



## UN Peace Operations and ‘All Necessary Means’

### Introduction

As the United Nations (UN) launches a new peace operation in Mali and an auxiliary ‘intervention brigade’ within the existing UN mission in the east of the Democratic Republic of the Congo (DRC), the UN Security Council faces a critical juncture in its use and management of peace operations. The robust nature of these mandates constitutes a controversial development regarding the use of force and presents certain risks. It is not an exaggeration to posit that the credibility, sustainability and nature of UN peacekeeping may be at the mercy of how these missions unfold. It is therefore important that members of the Security Council calibrate their expectations, monitor mission progress and direct the peacekeeping apparatus carefully to mitigate risk and prevent worst-case scenarios.

This Brief provides a short background to the use of force in UN peace operations and explains what is (and is not) new about recent developments in this area. It proceeds to identify some of the major challenges facing these ‘forward-leaning’ peace operations and presents recommendations for members of the Security Council tasked with mandating and managing these complex endeavours.

### *Use of Force in UN Peace Operations: A Brief History*

Until recently it was extremely rare for the Security Council to authorise peace operations to use ‘all necessary means’ – the accepted language to imply the use of force – in the execution of mandates. Whilst the UN operation in the Congo (1960-4) was an antecedent,<sup>1</sup> a watershed in mandating peace operations with the use of force beyond self-defence came with the UNITAF/UNOSOM II operations in Somalia in 1992/3. This foray into ‘peace enforcement’ proved disastrous, precipitating a retreat from offensive mission postures and a reversion to a non-coercive form of peace operations – the type that oversaw well-documented failures of UN peacekeepers to prevent mass killing in Rwanda and Srebrenica in the mid-1990s.

Reflecting on the politico-strategic malaise resulting from experimentation with peace enforcement and the unsatisfactory outcomes of traditional mission concepts, a High Level Panel on UN Peace Operations was set-up to conduct an extensive assessment of UN peacekeeping. This included a debate about the rightful role of military force in missions and culminated in 2000 with the release of the Brahimi Report. The debate distinguished between ‘robust peacekeeping’ defined as the use of force at the tactical level, with the consent of parties to the conflict, for self-defence and in defence of the mandate; and, ‘peace enforcement’ which they understood to constitute the strategic application of military measures to impose peace, potentially against the will of major stakeholders.<sup>2</sup> In essence, the report suggested that UN peace operations should be in the business of the former but not the latter.

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These developments coincided with a remarkable return to UN peacekeeping through the creation of new missions in Kosovo, Sierra Leone and DRC in 1999. Moreover, the latter two included, for the first time, an explicit mandate to protect civilians from harm. It has since become increasingly common for the Security Council to act under Chapter VII of the UN Charter when mandating missions to use all necessary means to, *inter alia*, “protect civilians under imminent threat of physical violence.”<sup>3</sup> However, implementation has proven difficult. Shortfalls in necessary equipment and appropriately skilled personnel have hampered efforts. Differing interpretation of those mandates and the associated rules of engagement by various host states and national contingents have also led to inconsistent and at times ineffective implementation of civilian protection obligations. Furthermore, it is often lamented that a lack of strategies and operational concepts, as well as tactical level doctrine and guidance, for civilian protection significantly limits the effectiveness of these efforts.

### Recent Developments: A Robust Turn in UN Peace Operations

In recent years, the Security Council has authorised and adjusted a number of mission mandates to employ the use of force in more ‘forward-leaning’ postures, producing peace operations with more coercive modalities. For instance, the United Nations Operation in Cote d’Ivoire (UNOCI), *in situ* since 2004, was drawn into fighting following a post-election crisis and violence in early 2011. The government’s use of heavy weaponry in civilian populated areas led to an escalation of the use of force by UNOCI culminating in the removal of President Gbagbo from power.<sup>4</sup> This represented bold military action and was justified explicitly as a response to civilian protection needs.

