

## The Intervention Brigade: Legal Issues for the UN in the Democratic Republic of the Congo

Scott Sheeran and Stephanie Case for the International Peace Institute  
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### Executive Summary

In March 2013, the United Nations Security Council adopted Resolution 2098 establishing the Intervention Brigade within the UN Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO). This provided MONUSCO with an unprecedented UN peacekeeping mandate for offensive operations to neutralize armed groups in the Democratic Republic of the Congo (DRC). While the mandate was both innovative and controversial—for political, operational, and legal reasons—the Intervention Brigade has been seen by many as a success and a future model. The Security Council renewed the Intervention Brigade’s mandate in Resolution 2147 in March 2014 without any significant modifications.

### Introduction

The Intervention Brigade in MONUSCO was both welcomed and controversial at its inception. In March 2013, the UN Security Council noted the lack of progress in the DRC and unanimously adopted Resolution 2098 establishing the first UN led overtly offensive force. There was a recognized need to address the cycle of violence in the eastern DRC with a more robust response. The Intervention Brigade was given an unprecedented mandate to neutralize rebel forces, something that neither the UN peacekeeping mission nor the Congolese government had been able to successfully address up to that point. The UN Secretariat asserted that it was a “peace enforcement” mission, not a peacekeeping mission, the “first-ever ‘offensive’ combat force,” and that the Security Council authorized it “on an exceptional basis and without creating a precedent or any prejudice to the agreed principles of peacekeeping.” While many applauded the bold move, others were quick to point out that the UN was stepping into uncharted territory without fully considering the potential ramifications of its actions.<sup>3</sup> In late April 2013, the UN secretary-general met with Security Council members during a retreat where the traditional boundaries of peacekeeping and alternatives were discussed, which had been triggered significantly by the Intervention Brigade’s

mandate.

Over the last year, the Intervention Brigade in MONUSCO has been hailed largely as a success. Equipped with attack helicopters, long-range artillery, armored personnel carriers, special forces, snipers, and even drones, the Intervention Brigade has been able to carry out and support Congolese government offensive operations forces in a way that MONUSCO was unable to and has produced military results. The UN reporting on Intervention Brigade activities has tended to emphasize a supporting role to Congolese national armed forces—the Forces Armées de la République Démocratique du Congo (FARDC)—more so than the media reporting on its activities,<sup>4</sup> despite the leadership, superior capacity, and firepower deployed in UN operations in the DRC.

The Intervention Brigade of 3,069 troops deployed into the eastern DRC in July 2013, and rebel forces around Goma were given a 48-hour ultimatum to disarm by August 1, 2013.<sup>5</sup> The Intervention Brigade's offensive operations began that August and have continued since, employing the full range of capabilities.<sup>6</sup> In November 2013, the Mouvement du 23 mars (M23) rebel group

ended its insurgency after more than a year and a half of fighting, an event that has been seen by many as validating the Intervention Brigade's efforts. Now that the Intervention Brigade is turning its focus toward other armed groups in the eastern DRC, including the Forces Démocratiques de Libération du Rwanda (FDLR, Democratic Forces for the Liberation of Rwanda) and the Ugandan rebel group the Allied Democratic Forces (ADF), hope remains high that recent military successes will continue. In March 2014, Security Council Resolution 2147 renewed the mandate of the Intervention Brigade within MONUSCO, and little was changed of substance in the Intervention Brigade's mandate.

(...)

The UN Security Council was careful to express in Resolution 2098 that the Intervention Brigade would not set a precedent. However, its actual or perceived success in the DRC heightens the possibility that this type of peacekeeping model will be repeated. As

stated by the permanent representative of France to the UN at the time of the mandate's renewal: "[N]ow we have tested our idea, the Intervention Brigade, and it works. So we hope it could be a model when necessary for the future."<sup>11</sup> It is therefore important to understand the legal implications of this type of UN force for now and the future.

Read the full text [here](#)