

PROTECTION OF CIVILIANS

United Nations Peacekeeping Missions in the Democratic Republic of Congo and the Republic of South Sudan



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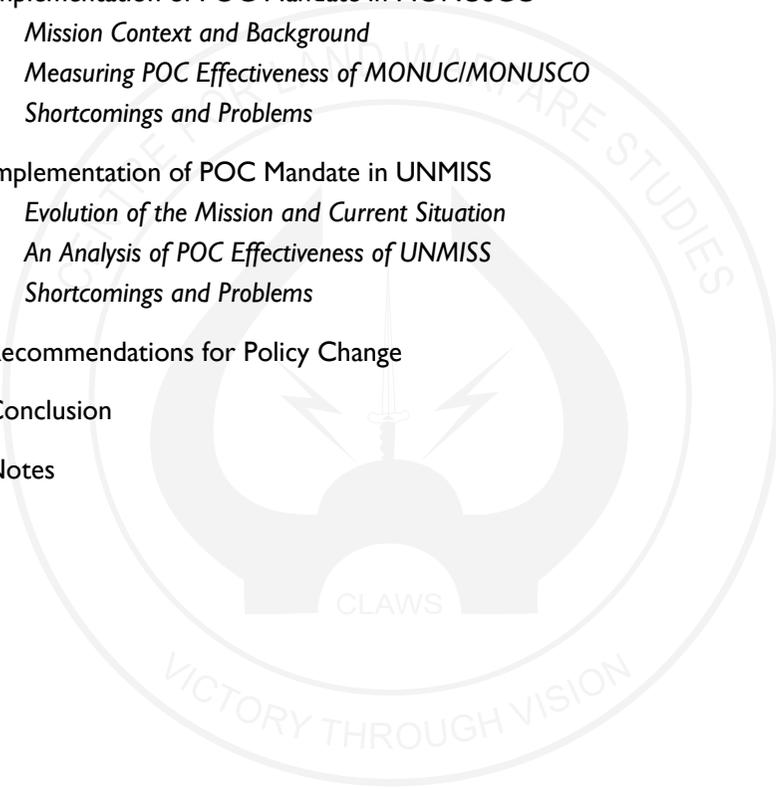
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PROTECTION OF CIVILIANS

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Introduction

Conflict, an inherent part of human existence and present in all societies from time immemorial has caused immense harm to mankind, adversely impacting social, political, economic and cultural fabric of nations causing physical, emotional and psychological suffering on generations of people. Therefore, the human society has made endeavours to prevent, contain and resolve conflict and minimise its negative impact through diplomacy, negotiation and mediation. With this intention, the UN was created in the aftermath of the Second World War. The UN Charter envisages the need for UN and regional intervention to settle disputes. It lays down arrangements for peaceful resolution in its Chapter VI whereas Chapter VII specifies more vigorous steps such as sanctions and military interventions in situations where pacific settlement is not feasible.

UN deployments, in the early years, were largely small-scale observer missions like the UN Truce Supervising Organisation (UNTSO) in the Golan Heights¹ or the UN Military Observers Group in India and Pakistan (UNMOGIP).² The first major deployment of multinational forces by the UN was after the 1956 Suez Crisis, when the UN Emergency Force (UNEF) comprising 6,000 soldiers from Brazil, Canada, Colombia, Denmark, Finland, India, Indonesia, Norway, Sweden and Yugoslavia, was deployed.³ With evolving geopolitics after the Cold War, missions changed from simple observer missions and came to acquire multidimensional and multidisciplinary approaches to conflict resolution. The crisis in Balkan and Rwanda, which occurred in the presence of UN troops, were genocides, that brought out the deficiencies of the UN and enforced introspection. In 1999, the UN came out with its first Presidential statement on Protection of Civilians (POC), which was subsequently followed by passing of the far-reaching UNSC

Resolution (UNSCR) 1265 and UNSCR 1296, outlining the set of principles on international response related to POC. This was followed by crucial recommendations by the Brahimi Panel on various facets of peacekeeping such as doctrine, strategy, decision-making, capacity to launch rapid and effective operations, restructuring of the command and control structure at the UN headquarters and logistic support issues. The UNSC passed several “robust mandates” and established multidimensional UN peacekeeping missions with “enhanced military capability” primarily with a view to protecting civilians in conflict zones.

As these reforms, related to POC, were initiated nearly two decades ago, and all in the international community are not convinced of their efficacy, it is an apt time to assess the utility of these steps and see their impact on-ground. Such assessment is also necessary because, as per UN data, on deployment of military and police personnel, the international community, including India, has committed enormous resources on POC. In 2017, there were 91,000 uniformed and 15,000 civilian personnel deployed on 15 missions across the world with an annual budget of US\$ 6.8 billion.⁴

Thus, the aim of this Paper is to review the POC reforms of the UN and ascertain their outcome on the security of civilians. There are certain shortcomings which have been assessed and an endeavour has been made to formulate recommendations related to functioning of the mission headquarters and military contingents at the operational level. The Paper also attempts to flag certain strategic issues which awaits rectification.