In March 2013, the Security Council updated and extended the mandate of the UN Stabilization Mission in DR Congo (MONUSCO) to go on the offensive. MONUSCO was already mandated under Chapter VII with rules of engagement allowing all necessary means to fulfill the primary mission objective of civilian protection. However, resolution 2098 authorised an ‘intervention brigade’ of around 3000 troops to undertake coercive operations “with the responsibility of neutralizing armed groups.”<sup>5</sup> This is an aggressive mandate of unprecedented nature, internalizing within the command and control structure of a UN mission what has historically been out-sourced to willing organisations and lead nations.<sup>6</sup> The intervention brigade constitutes a re-engagement in peace enforcement activities, albeit in parallel to the stabilisation efforts of the multidimensional peacekeeping mission. Perhaps most importantly, the perceived need for the brigade highlights the dissonance amongst major stakeholders in the peacekeeping partnership when it comes to interpreting existing Chapter VII mandates and applying military force in order to protect civilians from physical harm.

The following month, in April 2013, the Security Council passed resolution 2100 mandating the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA).

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### MINUSMA Mandate - UN Security Council Resolution 2100

- Support the transitional authorities of Mali in the stabilisation of the country and implementation of the transitional roadmap
- Focus on major population centres and lines of communication
- Protect civilians
- Human rights monitoring
- Create of conditions for the provision of humanitarian assistance and the return of displaced persons
- Assist in extension of State authority

In addition to common tasks for contemporary multidimensional peace operations (see details left), acting under Chapter VII, the MINUSMA mandate also authorises a French contingent of over 1000 troops: “to use all necessary means...to intervene in support of elements of MINUSMA when under imminent and serious threat upon request of the Secretary-General.”<sup>7</sup> Whilst such an ‘over-the-horizon’ force is not unprecedented,<sup>8</sup> the transition of French forces from coercive operations against armed elements in Mali’s Sahelian north to an integrated component of MINUSMA suggests that they may be called upon to suppress any subsequent resurgence, thus actively combatting armed elements while serving under a UN peace operation mandate.

Although other missions mandated in the same period have not assumed such robust mandates,<sup>9</sup> the developments discussed above suggest an evolution in the use of force in peace operations. These cases share a number of objectives in the application of force. First, missions are being furnished with all necessary means to help states overcome obstacles to the extension of their authority and establishing order across national territories. Second, peacekeepers are assuming a robust posture in protecting vulnerable civilian populations from harm. Third, military action is designed to create the space for subsequent stabilisation activities. These developments have not occurred in isolation but have unfolded in the context of, *inter alia*, military gains in the AU’s mission in Somalia.<sup>10</sup> A return to concepts of peace enforcement – increasingly akin to counter-insurgency operations – is evident. This turn to more ambitious strategies and operational concepts raises the question of whether the UN is in danger of getting ‘out of its depth’ and biting off more than it can, or indeed should, chew.

### Major Challenges

The increased use of force in peace operations present a number of potential challenges for the credibility and sustainability of UN peacekeeping as well as the expectations placed upon it.

#### 1. *Reputational damage*

Firstly, proactive enforcement action may increase the risk of damage to the UN’s fragile reputation. Increased military activity brings heightened risk to populations in the areas of operation. If the use of force by UN-mandated troops results in significant civilian casualties, the UN and its peacekeeping

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apparatus will be adding to the insecurity of populations and would rightly be subject to vilification. Even if force is employed responsibly and collateral damage is avoided, there are often indirect – albeit unintended – consequences of action that may affect local populations adversely and impact negatively on the UN's reputation.

Furthermore, whilst operations might be effective in meeting short-term stabilisation objectives, the repercussions could still produce a negative net effect for the overall endeavour. For instance, if enforcement efforts come under sustained and/or revengeful attack or suffer military defeats, the reputation of the UN as a whole will suffer. Likewise, conflict parties temporarily degraded militarily may recover and return to attack civilian populations or humanitarian actors perceived to be complicit in the politico-military efforts of UN-authorised entities. These effects have the potential to undermine efforts to create a protective environment to the detriment of the credibility of the UN and broader international community.

### **2. Precedent setting**

Secondly, these qualitative shifts to mission postures and approaches to securing peace may set a significant precedent that is difficult to replicate or sustain. If such robust postures register military successes that lead to stabilisation in Mali and/or DRC, the UN will likely come under increasing pressure to adopt a similar posture elsewhere. On-going challenges in Sudan/South Sudan would make various missions there prime candidates, and future involvement in Syria and adjustments in Lebanon may be influenced by such developments.

