THE EVOLUTION OF PEACEKEEPING: SUEZ, RWANDA AND DEMOCRATIC REPUBLIC OF THE CONGO

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Introduction

In March 28th, 2013, the United Nations Security Council adopted Resolution 2098, through which the Intervention Brigade was created in the Democratic Republic of the Congo, aiming to "neutralize and disarm" the rebel militias in the Congolese territory. This resolution has been considered a landmark in the history of UN's peacekeeping operations that since its genesis have operated based on the principle of the minimum use of force necessary to achieve the desired effect.

The creation of the United Nations, following the Second World War, sought to avoid the outbreak of new conflict in the international system through cooperation among the member states. Peacekeeping operations were not mentioned in the founding Charter of the UN; however, Chapter VI of the document regards the peaceful settlement of disputes, and Chapter VII creates pacific and non-pacific mechanisms of collective security aiming to preserve international peace.

In the 1950s, during the Suez crisis, the first UN's peacekeeping operation was created. With the purpose of stopping the conflict from escalating

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uncontrollably, the General Assembly decided to send a military contingent to keep peace in the region. This first attempt was considered successful by the UN.

Since then, the UN has been involved in a number of conflicts around the world, mostly observing the basic premises of peacekeeping operations: minimal use of force, impartiality and consent. These features are considered the bedrock of this kind of operation, for without them the UN's interventions would be considered belligerent, and hence, an active party to the conflict. However, because of the end of the deadlocks among the member of the Security Council, in the post-Cold War there has been a change in the approach of the peacekeeping operations. The amount of missions increased vertiginously, mainly because of the many civil wars that proliferated during this time.

Following this greater participation of the UN in international conflicts, Boutros Boutros-Ghali, Secretary-General (SG) unveiled the Agenda for Peace in 1992, a document establishing the foundations of the peacebuilding operations⁴. These operations aimed to build long-lasting peace, through the development of the administrative capabilities of the warring states. This made the involvement of the UN in such states more complex and, thus, more expensive.

During the 1990s, when the UN faced serious issues regarding peace operations, its erratic and hesitant stance became a landmark in the history of the organization. Kofi Annan, who was ahead of the Department of Peace Keeping Operations (DPKO) at the time of the Rwanda mission, witnessed the difficulties faced by the United Nations Assistance Mission for Rwanda (UNAMIR) because of the restrictions imposed by the Security Council in regards to the *modus operandi* of the mission. Therefore, given his experience, when taking over as Secretary-General of the UN, Kofi Annan convened the Panel on United Nations Peacekeeping in order to evaluate the shortcomings of the peace operations system applied up until then.

The panel led to the Brahimi Report, establishing a new commitment from the member-states, besides significant institutional changes and the increase of the financial support to the peace operations, becoming a turning point in the UN's reinterpretation process in regards to its humanitarian intervention mechanisms.

The most significant change to the peacekeeping operations pro-

⁴ The document also defined the peace enforcement operations as units from the member-states made up of volunteer troops, using heavier weaponry than the peacekeeping operations. The creation of these troops is authorized by the Security Council and as in the case of peacekeeping operations, they are commanded by the Secretary-General (UN 1992).

cedures happened in 2013: the creation of the Intervention Brigade for the *Mission de l'Organisation des Nations Unies pour la Stabilisation en RD Congo* (MONUSCO), the UN's peace operation in the Democratic Republic of the Congo. The Intervention Brigade is also bound to the basic principles of the peacekeeping operations – consent, impartiality and minimal use of force. This obligation to keep following the principles came from the organisation's concern that the Brigade's new rule of engagement could delegitimize the foundations of the peace operations. Despite its close links to the peacekeeping operations, the Intervention Brigade is, according to the Secretary-General, the first offensive combat force created to control the violence waves in the DRC (Fett 2013).

Considering the legal issues and possible disputes caused by the creation of the Intervention Brigade, we can evaluate its emergence as a step towards a new way to understand peace operations. It becomes pertinent to inquire: are we facing a moment of change in the approach of the UN towards peace operations?

This article's hypothesis is developed from the principle that after a number of failures in its interventions, culminating, for instance, in the infamous genocide in Rwanda in 1994, the UN – and more specifically, its Security Council – began to implement a number of changes aiming to repair some mistakes experienced in the peacekeeping operations. By investigating the evolution of the peace operations and using as comparison parameters the UNEF I (Suez Canal), UNAMIR (Rwanda) and MONUSCO (DRC), the changes in the UN's *modus operandi* in dealing with humanitarian crisis will be analysed.

UNEF I: UN's first step

When peace operations were conceived by the UN in the end of the 1940s, their objective was to be a neutral force interposed between two warring states after a cease-fire was established. The first mission authorized by the Security Council (UNSC) was the UN Truce Supervision Organization (UNTSO) in 1948 that established as its goal the monitoring of the Armistice Agreements between Israel and the neighboring Arab countries, and remains active to this day (UN, no date).

After the nationalization of the Suez Canal Company by the Egyptian government, France and the United Kingdom requested a Security Council meeting to discuss the situation. Following the requisitions, the UNSC met in September to decide on the actions that would be taken in regards to the received questions. The Resolution 118 (1956) was adopted by the UNSC, and the SG claimed it would do everything possible to reach an agreement based on the principles approved by the Council (idem).

However, in October, 1956, the situation between Israel and Egypt became critical when the General Armistice Agreement signed by the countries was voided because of the Israeli invasion – supported by British and French forces – to the Egyptian territory. Despite Lt. Gen E.L.M Burns, from Canada, – who led the UNTSO – attempts to reach a cease-fire agreement between the countries, Egypt was bombed by England and France (UN, no date).

