

# MONUC as a Case Study in Multidimensional Peacekeeping in Complex Emergencies

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## 1. Introduction

The debate on the UN Security Council and its responsibility to protect is an important one, and I hope that it helps clarifying policies, processes and practices. In this paper I will present the UN Mission in the Democratic Republic of the Congo (MONUC) as an example of a multidimensional peacekeeping operation in complex emergencies. I was directly involved in MONUC, in particular during my two and a half years as the UN Department of Peacekeeping Operations' Military Adviser from 2002 to 2005, and from 2005 to 2007 as General Officer Commanding the Eastern Division of MONUC. I continued to visit the Democratic Republic of the Congo (DRC) and MONUC after my retirement as a consultant. Thus, I have followed the developments in the DRC for the last couple of years, as well as the mission and its ups and downs. Protecting civilians under imminent threat in the DRC remains a daunting challenge. However, this paper will also focus on achievements and why I still believe that MONUC and the international community can make a difference in the DRC.

## 2. Progress and continuing challenges for MONUC

MONUC was established on 6 August 1999 pursuant to UN Security Council Resolution 1258<sup>1</sup> as an observer mission to monitor the implementation of the Cease Fire Agreement between the belligerent groups.<sup>2</sup> Following the signing of the All-Inclusive Peace Accord in 2002<sup>3</sup> the nature of the mission changed and MONUC became a multidimensional peacekeeping operation with a robust mandate. However, it has gone through dramatic crises with enormous humanitarian fall-out including the killing of hundreds of civilians in Kisangani in 2002, the Bunia crisis in 2003 the Bukavu crisis in 2004 and recently the action of renegade Laurent Nkunda that resulted in the displacement of hundreds of thousands of people.

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<sup>1</sup> UN Security Council Resolution 1258 (1999) of 6 August 1999, UN Doc. S/RES/1258 (1999), available at <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N99/230/08/PDF/N9923008.pdf?OpenElement> (accessed on 22 January 2010).

<sup>2</sup> Ceasefire Agreement on the conflict in the Democratic Republic of the Congo, signed in Lusaka (Zambia) on 10 July 1999, annex to the letter by the Permanent Representative of Zambia to the United Nations addressed to the President of the UN Security Council, UN Doc. S/1999/815, 23 July 1999, available at <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N99/216/37/IMG/N9921637.pdf?OpenElement> (accessed on 22 January 2010).

<sup>3</sup> Global and Inclusive Agreement on Transition in the Democratic Republic of the Congo, signed in Pretoria (South Africa) on 16 December 2002, available at <http://peacemaker.unlb.org/> (accessed on 22 January 2010).

Significant progress has been made since MONUC's establishment almost ten years ago. It brought the ex-belligerents to the capital Kinshasa where they formed the Transitional Government. It supported the Government in organizing the first democratic elections in over thirty years - in a country of the size of Western Europe with literally no roads. The mission continues to support the elected Government, including in areas of rule of law, security sector reform (SSR) and human rights. By using force, it protected many civilians who were threatened by armed groups or even by elements of their own army. In Ituri District for example, as a result of forceful actions by MONUC, some 18,000 militias handed in their weapons and joined the disarmament, demobilization and reintegration (DDR) process. MONUC also managed in November and December 2006 to successfully contain Nkunda's attempts to expand his area of influence in the North Kivu Province by taking the town of Sake. However, extension of State authority remains a major challenge in the DRC.

In the course of 2008, MONUC underwent yet another major crisis, in the Kivus with Nkunda's troops expanding his influence in the province by force, threatening to take Goma, the capital of the North Kivu Province. This time the Mission was heavily criticized by the international media voicing concerns of the local population about MONUC failing to protect civilians under the threat of physical violence. The lack of a common interpretation of the mandate with regard to the use of force, differences of opinion on the Rules of Engagement (ROE) between contingents and the Mission, internally in the Military Component and the lack of political/military will to take strong action were at the basis of the problems. We are all familiar with the dramatic results: an enormous influx of internally displaced persons (IDPs), looting, rape and murder by both militias and members of the Congolese Armed Forces (FARDC). Not only the Mission suffered a loss of credibility, UN peacekeeping did as such.