Whilst resolution 2098 explicitly states that the MONUSCO intervention brigade does not set a precedent,<sup>11</sup> this caveat is unlikely to hinder changing political realities or safeguard the traditional principles of peacekeeping if it is proven or at least deemed to be an effective approach. Any groundswell of opinion in this regard could overwhelm the need to focus on political processes and context-sensitive, case-by-case approaches to specific conflicts. Furthermore, this would raise the spectre of further stretching limited resources and unrealistic, if not reckless, calls to “do more with less.”

### **3. Diminishing support**

Thirdly, the departure of these strategies from traditional conceptions of peacekeeping (i.e. consent of parties to the conflict, impartiality and minimum use of force) – all of which are arguably abrogated in these missions – could jeopardize broad consensus on the nature and scope of UN peace operations. Indeed, these mandates and their unimpeded passage in the Security Council belie the misgivings of some important actors in the peacekeeping endeavor – not least amongst some major troop and police contributing countries (TCC/PCCs).

These events are also occurring in a broader context of push-back by some of the wider UN membership on the authorisation of use of force beyond self-defence by the Security Council,

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particularly in the aftermath of NATO operations in Libya. In addition, there is a climate of risk aversion from some major TCCs – and indeed parts of the UN Secretariat – due to bitter experiences in Iraq, Algeria and recently in Somalia and Darfur. Attacks on and loss of UN personnel has hastened institutional reviews around the safety and security of UN staff to address these concerns.<sup>12</sup> Despite attempts to allay fears related to perceived ‘mission-creep’, given that MONUSCO peacekeepers could be targeted by rebel group retaliatory attacks and MINUSMA peacekeepers are probable targets for Islamist (and Tuareg separatist) factions,<sup>13</sup> it might not take much to test the political will of unconvinced member states.

These challenges suggest that sustained contributions of sufficient quantity and quality of human and materiel resource to staff and fund UN peacekeeping may already be under threat, let alone in the context of an expanded more coercive guise. Combined, these factors could bring about a retreat from UN peacekeeping by some TCCs/PCCs (particularly non-African) with significant implications for the support and staffing of future peace operations.

### Recommendations

As MINUSMA begins its operations in Mali and the intervention brigade prepares for full-scale deployment in the eastern DRC the challenges associated with these developments in the UN’s use of peace operations should give food for thought. It is important that newly mandated missions are managed and implemented with caution to avoid over-reach or putting peacekeepers in precarious situations that could imperil support and contributions of member states and threaten the viability of UN peace operations. The following options would be sensible initiatives for current members of the Security Council to support in this regard.

#### **1. *Maintain regular monitoring of developments on the ground***

The strategic use of force in these missions demands that implementation is closely monitored and reported upon in a timely manner. In addition to a myriad of reporting obligations, the careful use of existing monitoring mechanisms targeting the effects of coercive measures, including compliance with international humanitarian and human rights law, will be central to reassuring skeptical member states that force is being employed responsibly and sustaining widespread support of member states as well as on-going justification to host countries/communities.<sup>14</sup>

Security Council members should therefore use their oversight role to ensure adherence to specific reporting requirements for intervention components written in to the respective mandates for MINUSMA and MONUSCO.<sup>15</sup> If circumstances require, it may necessary to increase the frequency and/or alter the reporting requirements in future mandate renewals. Such iterative assessment of developments on the ground should be taken into account and used to inform tactical adjustments and operational planning in a continuous manner as well as govern strategic decisions on the use of force in mandate renewals and other missions in the UN’s portfolio.

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### **2. *Avoid exclusively military solutions to political problems***

Military gains will only be effective and sustained if they are complemented by and consolidated through a viable political process. It is important, therefore, that Security Council members continue to abide by a key lesson of UN peacekeeping to date, that there must be a peace to keep and foster/build upon if missions are to be effective. This requires careful coordination of and balance between military strategies and political stabilisation endeavours. In short, it is crucial that the former is a part of the latter and that this emphasis guides the crafting of mandate renewals and adjustments.