In November 1st, 1956, the General Assembly had its first emergency session to deal with the situation in the Middle East, after the UNSC was unable to reach an agreement given the vetoes issued by France and the United Kingdom. The Assembly approved the resolution 997 (ES-I) asking for an immediate cease-fire, the withdrawal of forces and reopening of the Canal. Canada abstained from voting, and Lester Pearson⁵ justified his country's choice claiming that more drastic actions were necessary to aid the cease-fire in the region. Pearson suggested that a UN's police force able to assist in the solution of the crisis was installed; and in discussions with the Secretary General the United Nations Emergency Force (UNEF) emerged, the first armed peace operation of the UN (ibid).

Canada's suggestion was approved in the resolution 998 (ES-I) of November 4th, 1956, and in the same day the SG forwarded the first report with a plan to the UN's emergency force. In the second SG's report, of November 6th, he defined the concept of the new force and the principles that should guide it throughout its mandate, among them one that would be fundamental to future missions: the mission would not have rights beyond those necessary to the execution of its functions, it would be more than an observation mission, but wouldn't be, in any way, a military force controlling territory (UN, no date).

The General Assembly approved a total of seven resolutions during the special emergency session; these formed the UNEF I, and gave the SG the authority and support necessary to end the disputes between Egypt and Israel. The UNEF I marked the emergence of the UN's armed peace operations, which from that moment on would be crucial to the preservation of peace in the international system. However, in order to the Force to act in the Egyptian territory, the country's government consent was necessary; this was

⁵ Advisor of Canada's UN delegation, President of the General Assembly's 7th Session and Prime Minister of Canada.

a fundamental aspect of the implementation of the UNEF I and to this day it is a principle of the peace operations.

The negotiations regarding the cease-fire and the retreat of the armies from the borders were led by the SG himself, through resolutions adopted by the General Assembly and discussions with the governments of the involved countries. This eased the UNEF I's operations on the field that were only to support previously accepted decisions, and aid the peace process.

The mission was implemented in four phases: from November to December 1956 aiming to facilitate the retreat of British and French troops from the Port Said area; the second was from the end of December 1956 until March 1957 and observed the retreat of Israeli troops from the Sinai Peninsula; the third phase of the UNEF I focused on the withdrawal of Israeli troops from both areas; and the last phase involved the distribution of UNEF I troops through the border between Egypt and Israel, and lasted for about 10 years, from March 1957 to May 1967. (UN, no date).

In 1967 the situation in the Israel-Egypt border was stable because of the performance of the peace operation in the region; however, the Israeli borders with Syria and Jordan presented continuous problems. When Syrian and Israeli forces exchanged fire across their border, the Egyptian government asked the UNEF I to exit its territory, claiming its functions in the region were completed. The Secretary-General accepted Egyptian demands given the necessary government consent to keep troops in the country had been withdrawn (ibid).

When the UNEF I emerged, the international system characteristics were well defined: the context was that of Cold War and prominently state-driven conflicts. This eased the implementation of a mission meant to be interposed between warring states, for the cease-fire and troop withdrawal negotiations happened within the UN, being mediated by the SG himself in talks among the representatives of the involved states. Once an agreement was reached, the FC of the UNEF I delivered the orders to the military commanders in the field, and there they organized how the withdrawal of troops would happen.

The UNEF I, being the first armed peace operation of the UN, set precedents to all others that followed; reason for which its foundations are used to this day; and its concepts are central to the establishment of every peace operation of the United Nations. This model has, however, undergone few changes aimed at adapting itself to a new international context. Such rigidity regarding the *modus operandi* eventually created complications to the UN, eventually faced with much different situations than those that originated the missions, and used the same model. Despite this, the UNEF I is considered by the UN one of the most successful operations in the history of the organization, for it was able to end a war and bring 10 years of peace to an extremely unstable region.

UNAMIR: UN's mistakes in Rwanda

Between the 1980s and the 1990s it is possible to perceive the emergence of new kinds of conflicts, different than those that happened up until then. These disputes were named "new wars" by Mary Kaldor (1999), and differ from former wars under some crucial aspects. Marked mainly by civil conflicts, the new wars are a result of the Cold War and the "power vacuums" that typically appear during transition periods, and usually occur in countries suffering with government corruption and economic decline. Such elements create a suitable environment to the rising of paramilitary groups, organized crime and large scale human rights violations (KALDOR, idem).

Despite the appearance of this new kind of organized violence in the years following the Cold War, the author states that, the new wars did not supersede the interstate conflicts, in other words, what she calls "old wars". The contemporary conflicts acquire more complexity, for there is coexistence, intensified by globalization, between state and non-state actors, between the governmental and the transnational.

New wars are concentrated mainly in Africa, Eastern Europe and Asia, areas where the above-mentioned factors are clearly present. If we look into the Rwanda situation, we can notice that, besides being a socially unequal and corrupt country, enemy factions permeate its territory and, according to Kaldor (1999), have the common goal of spreading fear and hatred among the population, in order to achieve control over it and, consequently, more power. To Kaldor (idem), the new wars must be understood within a globalization context, that is, of intensification of the global connections. Among the consequences of this globalization process is the dissemination of ideals, as is, for instance, the democratization wave of the 1990s that followed the end of the Cold War.

This democratization process is pointed out by Filip Reyntjens (1996) as one of the crucial factors to the outbreak of violence in Rwanda in the beginning of the 1990s. Around this time, the president Juvénal Habyarimana sought to adapt to the international wave, and created in 1990 the "National Synthesis Commission on Political Reform", aiming to democratize the country. Soon after the creation of the Commission, the Rwandese Patriotic Front (RPF) invaded the country's capital and started a war against the central Hutu government. According to Reyntjens, this invasion was planned by the RPF as a way to further destabilize the country in a time the government sought to democratize. Thus, once Habyarimana was no longer considered a dictator, the RPF would lose one of its strongest arguments: the fight against a monolithic dictatorship (Prunier 1993, 30).