The UN peacekeeping missions in the DRC (MONUSCO) and South Sudan (UNMISS) are amongst the most complex and large UN missions assigned with the POC mandate. These missions also have sizeable Indian troops deployed since their inception. It is thus appropriate that, these missions be studied to draw lessons in the international as well as Indian context.

Implementation of POC Mandate in MONUSCO*

Mission Context and Background

When a Tutsi-led government was installed in Rwanda in 1996 after the Tutsi genocide of 1994, the Hutu perpetrators of the genocide, known as the *Interahamwe*, fled to eastern Zaire and formed the Democratic Forces

* MONUC: Mission de l'Organisation des Nations Unies en République démocratique du Congo (United Nations Mission in the Democratic Republic of Congo).

MONUSCO: Mission de l'Organisation des Nations Unies pour la Stabilisation en République Démocratique du Congo (United Nations Organization Stabilization Mission in the Democratic Republic of the Congo).

for the Liberation of Rwanda (FDLR). Here, in alliance with the Zairian Army, they attacked the Banyamulenge (Congolese Tutsis), precipitating the 'First Congo War' wherein a coalition of Rwandan and Ugandan forces overthrew Mobutu and established the Congolese powerholder Laurent Desire Kabila, who renamed the country as Democratic Republic of the Congo (DRC). Very soon, President Kabila's fear that Rwanda and Uganda were plotting to establish their own candidate led to the 'Second Congo War' where government troops along with Angolan, Zimbabwean and Namibian militaries fought the Rwandan supported and Tutsi-led rebel movement *Rassemblement Congolais pour la Démocratie* (Rally for Congolese Democracy—RCD) and the Uganda-instigated rebel movement, *Mouvement de libération du Congo* (MLC) led by the Congolese warlord, Jean-Pierre Bemba.

While the conflict was on, Kabila was assassinated in 2001 and succeeded by his son Joseph Kabila. By June 2003, foreign armies, except that of Rwanda, had pulled out and a transitional government was installed, greatly with the mediation of the UN Observer Mission in the DRC (MONUC), which was established as a Chapter VI Observer Mission vide UNSCR 1279, with the task of overseeing the Lusaka Ceasefire Agreement. Initially, there were fewer than 400 military and non-military personnel present, but the strength grew gradually through the deployment of the MONUC. In 2010, MONUC evolved into a stabilisation mission known by yet another French acronym, MONUSCO.⁵

To start with, there was little emphasis on POC, then an unknown concept, and humanitarian concerns of the mission did not go beyond enabling humanitarian assistance. But MONUC experienced several dramatic humanitarian crisis with enormous fallouts, like the massacres at Kisangani in 2002, the Bunia crisis in 2003, the Bukavu crisis in 2004 and the displacement of hundreds of thousands of people by a Tutsi resurgence under Laurent Nkunda. With intensification of human rights (HR) violations and attacks on civilian populations, POC gained importance. The Global and All-Inclusive Agreement on Transition in the DRC was signed in 2002 i.e. towards the end of the Pre-Transition Phase, which changed the nature of the mission and made it more multidimensional with a robust mandate.

The nature of violence in DRC, centred towards the Eastern part of the country, has perplexed the UN through its deployment. Much of this violence emanates from the conflict over illegal exploitation and control of the immense resources existing in the country.⁶ At the same time, a sizeable 'essentialist' component exists in the violence, drawing directly from the ethnically volatile make-up of the country. Being organised along ethnic lines, the violence is in theory below the 'military horizon'.

Measuring POC Effectiveness of MONUC/MONUSCO

As per most observers, the POC performance of MONUSCO and its predecessor MONUC have been variegated. While MONUC helped implement a peace agreement that unified the country, and led to its first democratic elections in forty years, the peacekeeping mission has also been dogged by accusations that it has not taken sufficiently aggressive action to protect civilians. As per a 2016 study, 75 per cent of respondents said that, the security situation had either deteriorated or has not changed in the past five years.⁷ The same Study also assessed that, 63 per cent of civilians nationwide viewed MONUSCO as “performing well at protecting civilians”; but those figures were much lower in North Kivu (30.2 per cent), South Kivu (39.2 per cent) and Ituri (40.4 per cent).⁸ Internal reports of the UN have also been circumspect of MONUSCO POC record.