The recent outbreak of violence was yet another clear reminder that the Congolese are not yet in a position to maintain security throughout the country despite the international community's investment in the strenuous peace process over the years. The Congolese security forces are not just incapable of defending the State and its authority. To date, the Congolese armed forces are an ill-disciplined, unorganized, untrained, unled, unfed or unpaid group. They themselves are a serious threat to the population, in particular to women and children. The Congolese Security Forces remain the single largest perpetrators of human rights violations. Impunity remains widespread for crimes committed by these elements. Efforts to end this culture of impunity remain an essential element in the peace process.

### 3. Successfully implementing MONUC's mandate

MONUC has 18,700 troops. Following last year's events in the DRC, the Security Council authorized 3,000 additional troops for MONUC in Resolution 1856 (2008).<sup>4</sup> It mandated the Mission – in a strong and exceptionally detailed resolution – to boost its operations. Whilst any additional resources for MONUC are commendable, the additional troops might also raise expectations. As a military I am inclined to say that not many battles have been won by sheer numbers; the quality of the troops might be equally important. Therefore, a thorough pre-deployment training for all UN troops, in particular for its commanders, on the mandate, its implementation and the Rules of Engagement is essential if the UN wants to have effective troops. Every peacekeeper should understand what a Chapter VII mandate entails. I have noticed that several troop contributing countries (TCCs) do not train their troops for scenarios that UN forces regularly face in robust Peacekeeping Operations – no wonder they sometimes are more focused on self-defense than to use force beyond self-defense. Furthermore, there is no simple military solution to the problems in the Eastern part of the DRC. Only significant political will by all stakeholders can bring sustainable peace to the troubled region.

There is a peace to keep in the DRC – the condition-sine-qua-non. Although hostilities continue to occur mainly in the Eastern part of the country and the extension of State Authority remains an issue for the Government, there is a legitimate democratically elected Government that still needs the support and the assistance of the international community. MONUC also has a robust mandate. The issue in my view is how to ensure that the mandate is interpreted and subsequently implemented. As you are aware, MONUC is mandated to support and coordinate operations with the FARDC. What does that mean: just major operations or any operation? In my view, this implies carrying out joint operations on UN terms only – the UN should not support the Congolese Armed Forces in operations that are ill-prepared and seem irresponsible or even dangerous. In 2006 I canceled several times joint operations with the FARDC in Ituri because they were ill prepared and had no chance on success. Defining the exact terms of this UN support would help to manage expectations of both the Government and the Security Council. MONUC is also mandated to protect civilians under imminent threat. Thus, supporting the Congolese Armed Forces and civilian protection are two core tasks. In which order are they to be fulfilled? Where does the priority lie? In my view, there should be no doubt. MONUC is an operation where all necessary means can be used to implement the mandate explicitly adopted under Chapter VII, and the protection of civilians under imminent threat should always have priority over supporting the FARDC.

MONUC's mandate to support the Congolese Army has evolved over time: Whilst in 2004, Security Council Resolution 1565 specifically mandated the Mission “*to support operations to disarm foreign combatants led by the FARDC*”<sup>5</sup>, subsequent resolutions

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<sup>4</sup> UN Security Council Resolution 1856 (2008) of 22 December 2008, UN Doc. S/RES/1856 (2008), available at <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N08/666/94/PDF/N0866694.pdf?OpenElement> (accessed on 22 January 2010).

<sup>5</sup> UN Security Council Resolution 1565 (2004) of 1 October 2004, UN Doc. S/RES/1565 (2004), available at <http://daccess-dds->

tasked MONUC “to develop a joint concept of operations (CONOPS) with the FARDC”, “coordinate operations with the FARDC” and “support operations jointly planned and led by FARDC”. It is worth noting that in all these resolutions the Security Council expressed concern about grave misbehavior and human rights violations by members of the Congolese Armed Forces.

In other words: On one hand, the Mission is mandated to support the FARDC, and on the other hand, it has the responsibility to protect the civilians from violence, including offences committed by the FARDC. Again, where does the priority lie? It is all about the interpretation of the mandate. Those commanders who do not want to take any action or risks will probably find a way to hide behind the formulation. However, let me assure you, the mandate is robust enough for those who are willing to take action and to make a difference through a transparent and firm dialogue with FARDC leadership and through decisive action on the ground.