The violence wave that assailed Rwanda in 1994 began in 1991 under the form of planned, one-off attacks, perpetrated by "death squads" linked to the government – and the family – of Habyarimana. The attacks aimed at sabotaging the negotiations of the Arusha Accords and, also, the democratization process (Reyntjens 1994). In this turbulent context, the Accords were signed in August 4th, 1993, despite the sabotage attempts from the more radical wings of the Habyarimana regime.

The Arusha deal established an ample role to the then called Neutral International Force (NIF) – to be provided by the UN as the United Nations Assistance Mission for Rwanda (UNAMIR) – throughout the transition period after the treaty was signed, that should last for 22 months. During its mandate, the force would play a central role in the security of the country. Among its assignments were: to guarantee security in the country, maintaining law and order; to guarantee that humanitarian aid safely reached all and assisted in the protection of civilians. Besides, the force should help in locating weapons depots, neutralizing armed gangs and recovering weapons illegally distributed or acquired by civilians (UN 1999).

In August 1993, a reconnaissance mission was dispatched to Rwanda under Canadian Lt. Gen. Roméo A. Dallaire. Its job was to evaluate NIF's possible attributions and the resources necessary to the establishment of the peace operation. The Security Council unanimously approved UNAMIR's establishment, despite some reservations, most importantly omitting the suggestion that the mission helped in recovering illegally acquired weapons (UN 1999).

In October 1993, UNAMIR was established in Rwandan territory. The chosen Force Commander (FC) of the operation was Dallaire himself, who led the mission from October 1993 to August 1994. SG Boutros Boutros Ghali nominated Cameroon's foreign relations minister and his friend, Mr. Jacques-Roger Booh Booh, who reached Kigali in November 1993 as Special Representative of the Secretary-General (SRSG).

In November 1993, Dellaire sent a draft of the Rules of Engagement (ROE) of the UNAMIR to the UN headquarters in New York for the secretariat to approve. In that draft, he specifically required that the UNAMIR could act and use force in response to crimes against humanity and other abuses. According to the 1999 UN report on Rwanda and Dallaire (2003) himself, this draft made by the FC never received a formal response from the head-quarters⁶.

One of the most glaring examples of the UN's inflexibility regarding the established ROE was when Dallaire sent a telegram in January 11th requesting to the UN the extraction of an informant from Rwandan territory. This, an important member of the Interahamwe – the Rwandan extremist militia – reported evidences of the existence of weapon caches that could be used in a massacre.

Dellaire pointed out that his troops were ready to perform reconnaissance on the depots within the following 36 hours, and recommended protection for the informant and his withdrawal from the country. The headquarters denied authorization for the operation to be carried out, and instructed Dallaire and Booh Booh to request an urgent meeting with President Habyarimana to update him on the information received on the Interahamwe and how they could affect the establishment of peace (UN 1999).

This UN decision was based on the directives regarding Peace Missions on Chapter VI, requiring the state's consent for the UN's forces to act. However, as it was later proven, the president was involved with the massacre and had no intention to maintain peace; because of this, when the FC informed Habyarimana about the location of the weapons and requested that he took immediate effective action against the Interhamwe, what the head of state did was relocate the caches and allow the massacre to go on as planned.

In March 30th 1994, the Secretary-General, Boutros Boutros Ghali, presented the Security Council with a report on UNAMIR's performance, and suggested that its mandate was extended by further six months. The CSNU showed incredible reluctance to accept the mission's extension, and so its mandate was extended by little more than four months when the UNSC approved it in April 5th. The resolution 909 (1994) also included the possibility for this period to be increased if the peace process showed no signs of progress during the established timeframe.

The wave of violence in Rwanda escalated vertiginously after president Habyarimana's assassination, when returning from a meeting on the Arusha agreements in Tanzania, along with Burundi's president, Cyprien Ntaryamira, in April 6th, 1994. The plane in which both were suffered an attack when approaching the Kigali's airport. Soon after the explosion, the Presidential Guard, supported by the Interahamwe, installed road blocks. The

⁶ The ROE anteceded changes later applied to the mission in the Democratic Republic of Congo.

military quickly took command of the country, disregarding the authority of the Prime Minister Agathe Uwilingiyimana (UN 1999).

The FC sent a report to the headquarters informing that the UNAMIR might need to use force to rescue the Prime Minister, to which Iqbal Riza – from the DPKO – answered confirming the approved ROE: UNAMIR should only open fire if fired upon first (idem). Because of this, the Belgian soldiers stationed in front of the Prime Minister's house ended up surrendering their weapons to the Presidential Guard and being taken to Camp Kigali, were they suffered a number of abuses and were killed.

The FC made it clear that an operation to rescue the soldiers from Camp Kigali was not viable because of the risks the rescue team would be subjected to, and the high chance the mission would fail. He states that for not having the necessary firepower to attack the RGF troops, a rescue attempt would be irresponsible. Dallaire also understood that an attack on the RGF complex would make them legitimate targets and, consequently, a third party to the conflict.