As per data from the Uppsala Conflict Data Program⁹ (UCDP), battle-related deaths in DRC have remained high with total casualties in 2017 standing at 3,962 against 2,968 of 2000 and 1,334 of 2001. Data on conflict related sexual violence (CRSV) has also not been encouraging. In 2007, 4,500 cases of sexual violence were recorded in the first six months. Sexual violence has been used as a tool of war by all armed groups to terrorise and subdue communities.¹⁰

The situation of the Congolese women did not improve in 2013 wherein the 10th report of the Secretary General observed, “Sexual violence in Congo continues unabated and is attributed to all parties”.¹¹ In 2017 too, sexual violence was employed as a tactic of war, terrorism, torture and repression, including the targeting of victims on the basis of their actual or perceived ethnic, religious, political or clan affiliation.¹² MONUSCO has also been accused of underestimating the cases of CRSV. In 2009, it reported 2,000 incidents of sexual violence whereas, in the same year, the UN Population Fund (UNPF) accounted for over 17,000 cases and the Refugees International documented over 17,500 cases. The drastic discrepancy in numbers clearly reflects that MONUSCO was unable to prevent thousands of cases of CRSV in the Kivu provinces.¹³

The internally displaced persons (IDP), situation in MONUSCO, too is not encouraging as conflict related displacement is at an all-time high despite years of UN intervention. The IDP situation has been worrisome since 2010, as the numbers have increased from 1.75 million to almost 3 million by 2014. The situation has shown no signs of improvement as more than 2 million people were internally displaced by violence in 2017, doubling the overall number of the IDPs to 4.5 million. This displacement process is protracted, straining the capacities of the internally displaced and the communities that

host them, thereby, leaving the displaced at risk of prolonged harm.¹⁴ The report of the 'Secretary General on children and armed conflicts' of 2008, acknowledges the fact that deliberate effort would also be required to improve the situation of children.¹⁵ During 2016 crisis in the Kasai Province, children were injured, killed, sexually victimised, arbitrarily detained and used in militias. As a result of the violence, hundreds of thousands of children fled their homes and spent months deprived of basic services and access to school. About 400,000 children in the Kasai region are suffering from severe acute malnutrition, 440,000 children have not been able to complete the school year 2016-2017.¹⁶ As late as 2018, the UN has reported attacks on schools and of their military use in DRC.¹⁷

Although the success or failure of the mission on POC cannot be exactly quantified, it is clearly established that the MONUSCO peacekeepers have not been able to prevent massacres, minimise the displacements, avert CRSV and secure the environment to an expected level. While coming to this conclusion, it is acknowledged that many failures of the mission have been due to reasons beyond its control and requires greater deliberation by all the stakeholders, as also the fact that DRC is in an enormously difficult situation and requires immense resources and time to see meaningful improvements.

Shortcomings and Problems

Assessment of MONUC/MONUSCO performance on POC reveals several shortcomings that exist in almost every sphere of protection activity, be it conceptualisation of operations, planning, deployment of resources, crisis management or the actual conduct of operations. The problems permeate through the highest level of decision making at the UNSC to the lowest level of operational activity and includes all stakeholders including the troop contributing countries (TCC), the GoDRC and the MONUSCO. The major shortcomings that constrain the POC performance of MONUSCO are explained in the succeeding paragraphs.

- **Lack of Conceptual Clarity about Status and Use of Force.** The very concept of POC has remained ambivalent in MONUSCO, and is beset with lack of conceptual clarity as to what protection is, what protective actions are, and what is the quantum of force to be used. Originally, the mission was mandated to protect civilians only under imminent threat of physical violence, with a variety of caveats which have gradually been removed, and the mission has been mandated to use "all necessary means" to "ensure" POC from any threat of physical violence, irrespective of the source of such violence.¹⁸ At the functional level, the

confusion comes to fore wherein 42 per cent of the respondents in the survey conducted for this paper have reiterated the fact that, the POC mandate has not been translated into workable directives, orders and instructions. There are also gaps in understanding between the military and civilian decision-making echelons of MONUC/MONUSCO on the use of force and the Rules of Engagement (ROE).¹⁹