MONUC is mandated to protect civilians from physical violence. The mandate in this regard has even become stronger: Whilst previous mandates seemed to limit this task to violence committed by foreign or Congolese armed groups, Security Council Resolution 1856 enables the Mission to take action to protect civilians from physical violence “by any party”. The mandate is clear, however, I know from my own experience it remains a challenge for any commander to take on government forces with which they had been operating shoulder by shoulder the day before. However, decisive action is sometimes indispensable on the ground. However, operations that have the potential to clash between Host Government and UN have serious political implications and should be addressed by the UN Department of Peacekeeping Operations, the Secretary-General and the Security Council (for example, in case of Darfur and in Kinshasa in 2006).

#### **4. Recommendations**

MONUC has the mandate and the troops to be successful. The following list of possible courses of action and measures might contribute to improve the political/military situation in DRC. Above all, the Mission has to restore the credibility vis-à-vis the local population. Some adjustments with regard to the conduct of operations could be effective:

- Put less emphasis on operations with armoured personnel carriers (APCs) and increase foot patrols, including during nighttime. Enhance long-range, multiple day patrols to show the peacekeepers’ presence, to ensure a secure environment and therefore protect civilians.
- Adjust rules and regulations on UN air operations with military aircraft to the more flexible Flight Safety regulations of the TCC. This would enable the Mission to conduct military operations by day and night and to take firmer action if necessary.

- The Mission should determine a ‘baseline’ to identify situations where MONUC will not support FARDC in order to avoid being accused of supporting human rights violations.
- There will be no sustainable peace in the DRC without security sector reform. Progress in this area has been slow. MONUC should intensify its efforts to this end and the international community should better coordinate its initiatives in order to support the Government in implementing SSR.
- Strengthen the accountability and integrity of the security system, including by fighting impunity. The international community should support the Government in taking action against the most serious perpetrators of gross human rights violations, including by the army and the police. In this regard, the arrest of Mr. Bosco Ntaganda could be an important signal for the population that the Government is willing to fight impunity. Mr. Ntaganda used to be General Nkunda’s right hand and played an important role in the FARDC/Rwandan operations against the FDLR/Interahamwe supported by MONUC following the CNDP peace deal. This signal to the population would need to be followed by the establishment of effective internal disciplinary measures in the FARDC and external accountability mechanisms.
- Addressing the culture of impunity for the most horrendous offences will help to prevent future abuses. This should be done by removing at least the worst abusers, but also by instituting effective internal disciplinary measures and external accountability mechanisms that are essential to transforming the culture of normalisation of human rights violations within these institutions. In addition to contributing to building public confidence in the security system, which is essential for its proper functioning, these measures can also help to break down criminal networks that exist within the institutions, particularly those networks engaged in illicit natural resource extraction – notably in the East of the country, where they often collude with armed groups. Tackling criminal networks within the security system thus improves command and control, and strengthens democratic oversight.
- Intensify reintegration efforts for ex-combatants, who risk taking up weapons again and restart fighting. Procedures for Reintegration of the World Bank and UNDP should be streamlined and simplified. Rapid Employment Programs could further contribute to keeping ex-combatants off the street.
- The formulation of a peace building strategy seems to be another priority.
- Improve pre-deployment training of UN troops in particular with regard to the use of force/protect of civilians under immediate threat and Gender-Based Sexual Violence (GBSV).

- Finally, it is important for all in DPKO and in a mission to realize that in the view of the local population, and to a certain extent also of the international community, the UN military and police are deployed to protect civilians. When the local population flees, they run to the nearest UN compound. In Srebrenica, Adigrat, Abyei, Goma, or Rutshuru, they knock at the gates of UN compounds. They don't know about mandates. They only expect the UN to protect them from death and sexual violence. If the UN is deployed and fails to act or even to make an attempt to act, the result will be not only a loss of credibility and confidence in the mission but the international support in peacekeeping will be weakened.
- The willingness of UN leaders to act and react remains one of the major means for the UN to be effective. A mission can have the strongest mandate, robust ROE, well trained troops and equipment, if its commanders do not have the will or determination to take action, nothing much will happen.



Patrick Cammaert - UN Photo, Joao Castellano