In a report to the Belgian senate commission, Dallaire described UN-AMIR's deficiencies and its lack of resources: "The UNAMIR mission was a peacekeeping operation. It was not equipped, trained or staffed to conduct intervention operations." (UN 1999). In the words of the FC we see the inadequacy of a classic peace mission to the situation in Rwanda, that dealt with belligerents within the same state and a civil war, no longer a war among states as was the case during the Cold War. The restrictions of this kind of mission and the ROE led to the unnecessary death of ten Belgian soldiers that would have been able to defend themselves if permission had been granted for them to open fire when threatened:

> We were sending our soldiers, who were ready for classic chapter-six peacekeeping missions, into a world that seemed increasingly less amenable to such interventions. (Dallaire 2003, 40, 41).

Even before UNAMIR began its mandate, Roméo Dallaire already understood that the mission needed greater powers than the ones established, and that, without them, the chances of failure would be big. After the death of the Belgian soldiers, the mission suffered another hit from which it would not be able to recover: Belgium's Prime Minister, Willy Claes, requested to the Secretary-General that UNAMIR operations were suspended, as it had been unsuccessful in keeping the peace and avoiding the deaths that happened until then. The UNSC did not authorize the suspension of the mission, which led to Belgium withdrawing its troops from Rwandan soil, depriving UNAMIR of its better equipped and trained soldiers.

The Belgian withdrawal led to a discussion within the UN regarding UNAMIR's mandate and if it should be kept with a much smaller contingent, or if it should be suspended. In April 21st, 1994, the UNSC approved the resolution 912 (1994) reducing the missions contingent to only 270 troops and changing its mandate. However, April was the month in which Rwanda experienced the worst wave of killings in its territory; until the end of the month approximately 200,000 Rwandans were killed. This situation changed the perspective for the Secretary-General, who requested to the UNSC that the decision to reduce UNAMIR's force was reversed. According to Boutros Ghali, the resolution 912 (1994) did not offered the mission capacity to take effective action against the ongoing massacre (UN 1999). The Secretary-General believed the UNSC had to consider what kind of actions could be taken to restore law and order. Such actions would demand material resources and contingents in a scale the Member States had until then been reluctant to contemplate (ibid).

This change of stance of the Secretary-General exemplifies the lack of direction and even interest the UN headquarters showed in regards to the situation in Rwanda. The decisions were taken based on the expenses the countries would have in order to support the mission, not on what would be the most effective way to avoid the massacre. One of the issues faced by UNAMIR in regards to its mandate was the contradictory orders from headquarters that often failed to send information.

In mid-May 1994, the Secretary-General sent to the UNSC a report describing the implementation of the "UNAMIR II" that would consist of a 5,500-strong force. The new UNAMIR mandate generated discussions within the UNSC, since there was a split among its members. Despite the divergences, in May 17th, 1994, resolution 918 (1994) was adopted by the UNSC.

Following the resolution, the Secretary-General sent Gen. Maurice Baril – chief of the DPKO's military division – and Iqbal Riza, also from the DPKO, to assess the situation in Rwanda and help the belligerent reach an agreement on the cease-fire. The report sent to the headquarters acknowledged that trying to establish a cease-fire without stopping the killings would not be advisable, for the continuation of the massacres could lead to a prolonged violence cycle, so the stopping of the killings should happen concomitantly with the cease-fire (Dallaire 2003).

From the information gathered by Baril and Riza, the Secretary-General formulated a report that was sent to the UNSC in May 31st. A retrospective of the information on the Rwanda situation that the Secretariat had had ac-

cess to from before the genocide was included in it, proving, in other words, that the UNSC had the knowledge and the capacity to avoid the massacres that followed, having failed to take the actions necessary to do so. The report also provided the guidelines to the implementation of the UNAMIR II, with a larger mandate than its predecessor that included providing safety to threat-ened civilians and humanitarian operations.

This report was of extreme importance to point out the problems inherent to the UN and the UNSC that for geopolitical and budgetary reasons, many times avoided adopting life-saving action. It was a first step towards a new way to deal with peace missions, as it began to be clear that the established mandates were inadequate to the presented situations and because of this, many times, the agents were bound to outdated rules that harmed both the operations and the civilians of the affected countries.

In an attempt to control the situation in Rwanda, the Secretary-General suggested to the UNSC the adoption of the "Opération Turquoise", presented by France. The plan was to conduct a multinational peace enforcement operation based on the Chapter VII of the UN Charter – which provides for military interventions in other countries – to ensure the protection and safety of the refugees and civilians at risk in Rwanda (UN 1999). In the end of June 1994, this operation was established to support the UNAMIR in controlling the situation.

UNAMIR'S FC was against the operation from the beginning for he knew the risks it could bring to the peace mission that was still under his mandate. One of the biggest concerns was with the UNAMIR troops with the same nationality as those partaking in the Opération Turquoise. This was fundamental, because the Opération Turquoise had authorization to use force, being considered a belligerent, as opposed to the UNAMIR.

Despite Dallaire's contestation, the operation went ahead and was established mainly in the border between Rwanda and the former Zaire. In mid-July 1994, the refugee situation became an emergency, with more than a million Rwandans crossing the border between the countries. The refugee situation was of extreme importance because, the bigger the number of Rwandans entering Zaire, the more instable the situation became in the country. The French of the Opération Turquoise and the Zaireans were disarming the RGF that attempted to enter the country but, in the words of Dallaire "neither the Zaireans nor the French were taking any measures to separate the militia, gendarmes or soldiers from the civilians as they crossed the border" (2003, 471). This showed to be a fundamental mistake in the reception of the refugees, for it allowed for the Rwandan soldiers to gather their strength again inside the Zaire, leading the country to a political overturn that was, inevitably, consequence of the situation in Rwanda7.