- **Relation with GoDRC and FARDC.** The lack of conceptual clarity within the UN echelons is compounded by the negative attitude of the host government. The Armed Forces of the DRC (FARDC) have often interfered with execution of UN mandate at the behest of GoDRC which itself has a poor HR record and tends to wash its hands off POC operations. During operation 'Umoja Wetu' FARDC battalions were highly politicised and partisan and there were cases of open hostility towards the MONUSCO. The mission's relations with the government have not been fully restored after an all-time low in early 2015, when the government ceased all joint operations between FARDC and MONUSCO and closed its doors to the then head of mission.
- **Capability Shortfall.** On the formation of MONUSCO, in 2010, 5,000 of its 17,112 military personnel were deployed in South Kivu which is twice as big as Rwanda. Such vast deployments are affected by poor infrastructure and scarce resources like helicopters and interpreters. The ability to react to information, especially in remote areas, is thus severely limited, precluding the effective execution of the mandate. Quantum of threat and protection requirement can be astronomical as hundreds of rebels attack a camp of thousands of IDPs with automatic weapons, but the UN protective base will have a maximum of 120–200 peacekeepers, till adequately reinforced.²⁰ This capability shortfall was earlier illustrated during the Bukavu crisis in 2004, when 800 peacekeepers had tried to form a shield between thousands of rebels under Nkunda and Mutsebusi on one hand, and the civil population on the other. Even the FARDC was behind them and was counting on MONUC protection. When the situation aggravated, the FARDC itself bolted, leaving the peacekeepers too few to resist the rebels and forcing them to withdraw.²¹
- **Capability of Mission Personnel.** In addition to the capability shortfall related to the number of units and quality or quantity of the equipment, the training, motivation and discipline of the troops is a challenge being faced by the MONUSCO like other missions. As per one observer, "underperformance of soldiers from the traditional TCCs who have constituted the core of the mission, but also are from regional countries of the FIB, is a recurring challenge to protecting civilians".²²

- **Adequacy of Mandate and Authority.** The Mission mandate that had started with ambiguity, however, got clarity with greater emphasis on POC over a period of time. The POC was spelt out more precisely in 2003 in the UNSCR 1493 where it added the dismal performance of URUBATT (Uruguan Battalion) in Bunia due to lack of awareness of its role, power and authority.²³ Even after inclusion, POC was to take only dissuasive rather than proactive action.²⁴ In addition to inadequate comprehension of legal powers as seen in the case of URUBATT, missions are also beset with apprehensions regarding use of the powers, which often leads to disinterest or apathy.

Implementation of POC Mandate in UNMISS

Evolution of the Mission and Current Situation

UNSC, through its resolution 1996, established the United Nations Mission in South Sudan (UNMISS) on July 8, 2011. UNMISS, which was conceptualised as a multidimensional mission, had a robust mandate under Chapter VII of UN Charter with POC responsibility, however it was primarily tasked to support extension of state authority throughout the country and to provide assistance to local state structures through its country-support bases.²⁵

In December 2013, a civil war broke out as a consequence of political dispute within the ruling Sudan People's Liberation Movement (SPLM), which triggered disintegration of Army into factions, largely aligned around the rivalry between President Salva Kiir Mayardit who belongs to Dinka community and his former deputy, Riek Machar, a Nuer. This was a result of continuation of earlier differences within SPLM and the Sudanese Army since the early 1990s. Violence soon spread beyond Juba to Jonglei, Upper Nile, and Unity States. Since then, the violence assumed a dynamic of its own, independent from clearly defined command and control characteristics of conventional bilateral warfare. Although, the root of this conflict in South Sudan is the political struggle for power, the history of violence and armed conflict reflects that it is unfortunately a way of life in the country. The tribes have been fighting over cattle from time immemorial, and for whom their cattle mean everything reflecting wealth, power, status, ability to survive and marry.²⁶ In the past, machetes and spears were an intrinsic part of showing manhood and valour, but now people are armed with heavier weapons, like machine carbines and assault rifles, which can cause more damage. The attacks are very carefully planned and owing to remoteness of the areas of the attacks, it can take a lot of time for the news of such attacks to filter out. The violence is characterised by reprisal killings, massacre, sexual violence,

looting, abduction of children and forced recruitment. Rape has been used as a tool of ethnic cleansing by all groups with impunity.²⁷

As a result of increased fighting, the UN focus shifted towards POC and in its resolution 2132 of December 24, 2013, the UNSC raised the troops ceiling to 12,500 troops with a more robust POC mandate.²⁸ After prolonged negotiations, a peace agreement was signed in August 2015 but the violence remained and the UNMISS continued to struggle with protection of a large 'internally displaced' population residing in POC sites. In December 2015, the UNSC adopted resolution 2252 which raised the force level of UNMISS up to a ceiling of 13,000 troops and 2,001 members of police force.²⁹

In two separate incidents on July 3 and 7, 2016, the soldiers loyal to Machar were attacked and killed. This provoked his loyalists, who on July 11, 2016 stormed the capital, killing, looting and committing sexual violence on civilians and foreign aid workers. The outbreak of this violence was further evidence of the continued unwillingness of the parties to resolve their disputes through peaceful measures.³⁰ The UN was accused of failing to prevent these outbreaks of violence in Juba, the capital with a sizeable presence of the UN. To address the crisis and enable UNMISS to better protect the civilians, the UNSC through its resolution 2304 of 2016, once again raised the ceiling of the mission to 17,000 troops including 4,000 troops Regional Protection Force (RPF).

