaped the outcome of the conflict in Ivory Coast. With this attack the UN also breached its principle of using force only in self-defence, although as the UN Secretary-General argued later, this incident was an act of self-defence as Gbagbo would use heavy weapons to attack civilians (BBC, 2011). Second, in Libya, the UNSC authorisation of a No-Fly Zone to protect civilians marked the first time when the UN decided to act against the wishes of a host state (Bellamy & Williams, 2011). Third, after 15 years of presence in the DRC, in 2013 the UN breached the use of force only in self-defence at a policy level (UN, 2013). Albeit not the first time the UN instructed the peacekeepers to use force to protect civilians, Resolution 2098 constitutes the first time that the UN has explicitly and pro-actively authorised a brigade to protect civilians by attacking rebels' bases.

The fact that all the UN principles have been breached is a huge development on its own. However, what is more pertinent is that they have all been breached in an effort to stop civilian massacres. Furthermore, these principles were not catalysed as a result of one single event but this essay's findings suggest that they are an aporia of the policy and implementation developments during the last 15 years. Both the document and the case studies analysis identified several cases where the UN has forcefully sought to address and tackle violence against civilians. These events portray a slow but consistent effort by the UN to adapt to the needs and respond to violence against civilians. This further suggests that the UN is not a static organisation. On the contrary, it has a transformative power as it constantly endeavours to better address and respond to POC issues.

Reflecting on the UN POC developments during these 15 years, four observations need to be mentioned. First, the most significant and distinct POC developments can be seen after 2010. This study's findings seem to converge with Bellamy's and Williams' earlier finding (2011) that POC issues seem to have entered a new era in terms of the measures the UN invoked to respond. This seems to suggest 'a new politics of protection' by the UN (Bellamy & Williams, 2011), however, previous developments (see document analysis) surely helped create a momentum for these measures to take place. Second, the slow rate of POC developments could be interpreted as a result of the concerns and the criticism of many countries (e.g. Russia, China and India) towards the UN's extreme measures (ibid). The third observation that becomes apparent through the analysis is the colossal task the UN sought to tackle. It seems that the only predictable outcome of the UN's actions is criticism. Indeed, whether the UN has sought to respond with extreme measures or a more 'passive' way (e.g. fearing an exacerbation of the conflict), it has been widely and repeatedly criticised (ibid). Whilst extreme

measures sparked issues of legitimacy and imperialistic attitude, passive responses raised concerns of inability to intervene and selectivity (Pattison, 2011). This is not to argue that the UN has always acted effectively or to avoid responsibilities, rather than to highlight the insuperable difficulties that the POC tasks entail. The last observation concerns the fallacy of judging by success and failure when it comes to POC issues. On one hand, the lack of consensus on what constitutes a success or a failure in terms of civilian protection demonstrates immense ethical difficulties. On the other, judging by success and failure in this study would have led to a biased interpretation of the peacekeeping missions. Since POC missions are so complex and vague, any attempt to 'label' a UN intervention or non-intervention as (un)successful, might have led to overlook or underplay the importance of the UN developments and efforts to address the issue.

Section Five

Conclusion

The aim of this essay was to explore how the UN has sought to respond to the POC issues at a policy and implementation level, and if or whether the UN's response to POC issues has transformed over the years. To achieve that, the essay used UN documents and case studies analysing three of the most important UN's missions.

First, through the documents, it became apparent that the UNSC has been active in relation to developing new policies to tackle and respond to POC issues. These new policies consist of new tasks, innovative techniques, coercive measures and less tolerance over violence against civilians. Second, the case studies illustrated the difficulty of implementing the above policies in practice. While they highlighted forceful responses and an increasing willingness to protect unarmed civilians, at the same time, the UN's unwillingness and inability to protect those who are most in need also became apparent. What remained was a mixed feeling towards the UN's actions over the issue. Third, as both the analyses were put into context, the discussion articulated the findings to demonstrate the transformative power that the UN seems to possess. This power, i.e. the effort to respond to the POC issues, was manifestly demonstrated through the breach of all three of the UN's peacekeeping principles, namely (i) use of force only in self-defence, (ii) consent of the state, and (iii) impartiality, in the name of civilian protection. Despite the colossal problems and concerns that these breaches portrayed, in relation to the POC they constitute an enormous effort to halt violence against civilians. Additionally, the discussion demonstrated the difficulties and the 'fallacies' of judging the UN in terms of success and failure, specifically in relation to the issue of the protection of civilians. The essay's finding, the transformative power of the UN, seems to converge with what leading academics on the issue like Bellamy and Williams (2011) have argued over 'a new politics of protection' by the UN when it comes to the POC in the last few years.

During these 15 years, albeit slowly, the UN sought to respond to the issue of protecting civilians by using force and breaching all three of its peacekeeping principles to protect non-combatants caught in the middle of armed conflicts. Despite of all the positive developments and the optimism that these bring over the POC, the essay also sought to portray some of the most serious cases of neglect and unwillingness by the UN during POC mandates. The two most pertinent recurring problems highlighted in the analysis were (i) the UN missions' lack of effective engagement with the local population they were actually trying to protect, and (ii) the persisting dilemmas over the use of force. Although practical issues at first glance, both engagement with local population and the dilemma of using force seem to have deeper macrotheoretical answers (Paris, 2000). Engagement can be paralleled with Pugh's (2004) criticism over the need for the UN to move away from a problem-solving approach and focus in a greater social responsibility, participation, understanding, and engagement. On the other hand, the dilemma to use of force to protect civilians seems to be irrelevant with technical solutions such as design, conduct, outcomes and policy-related issues. It is a deeply normative and ethical issue. Thus, endorsing a more critical theory view of the world might

help resolve or at least expand our understanding of these issues. The breaches of the UN's peacekeeping principles suggest that this effort is turning into practice in the form of coercive measures. Perhaps this is the only solution when it comes to saving unarmed civilians from the plight of abuse and violence. However, regardless of all the positive developments, almost 15 years since Brahimi's report, not everything has changed. Gaza, DRC, Mali, Kenya, and Ukraine. Paraphrasing Brahimi's words (UN, 2000: viii), it seems that the UN is still picking the bodies off the streets rather than responding forcefully to each and every armed conflict to save those most in need.

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