In July 18th, the RPF had already taken control of all Rwandan territory, except the zone controlled by the Opération Turquoise, and declared a unilateral cease-fire, ending the hundred-day massacre in Rwanda. The next day an interim government was established, with Pasteur Bizimungu⁸ as president and Paul Kagame⁹ as vice-president. With this new government came promises of a better country, but no talks yet of conciliation between Hutus and Tutsis.

The situation in Rwanda was the result of a series of factors, and among them we stressed UN's actions, that was unable to quickly act in order to avoid the massacres and now carries this stain in its history. The report made in 1999 by the Secretary-General raised fundamental questions for the understanding on how the UN's inaction affected Rwanda; in the end of the report, the SG points at both the mistakes made by the Organization as a whole, and the UNSC, being this essential so that the decisions taken in the future are more conscious of the possible outcomes, preventing this situation from happening again. In this way, we conclude that the Rwanda massacre was an important step in allowing changes to happen in the way peace missions are established, especially in countries that suffer with internal conflicts and are unable to receive a peace mission bound by the three basic principles: consent, minimal use of force and impartiality.

MONUSCO

The experience in Rwanda showed that the peace mission model used until then was inadequate for dealing with situations and conflicts of the so-called New World Order. Because of this, when the mission in the Democratic Republic of Congo was implemented, the UNSC brought fundamental changes to the operation structures, starting a new stage in the UN's peace operations. The MONUSCO was an important turning point, mainly because the conflict outbreak in the DRC was a direct consequence of the situation in Rwanda.

⁷ Added to this flaw in the border control, the zone established by the Opération Turquoise proved to be propitious for the Interahamwe to carry on the massacres without the French soldiers' intervention. Furthermore, the Opération protected extremist members of the government against the RPF that would bring them to court, and helped them flee the country (THE GUARDIAN, 2007).

⁸ Senior political councillor for the RPF, RPF's Executive Committee member, Hutu.

⁹ Military commander of the Rwandese Patriotic Army, RPF's military wing, Tutsi.

After the Lusaka Ceasefire Agreement was signed, the UN authorized the establishment of a peace mission in the DRC, and in November 1999 the MONUC was created. The mission's original mandate included observation and assistance tasks, not involving the use of force, and the UNSC avoided, in the first moment, mentioning threats to the international security and peace (Janik 2014). However, in 2000, violence quickly escalated, prompting the UNSC to declare that the situation in the DRC threatened the international peace. The result of this understanding was the approval of the historical resolution 1291 that authorized MONUC to employ force when necessary to protect UN and Joint Military Commission (JMC)¹⁰ staff and civilians from attacks and imminent threats (Janik 2014).

The constant hostilities prevented the MONUC to exercise the observation and monitoring tasks. The many military groups present in the DRC led to a territorial fragmentation of the country, causing a noticeable decline in the humanitarian situation, with hundreds of thousands of victims and at least two million refugees (JANIK, idem). Responding to this situation, the UNSC approved in 2003, an intervention led by France, to control the wave of genocides in the northeast region of the country. The resolution also authorized MONUC to help the government in the militia disarmament efforts.

Resolution 1565 of 2004 authorized a multidimensional peace enforcement and peace building mission, in accord to the patterns established by the Brahimi Report of 2000 (ibid)^{II}. It is possible that the new MONUC mandate went too far by allowing such an active role for international forces, and consequently, questioning the DRC's central government capability to deal with the issue. This led to president Kabila's attempt to remove all international influence, publicly announcing the intention to see MONUC leave the country until the summer of 2011. Because of this, in July 2010, the resolution 1925 renamed the mission to MONUSCO, as a way to emphasize the important steps that were being taken towards peace (ibid).

The use of peace enforcement within a peacekeeping mission was not an innovation brought exclusively to the MONUC, given that other peace operations had already used Chapter VII for some or all aspects of its mission.

¹⁰ Composed by the belligerents and established through the Lusaka Agreements, with the goal of investigating cease-fire violations and disarming militias.

II The Report established new parameters, especially to the missions involving peace building and peace enforcement, among them: the inclusion of demobilizations and reintegration programs in the budget of the first phase of complex peace missions; the creation of a plan to strengthen UN's permanent capability to develop peace building strategies; besides emphasizing the importance of the peacekeepers being able to defend themselves, fulfilling their mandates in a professional and successful manner, using robust rules of engagement against those that deny the terms of the peace agreement (UN, 2000).

Already in the 1960s the United Nations Operation in the Congo (ONUC) was authorized to use force, if necessary, to prevent the outbreak of a civil war in the country. Another example of the use of force in the mandate happened during the 1990s with the United Nations Operation in Somalia II (UNOS-OM II) that had a peace enforcement mandate approved in order to establish safe zones for humanitarian aid inside the Somali territory (Boulden 2001). However, as is pointed out by Boulden (idem), though there had been attempts of peace enforcement before MONUC, they did not succeed. "Bound by the predominant optimism of the post-Cold War, the international community found horizons for new security arrangements" (Boulden, idem, 9-14).

In July 1st 2010, to mark the beginning of a new stage in the DRC, MONUC was renamed as MONUSCO (United Nations Organizations Stabilization Mission in the Democratic Republic of the Congo) through the resolution 1925. By "new stage", is understood a significant progress of the mission, with the consolidation of the government institutions, the holding of relatively free and transparent elections, the stabilization of the situation in most of the territory, though the conflict and the humanitarian crisis persisted in the east of the country (UN 2010).

Among the changes brought by the resolution, there are not only increases in the contingent of both military and civilians in the missions, but alterations in its directives as well. The one that can be considered the most striking to the mission, and clearly demonstrating the more offensive tendency of its *modus operandi*:

[...] the protection of civilians must be given priority in decisions about the use of available capacity and resources and authorizes MONUSCO to use <u>all necessary means</u>, within the limits of its capacity and in the areas where its units are deployed, to carry out its protection mandate [...] (UN 2010. Emphasis added).