An Analysis of POC Effectiveness of UNMISS

By permitting refuge within its compounds, to those fleeing extensive violence in 2013 and 2016, UNMISS provided direct physical protection to more than 200,000 civilians. This not only saved many lives but also isolated the warring groups from one another at a time when more widespread violence was possible. Many observers feel that without UNMISS there could have been a genocide in South Sudan. Notwithstanding this positive sentiment, the Seventh Cross-cutting Report of the UNSC released in May 2015, found that the situation on the POC front remained worrisome and disturbing. On the much-acclaimed initiative of POC sites, it reported that, people living in the POC sites represent only a small segment of the nearly two million people who have been displaced by the conflict. Many of the displaced face hunger, disease and the threat of physical violence. While there are no precise numbers, the International Crisis Group estimated in January 2014 that nearly 10,000 people had perished in the initial weeks of the conflict.³¹

A plethora of UN agencies, international organisations, NGOs and relief agencies working in South Sudan, who perceive things from close quarters, have been critical of UNMISS and have accused the mission to have not

measured up in fulfilling its POC responsibility, despite a strong mandate with increased focus on POC. Matt Wells, a Senior Crisis Adviser at Amnesty International, observes that despite taking into account the lack of adequate support it has received, the Mission has fallen short in protecting civilians and facilitating humanitarian access, and while capable early warning mechanisms have been developed, they have often not translated into effective contingency planning and preparation.³²

The UNMISS does not acquit itself well in various tangible parameters too. The statistics collected by UCDP indicates that the number of casualties has surprisingly increased after 2015,³³ when UNMISS adopted a new mandate with more focus on POC. Similarly, the number of IDPs in South Sudan saw a sustained increase since 2011 despite the presence of UNMISS. As per Internal Displacement Monitoring Centre, the fractionalisation of conflict in South Sudan is the major reason for violence which, by December 2017, had forced one in three people in South Sudan to flee their homes, since the outbreak of hostilities in 2013.³⁴ The annual report of the Secretary General on POC in armed conflicts of May 2017 also critically reports that, in total, more than 1.85 million people were internally displaced in South Sudan at the end of the year, including 223,994 sheltered in UN sites for the protection of civilians. In addition, some 760,000 people fled the country, bringing the total number of South Sudanese refugees in neighbouring countries to more than 1.4 million, including 640,000 in Uganda.³⁵

In light of the above analysis based on tangible data, it can be concluded that the UNMISS has not measured up to the expectations of the international community with respect to its POC performance and there is scope for improvement despite the fact that it has had marginal success on certain occasions.

Shortcomings and Problems

The reasons for inability of the UNMISS to fulfil its POC mandate have been identified and highlighted by the UN DPKO, UN agencies, NGOs, international organisations, journalists and the Mission itself. The problems and shortcomings cover a vast domain of issues related to doctrine, concepts, politics, organisation, funding, capability and many more. Some of the major shortcomings that have been identified are enumerated in succeeding paragraphs.

- **Underperformance by Certain Elements of the Mission.** Former Special Representative of the Secretary General (SRSG) of UNMISS, Hilde Johnson stated that, while number of troops and resources are important, “an equal challenge is the performance of the contingents, and

their willingness to engage pro-actively in confronting threats to civilians with force". The ability to interpret the mandate and act on it rests with the Force Commander (FC). After Juba clashes in 2016, in which the mission failed to protect civilians, an investigation was ordered to find out the causes of failure. The findings pointed out that lack of leadership by senior mission personnel resulted in ineffective response to the violence and on the basis of these findings, the then FC was fired.³⁶ The force could not operate under a unified command, resulting in conflicting orders for various contingents.

- **Size of the Military Component.** Though troops ceiling has been significantly increased from what was authorised initially, still the troops on-ground are insufficient to carry out their mandated tasks. Despite the increased authorisation in troops and United Nations Police (UNPOL), Department of Peacekeeping Operations (DPKOs) had difficulty in generating mandated personnel. Moreover, almost the entire strength of UNPOL is being utilised for prevention of crimes within POC sites. The limited presence of troops on-ground and the disproportionate area of operations given to them, restricts the number of operations that military peacekeepers can undertake. This has resulted in decrease of trust of South Sudanese people in the military peacekeepers.
- **Insufficient Logistical Assets and Enablers.** Lack of road infrastructure and incessant rain during the rainy season, reduce access for surface movement in South Sudan and have left the mission components to rely upon air effort to carry out the mandated tasks. But the air assets, available to provide logistical support in the mission area, are inadequate. The problems due to limited number of aircraft are further compounded by numerous time-consuming authorisations at various levels and has often developed mobility crisis in the mission area.
- **Frequent Violations of Status of Forces Agreement (SOFA).** As per the agreement, UNMISS along with its contractors enjoys full and unrestricted freedom of movement without delay throughout South Sudan. The situation on-ground, however, has been absolutely different as the UNMISS has been facing 'near complete' restrictions on all operational and logistical movement. A report by Emma Kenny has listed restrictions on freedom of movement as a major challenge for effective fulfilling of POC mandate. She concludes, "these challenges are generic in nature to many peacekeeping missions but in UNMISS they have led to a critical failure to implement R2P and POC as roughly tens of thousands of people have been killed".³⁷