In addition, Security Council members can assist by throwing their weight behind inclusive and viable peace processes, encouraging and fostering genuine buy-in to a political settlement by host states and parties to these conflicts. This will likely involve difficult choices about who are necessary partners for peace, including discerning terrorists from organised criminals and between competing motivations of greed and grievance.

### **3. *Manage expectations of all stakeholders***

The shift in the means of pursuing peace in Mali and DRC dictates that new expectations will be generated. Despite attempts by Security Council members to carefully word the relevant mandates and operative paragraphs, these documents will only partially frame the expectations garnered amongst recipient populations, host states and the international community more broadly.

It will therefore be important that Security Council members play their part in articulating what is being asked of these missions and calibrating realistic expectations for their achievements. Clarifying roles and responsibilities as well as priorities and timelines in these changing peace operations will be important in the formation of opinion and perceptions thereof, and have ramifications for the aims and objectives of current and future missions.

### **4. *Support on-going dialogue between contributors, Security Council members and the Secretariat***

As mentioned above, these robust mandates veil the misgivings of some important actors in the peacekeeping endeavour – not least amongst some major troop and police contributing member states. In keeping with recent recognition of peacekeeping as a partnership,<sup>16</sup> it is important that the Security Council does what it can to broaden and deepen the conversation about peace operations. Members should find ways to include the wider cross-section of stakeholders – particularly major T/PCCs and financiers as well as representatives of regional organisations – in order to strengthen ties, build consensus and develop shared understanding of evolving conceptions of peace operations.

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It is essential that a more inclusive dialogue also addresses force generation and resourcing peacekeeping. Permanent and non-permanent members of the Council alike can have a significant effect by encouraging and fomenting quantitative increases and qualitative improvements in contributions to UN peace operations building on recommendations of recent studies in this regard.<sup>17</sup> Furthermore, given the potential for push-back by traditional contributors, this discussion should include efforts to broaden the base of peacekeeping providers. To do so requires encouraging greater involvement by hitherto smaller and new contributing countries.

Whilst controversial, such engagement may need to re-energise discussions about the relationship between robust peacekeeping and peace enforcement and the rightful role of UN peace operations in both. Furthermore, this should also delve into a discussion about whether coercive human protection should focus primarily on extending state authority to create a protective environment (indirect protection) or external provision of physical presence and support (direct protection) as the most effective way of protecting civilians. Whilst peacekeepers are clearly in the business of doing both,<sup>18</sup> the hierarchy of tasks, balance of protection activities and the associated allocation of scarce resources remains unclear and warrants further attention.

The troubled expansion of the use of force in UN peace operations in the early 1990s is argued to be one of the factors that precipitated a retreat from UN peacekeeping in the mid-1990s. If a similar fate is to be avoided, the new robust missions must be planned, managed and assessed in collaboration with major T/PCCs and financiers.

### Conclusion

The effective protection of civilians is increasingly tied to the credibility and legitimacy of UN peace operations.<sup>20</sup> It is therefore incumbent on the political masters mandating these operations to ensure they are appropriately designed and resourced to realise that goal. The emergent challenges facing the UN suggest that doing so will also require some adaptation and flexibility in the ways this is approached – where necessary stretching to robust operations using coercive tactics to take on threats to civilian safety. The Security Council members – permanent and non-permanent, alike – need to be vigilant and cognisant that what plays out in Mali and DRC in the coming months will not only have ramifications for missions

#### *Australia on the Security Council*

For only the fourth time in its history and the first time since the mid-1980's – when UN peacekeeping and global politics looked very different – Australia occupies a non-permanent seat on the Security Council. The privileged place at the table of the UN's peak body presents an opportunity to demonstrate its often-declared 'good international citizenship' and contribute to shaping the Security Council's agenda in relation to these new ambitious peacekeeping missions.<sup>19</sup> This is particularly salient given Australia's long tradition of involvement in peacekeeping and more recent proactive role and advocacy supporting the development of civilian protection guidance and training in the peace operations apparatus.