Even though its predecessor MONUC already had great freedom to act and counted on a reasonable number of troops, by using again the phrase "all necessary means", the UNSC makes clear its intention to turn MONUSCO into a "robust" mission since its creation, as opposed to MONUC, that began as a non-force using peace mission. With the usage of this term, parameters to the mission are practically eliminated when it relates to means to be employed in the defense of civilians, legitimating the use of force in every action taken under the aegis of the resolution.

In the resolution, the following item is among the mission priorities:

Develop and implement, in close consultation with the Congolese authorities and in accordance with the Congolese strategy for justice reform, a multi-year joint United Nations justice support programme in order to develop the criminal justice chain, the police, the judiciary and prisons in conflict-affected areas [...] (UN 2010.)

So, by putting among its priorities the rebuilding and development of institutions as the police, the judiciary and penitentiary system, the UNSC assumes the commitment of stabilizing the Congolese state not only through the fight against armed groups and human rights violations, but also through the rebuilding of a bureaucratic structure with mechanisms that allow the development of sustainable peace, in such a way that given time the country will acquire authority sufficient to control its own crisis.

In June 2011, a year after the resolution that implemented it, MONUS-CO obtained, in a broad manner, significant results in relation to the peace and security in the DRC and the region of the Great Lakes as a whole (UN 2011). However, armed conflicts and grave violations of the human rights, including the recruitment of children by the armed groups, extrajudicial killings and mass rapes, still were frequent (especially in the east of the country) (ibid). Appealing to the relevant parties to cease all forms of violence and human rights violations, the UNSC extended MONUSCO for a further year through the resolution 1991 (Fett 2013).

Another important element in this last resolution relates to the renovation of the importance attributed to peacebuilding practices. The UNSC recognizes that, to guarantee the restoration of peace and consolidation of democracy, that in their turn generate socioeconomic development in the DRC, inclusive and transparent elections would need to be held. And so declares that MONUSCO would support the elections to be held in November that year through technical and logistical support (UN 2011).

Among accusations of irregularity in the elections by both national and international observers, Kabila was reelected president, and after three years of international pressure, in March 2012 finally ordered the prison of the commander of his armed forces, Bosco Ntaganda, accused of recruiting children for combat, rape, murder and ethnic persecution, and other crimes, having been indicted by the International Court in 2006 (ICG 2012). The general then organized a mutiny, and bringing with him part of the army formed the rebel group *Mouvement du 23-Mars* (M23), who took the city of Goma and engaged in direct combat against the FARDC and MONUSCO, forcing hundreds of thousands to flee the region (ibid).

Throughout 2012, three resolutions were approved by the UNSC,

with their main concerns being the regional flow of natural resources used by the rebel groups to maintain their arsenals, and the newest threat to the regional peace, the M23 (UN 2012). MONUSCO's mandate was then extended for a further year, and the UNSC announced it would reinforce the mission by applying new sanctions against countries in the region to curb the arms trafficking to rebel groups such as M23, as it was proven they were receiving support from Rwanda's government (BBC 2013).

After a period of intense battles and negotiation attempts between the Congolese government and the M23, in February 2013 a crisis broke out within the rebel group that led to a split and consequently a conflict among the two resulting factions – one side led by Bosco Ntaganda and the other by Col. Sultani Makenga (UN 2013). A few weeks later, the faction led by Ntaganda was defeated and he fled to Rwanda with about 600 of his fighters (ibid). Surprising everyone involved, in March 18th Ntaganda surrendered to the North American embassy in Kigali and requested transfer to the International Criminal Court (BBC 2015).

Finally, in March 28th, 2013, through the resolution 2098 the UNSC decided that in order to increase MONUSCO's efficiency and offer a definitive solution to the recurring conflict cycles and general violence caused by the armed groups in the DRC, there should first be created room to the stabilization process in the region (UN 2013). In other words, for the mission to be able to guarantee and keep peace in the region, this should first be acquired through strategic action to contain the violence outbreaks. MONUSCO was then not only extended for another year – until March 31st, 2014 – but also be gan to count with an Intervention Brigade (IB) among its instruments (idem).

Intervention Brigade

The Intervention Brigade's task was to neutralize and disarm armed groups so that the military operations in the mission context were facilitated and the country stabilization process enabled. Counting on 3,069 troops distributed among three infantry battalions, an artillery one, one of special forces and a reconnaissance company, the IB would support the DRC's authorities in their activities through offensive strategic operations "in a robust, highly mobile and versatile manner" (UN 2013).

The Intervention Brigade was established because of a specific conflict context in the DRC, which for beginning in the 1960s, included both the Cold War and the post-war, allowing for applying Mary Kaldor's (1999) definition of "new war" and also the interpretation of it as an interstate war – given the constant influence of neighboring countries in the DRC. This unstable environment of conflict between armed groups generated the need for a faction within MONUSCO able to curb the violence created by the rebel militias and having a specific mandate for the active use of force.

It is important to note that, as opposed to previous resolutions, in the first paragraphs the resolution 2098 brings a number of reservations about the concept of peacekeeping, aiming to secure the principles guiding such missions:

[...] Reaffirming the basic principles of peacekeeping, including consent of the parties, impartiality, and non-use of force, except in self-defence and defence ofc\ the mandate, and recognizing that the mandate of each peacekeeping mission is specific to the need and situation of the country concerned. (Resolution 2098 2013, I.)