- **Lack of Intelligence Gathering Capabilities.** Lack of reliable and timely intelligence adversely affects UNMISS' ability to protect civilians. As per one of the Indian Commanders, "lack of intelligence" was the biggest limitation that hampered his ability to respond appropriately when civilians are threatened. He said, "although UNMISS had indicators but there was no reliable intelligence about the events of December 2013 and these unfolded quickly and violently catching UNMISS hierarchy unaware with no early warning system or information gathering capability".
- **Lack of Coordination.** A UN Court of Inquiry—tasked to look into the Mission's response to the incident of violence that erupted in the UNMISS POC site in Malakal in February 2016, resulting in 30 IDPs being killed and 123 injured—observed that there was confusion with respect to command & control and ROE and a lack of coordination among the various civilian and uniformed peacekeepers in Malakal at the time of the crisis.³⁸
- **Inability for Community Engagement.** Affected communities are the most important stakeholders in the fulfilment of POC mandates of the UN Missions. As per research by the Centre of Civilians in Conflict conducted from January to April 2017, it was observed that, UNMISS does not have a strategy for community engagement, guiding the work of Mission personnel. Each division of UNMISS was interacting with civilians in different ways, and a lack of a coherent strategy undermined the Mission's ability to leverage various strengths and types of engagement across its divisions. The lack of strategic planning could also undermine the deliberate selection of activities and continuity of programming that are necessary to create a lasting impact".³⁹

Recommendations for Policy Change

The foregoing discussion indicates that there is scope for several genres of improvements, which would realign the POC operations at the strategic, operational and tactical levels. Many of these recommendations, while specifically applicable to MONUSCO and UNMISS, are also applicable across other missions and if urgently undertaken will make missions more successful, attaining both a long-term solution of the problem as also the immediate need of POC.

The UNSC and the Secretariat. The Security Council and the UN Secretariat play a vital role in the conduct of peacekeeping operations, and thus needs to lay special focus on the following:

- **Political Strategy.** Protection operations without a clear political strategy will often result in prolonged deployments with no visible gains

as is illustrated in DRC and South Sudan. The UNSC must therefore only deploy missions with well-defined political goals. The high-level panel on peace operations has also observed that the “protection mandates must be linked explicitly to political solutions. Absence of a serious political strategy is likely to lead to a long-drawn-out and ultimately unwinnable campaign”.⁴⁰

- **Focused and Specific Mandates.** In the last few years, the UN has enhanced its focus on longer-term nation-building, thereby, expanding its activities, resulting in diversion of resources from the core task of providing peace and security. The UN mandate thus needs to become more specific in terms of what the UNSC wants to achieve. Too often, the Council uses slogans that are far too general to be suitable, such as all necessary measures.⁴¹ The need for a specific and achievable mandates was also expressed by President Barack Obama during a meeting with representatives of the TCCs where he remarked, “We seek clear, credible, and achievable peacekeeping mandates in the UN Security Council”.⁴² Analysis of UNMISS and MONUSCO mandates reveals that these missions, in addition to POC, have a variety of other tasks which are vying for resources and attention.
- **Doctrinal Clarity on Role of Mission Components.** Despite release of guidelines on POC in the recent years, a major dichotomy still exists between the definition of POC and its further amplification and practice. From the definition and the POC mandates of both these missions, it emerges that the UNSC and the Secretariat intend to focus effort towards those facing imminent threat of physical violence implying predominance of Tier II activities. Although, in practice, it is seen that emphasis on provision of physical security gets relegated with stress being given to Tier I and III activities which have more relevance in the long term. This results in improper distribution of resources as also inappropriate assigning of roles and responsibilities amongst mission components. The intent here is not to propagate that POC is a military function alone, because civilian components have a vital role to play as the UNSC regularly includes non-military tasks in POC mandates.⁴³ However, in MONUSCO and UNMISS, which are Chapter VII missions with need for greater Tier II activities, the lead role for provision of physical security has been taken away from the military. In both these missions Protection Working Group, the Joint Operations Centre (JOC), the Joint Mission Analysis Centre (JMAC) and the Integrated Services Support are headed by civilian staffers, thus practically taking away the entire information acquisition, planning, coordination and logistics processes away from the military in

a primarily Tier II environment. There is thus an urgent requirement to revisit the coordination mechanisms, roles and responsibilities of various components in UN peacekeeping missions for each to perform to its optimum.

- **Ensure Adequacy of Resources.** The Secretariat must continue prioritising POC and ensure that long-standing weaknesses in resources, training and ability of military, police and civilian staff are addressed. UN planners and force commanders usually have to construct and implement operations, robust or otherwise, using much limited resources.⁴⁴ This statement is absolutely true and unless there is a paradigm shift in the thinking of the international community, the future UN peacekeeping missions will have to continue to operate under severe resource constraints. Notwithstanding this basic assumption, the Security Council must try and match the resources to the tasks outlined in the mandate, failing which the robust peacekeeping missions just cannot succeed.
- **Shaping of the International Political Environment.** The UNSC also needs to shape the strategic and political environment facilitating robust POC operations in field, although it is seen that it is not able to do so due to internal dissensions. The biggest inadequacy of the Security Council lies in the lack of effective dealings with the host nations and other parties to the conflict. Nicki Bennett—while writing on the issue of POC—suggests that, the Security Council must provide clear leadership and engage in more forceful and courageous diplomacy with national governments as well as, where possible and appropriate, non-state armed groups, to prevent, mitigate the impacts of and help countries recover from violent conflict.⁴⁵
- **Ensuring Cooperation from the TCCs.** The Majority of TCCs are from Africa and Asia and are not represented in the UNSC. Mostly, they are not party to the decisions taken by the UNSC and do not have any role in the day-to-day tasking of their troops in mission areas. This lack of inclusiveness results in decrease of cooperation from the TCCs which manifests in the form of caveats on employment of their troops or undue emphasis on national channels. The UN must therefore develop a mechanism to positively engage the TCCs during all the stages of the peace operation commencing at the earliest. The military advisors of member states could be utilised to view the military plans and concept of operations prepared by the Secretariat which can result in ameliorating tensions between the UN Secretariat and the member states.⁴⁶ The UN should also consider introducing joint consultative meetings with the TCCs in mission area to discuss important issues.

- **Ensuring Minimum Agreed Standards of Troops and Civilian Staff.** All staff officers, military observers and contingent officers should be put through rigorous induction training and tested on staff work, mission language and communication skills. Failures, if any, should be repatriated at the cost of the TCCs. The existing system of induction training and testing is a charade and promotes mediocrity. Larger number of important appointments in the military hierarchy should be recruited by selection and should be placed at par with international UN professionals to ensure quality. The key posts occupied by the civilian personnel should be well staffed with experienced and qualified employees, including those with local language capability and adequate management experience. The current system of recruitment and staffing in each mission must be scrutinised by teams including human resources professionals and reform of the current engagement system made to ensure availability of the correct expertise.

International Community and Member States. Member states must endeavour to reduce dissensions within the UNSC on matters related to POC and assist in faster decision making to help the missions execute their mandates effectively. Permanent members of the UNSC must refrain from use of veto in cases related to POC violations. They must systematically condemn violations of human rights and refugee laws, and insist, through various forums, that legislation, policy and practice in host states conform to international instruments. Best practices must be shared among member states to develop tools and guidelines, technical explanations and national POC policies.

Mission Headquarters. Mission Headquarters are the crucial link of the UNSC and the Secretariat with all other stakeholders in the mission area. It is directly responsible for implementing the mandate and ensuring that objectives of the mission are translated into formats executable by its constituents. A few recommendations for implementation on this account are listed below:

- **Policy Guidelines on POC.** UNMISS and MONUSCO mission headquarters do not have updated POC guidelines. Besides, other mission components have also not issued specific instructions for guidance of their personnel, resulting in lack of coordination and understanding amongst the stakeholders while working together. A clearly defined statement of POC intent and policy, specific to a mission, must be issued by the mission headquarters and other mission components.
- **Creating a Positive Environment for POC Operations.** Engaging the stakeholders in the mission area and building strong relations with

them is the prime responsibility of the mission leadership, however the mission headquarters in MONUSCO and UNMISS have not been able to do so and have limited influence over the parties to the conflict. In South Sudan, all parties to the conflict including the SPLA has committed multiple violations to the SOFA, harassing, assaulting, arresting and detaining UN personnel and otherwise obstructing humanitarian operations. Needless to say, capability building tasks have been altogether given up, as have been joint operations.⁴⁷ The situation in DRC is no better, where the Government has often been at loggerheads with MONUSCO. The mission headquarters should therefore, vigorously engage with all national actors—host government, judiciary, army, police and other parties to the conflict and endeavour to retain their consent.