In this way, the UNSC tried to make it as clear as possible that it does not intend, through the introduction of the IB, to conduct a reform in the peacekeeping missions' structures, instead just adapting MONUSCO to the context it is inserted in. Despite this, it could be observed that exactly this repagination of the basic principles of peacekeeping is an indicative that the UNSC understands it is entering new waters, as affirmed by British ambassador Mark Lyall Grant when questioned about the introduction of the IB (Al Jazeera 2013). Whatever objective the UNSC had when creating the IB, it can be claimed to be the greatest innovation to the peacekeeping set of practices in the last years.

Another concern present in the resolution is the reinforcement of the respect for the non-intervention principle, in an attempt to dispel any fears that the IB could represent a threat to the DRC's or any other country's sovereignty in the region. (UN 2013): "reaffirming its strong commitment to the sovereignty, independence, unity and territorial integrity of the DRC and emphasizing the need to fully respect the principles of non-interference, good-neighbourliness and regional cooperation."

It is necessary to stress that another important consequence of the introduction of the IB, pointed out by Priscila Fett in her article on MON-USCO (Fett 2013), refers to the status of the peacekeeping forces among the armed conflicts. As explained by Fett (idem), UN determined through a bulle-tin¹² of the UNSG Kofi Annan (UN 1999) that despite its peacekeepers being

¹² The bulletin titled Observance by United Nations Forces of International Humanitarian Law discourses on the need for UN troops to follow rules of the International Law of Armed Conflicts (ILAC). (UN 1999).

obliged to respect the International Humanitarian Law (IHL)¹³ when using force in self-defense, that would not categorize them as combatants, and so they should have their status equated to that of civilians in armed conflicts along the lines of the Fourth Geneva Convention (GC 1949). However, with the offensive actions now employed by the IB, it becomes pertinent to question if such troops could be considered legitimate targets as they are actively involved in the hostilities.

Furthermore, it is important to point out that, as opposed to the missions with an exclusive peace enforcement mandate, the Intervention Brigade acts completely under the consent of the DRC's government – the peace enforcement missions seek government's consent, if one exists, and are authorized to act without consent if necessary. And, as claims Fett (2013), it is not possible to draw parallels between the Intervention Brigade and UNOSOM II or the *Mission de Nations Unies pour la Stabilisation en Haiti* (MINUSTAH), as the first did not have Somalia's government consent to use force, for it had a peace enforcement mandate, and the second did not foresee offensive actions in its mandate and was a stabilization mission in a country with much inferior levels of violence than those found in the DRC.

In November 2013, demonstrating the success in the containment of the crisis in the region, the FARDC – with the support of the IB – finally defeated the M23 rebels (UN 2013). Despite the persistence of violence in the region with the resistance of armed groups, mainly the FDLR and the Allied Democratic Forces (ADF), the victory over the M23 was crucial, bringing other groups to surrender and to show interest in integrating the Congolese police and army (ibid). In December of the same year, to make the M23 end official, the negotiations in Kampala¹⁴ were concluded through the signing of the Nairobi Declarations (SADC 2013).

Aiming to prepare the FARDC to fight rebel groups without the need of the support of a foreign force, MONUSCO decided to invest even more in the capabilities of the Congolese army by training its troops and creating training teams so that the acquired knowledge and experience could be perpetuated (UN 2013). In this sense, and continuing with the mission's state building practices, MONUSCO helped the government develop and implement a programmatic law to the reform of the police between 2014 and 2017

¹³ International Humanitarian Law is a set of norms seeking to limit the effects of armed conflicts. It protects people that do not participate or stop participating in the hostilities, and restricts means and methods of combat. (ICRC 1998).

¹⁴ Beginning in December 2012, the Kampala Talks were negotiations that took place in the capital of Uganda and were facilitated by the president of that country, seeking a peace deal between the DRC and the M23 (SADC, 2013).

(UN 2013).

Throughout 2014, meaningful advances were not observed in the situation in the east of the DRC, and the Final report of the Group of Experts on the Democratic Republic of the Congo (UN 2015) recognized that the environment generated by the defeat of the M23 in November 2013 did not translate into gains in relation to the stability of the region. Congolese and foreign armed groups, such as the FDLR, the ADF, and others were weakened again, but none of them were defeated, with a number of new cases of abuses such as torture, sexual violence and massacres being registered. Because of this, the two resolutions passed in 2014 maintained the previous prerogatives, again extending MONUSCO's and its Intervention Brigade's mandate for a further year, without significant changes (ibid).

Up until the conclusion of this article, despite meaningful advances related both to the conflict in the east of the country and to the political situation of the DRC, reports of violence were still recurring. A number of new murder, sexual violence and kidnapping cases were reported, among these being the 2015 discovery of a mass grave containing 421 corpses in the region of the capital Kinshasa maybe the most tragic one (UN 2015). The main armed groups – FDLR, ADF and Lord's Resistance Army (LRA) – suffered a number of losses in attacks led by the FARDC with or without MONUSCO's assistance¹⁵, but they kept harassing the east of the country with attacks that left approximately 2.8 million people dislocated in all Congolese territory (ibid).

The last resolution passed for MONUSCO approved its extension for a year more, until March 2016, betting again in keeping the Intervention Brigade. This resolution also orders the withdrawal of 2,000 troops from the mission forces, because of the significant progress obtained in the priorities of the MONUSCO mandate, such as the crisis stabilization and the civilian protection (ibid).

Balance of the changes

In order to better understand the changes in peace missions and, mostly, the motivations that enticed them, we will use the parameters suggested by Duanne Bratt in his work *Assessing the Success of UN Peacekeeping Operations* (1996). Bratt presents four criteria to the evaluation of the success of peace missions: mandate performance, facilitating conflict resolution, conflict containment and limiting casualties.