- **People Friendly Orientation.** The UN peacekeeping forces are deployed to bring in peace, resolve conflict and assist humanitarian operations and to improve the situation in general. Therefore, despite an element of force and robustness, the peacekeeping operations should be people friendly and the missions must improve engagement with local communities with a humane approach. The “white SUV culture”, prevalent amongst the UN operators, largely international civil staff, must be removed. Due to over emphasis on security, corporate culture in logistics management and general lack of direction, MONUSCO and UNMISS have lost focus on this vital aspect of peacekeeping. The mission headquarters must therefore have carefully drafted perception management guidelines which should highlight their people friendly actions and create positive impression amongst all parties to the conflict.
- **Relations amongst Mission Components.** Military, police and civilian staff in the field must work closely to attain the mission objectives; as also to design contextual response matrices to threats to civilians. A proper sociological study of this phenomenon needs to be carried out so as to identify causes and implement mitigating measures consciously, as the problem, largely unsaid and unacknowledged, is too deep-rooted to be wished away or addressed by the issue of platitudes and advisories.

Mission Military. The mission militaries are not always forthcoming for numerous reasons varying from lack of training and equipping to discouragement by their governments. Several instances of reluctance of military components to use force to ensure POC are on record. While the major portion of the blame with regard to larger political, diplomatic, doctrinal, budgetary and command/control issues can be apportioned on the

UNSC and the Secretariat thus, it is the responsibility of the Secretariat to overcome these issues, yet the military components of these missions cannot escape but face criticism for their sub-optimal performance on occasions with no apparent hindrances. The Force Headquarters (FHQ) should take the following actions:

- **Operational Plans.** The mission mandate and generic policy guidelines of the mission headquarters have to be interpreted and converted into clear-cut, executable, specific directions with tangible military objectives in the form of an Operational Plan. This document should spell out the POC objectives, concept of operations, tasking of troops and detailed methodology of conduct of operations.
- **Early Warning and Information Gathering.** Prior information and early warning of POC threats is essential for conduct of successful Tier II operations. The JMAC is responsible for analysing information and providing assessments to all mission elements to plan operations. However, it does so without any means of collecting information and its analysis is generic in nature based on information collected from open sources. While it is agreed that UN peacekeeping missions cannot have intelligence resources like regular armies, the troops deployed on ground should take initiatives to enhance their situational awareness.
- **Shedding of Fortress Mentality.** Most military contingents remain engaged in protection of their bases and carry out patrolling in a perfunctory manner. This attitude is further accentuated by large area of responsibility (AOR) of military units and general shortage of enablers such as helicopters, armed personnel carriers and all-terrain vehicles which are essential to negotiate the rebel infested difficult terrain of these missions. The FHQs need to put in place plans for effective domination of the AOR by frequent ground and air patrols to ensure protection of vulnerable populations.
- **Training on ROE.** In addition to the above, it is often seen that troops are risk-averse not because they are reluctant to act in itself, but because they fear that their use of force will be considered excessive and may be penalised. It is therefore, the responsibility of the mission military headquarters to clearly define the ROE and military strategies aptly supported by legislation that will support action of military components in missions.

Conclusion

POC has emerged as an important component of UN Peacekeeping operations since early 2000. A measure of its relevance and centrality can be

gauged from the fact that the UN has deployed vast resources and extensive means to prevent recurrence of the kind of genocide seen in Rwanda and Bosnia. Consequently, most of the UN Peacekeeping missions around the world have in-built mechanisms and robust mandates under Chapter VII which, inter alia, include specific provisions for protection of civilians.

Despite this, evidence on-ground seems to point to the contrary. Having assessed and analysed in detail the POC operations of two missions i.e. MONUSCO and UNMISS, it has been established that the UN's efforts towards enhancing security of civilians have not yielded the desired result; but it would be incorrect to aver that MONUSCO and UNMISS have completely failed in ensuring security of civilians. They have indeed succeeded in part, in restoring peace in DRC and South Sudan, and met a portion of their objectives. They have, however, fallen woefully short in achieving various measurable parameters of the POC "Charter". This is unfortunately borne out by the large number of IDPs, civilian deaths and instances of CRSV, which have not seen any noteworthy reduction despite prolonged and heavy deployment of UN troops.

The paper concludes that there is need for significant and substantial reform on-ground, in prosecution of POC mandate by UN Peacekeeping forces. In arriving at the conclusions, these two missions have been considered as a benchmark. The shortfalls and deficiencies therein have been analysed holistically from the organisational, doctrinal and executional points of view. The functioning of the UNSC, the Secretariat, Department of Peace Operations, Department of Support, the Mission Headquarters and the military components of the concerned UN missions have been taken into account. A study of these reveals that, even as political and financial considerations are the major inhibiting factors, there are other issues too. These lie in the realm of doctrinal aspects, inadequate and often poorly executable policy guidelines and lack of adequate training. At the operational level, underperformance by mission personnel and lack of cooperation from the parties to the conflict have also, singly and collectively, adversely impacted the success of both these missions.

In the final analysis, based on the study and findings, it is felt that the UN needs to systemically rethink and bring in connected reform in the way it views and conducts POC.

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