¹⁵ MONUSCO refused to support the FARDC in some campaigns because some of the Congolese generals were being accused of human rights violations (UN, 2015).

The first criterion, mandate performance, measures the degree of success of the mission by evaluating how effective it was when fulfilling the mandate established by the Security Council's resolutions. According to Bratt, this criterion is direct and relatively simple to be evaluated, though not exempt of flaws.

Facilitating conflict resolution is an indicator that measures if the mission was able to assist in solving the causes of the conflict. It is important to understand that this indicator brings into analysis events that are not under the mission's force control, for though the peacekeepers may aid in the resolution, this can only be achieved through the good-will of the combatants.

The third criterion is the mission's ability to contain the conflict, being determined by the mission's aptitude to avoid other potencies' or neighboring states' intervention in the conflict. Even if the intervention is promoted by the UN itself, the mission will be considered failed, at least under this aspect.

The last criterion considered by Bratt is the mission's ability to limit the number of deaths during its active period. In order to verify the success level of the mission under this indicator, it is necessary to compare the number of casualties – both military and civilian – before and after the mission's actions in the region.

The evaluation of the missions, based on the four criteria previously presented, allows them to be considered a success, a moderate success, or a failure. The following table fits the three missions presented in this article in all four categories, evaluating their degree of success.

MISSION	MANDATE PERFORMANCE	FACILITATING CONFLICT RESOLUTION	CONFLICT CONTAINMENT	LIMITING CASUALTIES	BALANCE
UNEF I	SUCCESS	FAILURE	SUCCESS	SUCCESS	SUCCESS
UNAMIR	FAILURE	FAILURE	FAILURE	FAILURE	FAILURE
MONUSCO	MODERATE SUCCESS	FAILURE	MODERATE SUCCESS	NOT ANALYSED*	MODERATE SUCCESS

* In this article, we considered the number of 5.4 million deaths, as it is the most usual, though there are controversies regarding this amount. In a report made by the International Rescue Committee (IRC) in 2007, it was stated that approximately 5.4 million people died since 1998 in the DRC, but that number was contested in a 2010 report of the World Politics Review, affirming that about 200,000 died because of the war, and IRC's estimate included people who would have died even in times of peace, either because of disease or malnutrition.

The reviews of the missions show even clearer how the inadequacy of a *modus operandi* can negatively influence the outcome of a mission. UNEF I was a well succeeded mission because it was designed for a situation of conflict between two states and was able to follow its mandate in an adequate manner. UNAMIR, unfortunately, still followed UNEF I's model, despite existing under a different set of circumstances, and this affected the result of the mission in Rwanda, that was unable to control the conflict as it was not free to act when necessary. In the MONUSCO case, we can already see attempts by the UN to adapt the *modus operandi* of the mission to the challenges that an intrastate conflict presents, and consequently a greater efficiency is perceived, especially when compared with UNAMIR.

Final Considerations

The history of the peace missions allows a deep analysis of their development throughout time. Since their beginning, the operations necessarily followed the three principles established by the United Nations: impartiality, minimal use of force and consent. This base was established as a way to control the troops' actions in the field and making sure that the mission stayed within the boundaries of the Chapter VI of the UN Charter.

Throughout the Cold War this mission model showed to be efficient to interpose itself between belligerent states. This period's conflicts mainly occurred between two or more countries, facilitating the enforcement of the three principles in the operations. Another important factor related to international conflicts is that the negotiations regarding a cease-fire can occur within the UN, mediated by the Secretary-General. The fact that the UN did not adapt the missions' format proved harmful to the performance of the operations, especially in the beginning of the 1990s.

The greatest innovation in the post-Cold War peace missions was the creation of the Intervention Brigade for the MONUSCO. The IB is authorized by Chapter VII of the UN Charter to promote offensive operations to neutralize armed groups without the need of consent from the parts involved in the conflict (except from the Congolese government). That being said, we can consider it an enforcement element inside a peacekeeping operation, which alone exposes MONUSCO's peculiarity.

It is evident that international crises have their own characteristics and origins, and must receive special treatment, with peace missions and its mandates developed from an individual analysis. However, certain structural aspects are part of every mission, and even though the Brigade is an exclusive instrument of the MONUSCO, it is possible that it sets a precedent as it creates a new kind of mission, resulting from Chapter VI, but including certain aspects of the Chapter VII of the UN Charter, or "Chapter Six and a Half", as stated by SG Dag Hammarskjöld (UNIS, no date). According to Kenkel (2013), during its progression, the peace mission evolved from their reactive positions of conflict palliatives, to proactive positions that sought to influence the result of the conflict. Because of this, in a broad manner, we can point to a series of transformations that are initially considered by the UN as specific uses in certain missions, but that, if analysed chronologically, as was done in this article, turn out to be big structural changes to the peace missions, reflexes of the relatively recent ingress of the organization in the post-Cold War world order and its continued adaptation to the new realities of intrastate wars.

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ABSTRACT

Since the first peacekeeping operation was created until today, the UN has been trying to adapt them to the different contexts in which they are deployed. This paper analyses the possibility of a bigger shift happening in the way the United Nations, through the Security Council, operates their Peacekeeping Operations. The change here addressed includes, mainly, the constitution of more "robust" missions and the newly introduced Intervention Brigade in the Democratic Republic of Congo. By presenting three missions (UNEF I, UNAMIR and MONUSCO) deployed in different historic periods, we identified various elements in their mandates and in the way these were established which indicate a progressive transformation in the peacekeeping model since the Cold War - when conflicts were in their majority between States – until present days, when they occur mostly inside the States.

KEYWORDS

Peacekeeping in Africa; Intervention Brigade; RDC.

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