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deployed and people affected by conflict there, but also for the future of UN peace operations as the primary means of addressing conflict in the contemporary global order.

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### Notes

<sup>1</sup> The UN operation in the Congo (ONUC) had a forcible mandate to, *inter alia*, protect civilian populations.

<sup>2</sup> See: UN High-Level Panel on United Nations Peace Operations. "Report of the Panel on United Nations Peace Operations" (Brahimi Report), New York: United Nations, 2000: paras. 48-64, p.9-12; UN Peacekeeping Best Practices Section. "United Nations Peacekeeping Operations: Principles and Guidelines." New York: United Nations, 2008: p.18-19, 34 & 97-98.

<sup>3</sup> Albeit with certain geographical and capabilities caveats and with reference to host state primary responsibilities.

<sup>4</sup> Operations were also conducted by French forces in Operation Licorne stationed in Cote d'Ivoire under the UNOCI mission mandate.

<sup>5</sup> See: UN Security Council, "'Intervention Brigade' Authorized as Security Council Grants Mandate Renewal," UN Doc. SC/10964, March 28, 2013:

[www.un.org/News/Press/docs/2013/sc10964.doc.htm](http://www.un.org/News/Press/docs/2013/sc10964.doc.htm). Force originally proposed by the International Conference of the Great Lakes Region (ICGLR) in July 2012 and endorsed by the AU – (sub-)regional support deemed important to its popularity at the UN.

<sup>6</sup> Previous examples include the EU-led Interim Multinational Emergency Force (IMEF), Operation Artemis, which undertook offensive operations in Ituri region from June-September in 2003.

<sup>7</sup> MINUSMA Mandate, UN Security Council Resolution 2100, S/RES/2100, 2013: para. 18, p.9.

<sup>8</sup> For instance, a similar arrangement was in place in Cote d'Ivoire with French troops in Operation Licorne stationed in-country authorised under the UNOCI mandate.

<sup>9</sup> For example, whilst all mandated acting under Chapter VII of the UN Charter, the UN missions authorized between 2011-2012 in South Sudan (UNMISS), Abyei (UNISFA), Syria (UNSMIS), were not unusually robust in their design and posture.

<sup>10</sup> Albeit, these gains were achieved in the context of extremely robust military force that has sustained significant losses of troops.

<sup>11</sup> The intervention brigade is mandated: "on an exceptional basis and without creating a precedent or any prejudice to the agreed principles of peacekeeping." MOUNSCO mandate, UN Security Council Resolution 2098, S/RES/2098, 2013: para.9, p.6.

<sup>12</sup> See, for example: UN. "Safety and security of humanitarian personnel and protection of United Nations personnel", Report of the Secretary-General, A/67/492, New York: United Nations, 2012.

<sup>13</sup> Threats have been made explicitly by the M23 rebels in eastern DRC and elements of the Islamist groups in northern Mali. Civilian components of UN peace operations have faced similar targeting in places such as Darfur in recent times.

<sup>14</sup> A proposal including similar recommendations was forwarded by the Brazilian Permanent Mission to the UN, see concept note: "Responsibility while protecting: elements for the development and promotion of a concept", A/66/551-S/2011/701, November 2011:

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<http://www.un.int/brazil/speech/Concept-Paper-%20RwP.pdf>.

<sup>15</sup>For example, the MONUSCO mandate requests reporting every three months by the Secretary-General on mission activity and the accompanying peace process, including specific requirements relating to the intervention brigade in paragraphs 34.(b)(iii) and 34.(b)(vi).

<sup>16</sup>UN. "A New Partnership Agenda: Charting a New Horizon for Un Peacekeeping" New York: UN Department of Peacekeeping Operations and Department of Field Support, July 2009.

<sup>17</sup>See, for example: Adam C. Smith & Arthur Boutellis. "Rethinking Force Generation: Filling the Capability Gaps in UN Peacekeeping", *Providing for Peacekeeping*, No. 2, New York: International Peace Institute, 2013.

<sup>18</sup>See: UN. "DPKO/DFS Operational Concept on the Protection of Civilians in United Nations Peacekeeping Operations", New York: UN Department of Peacekeeping Operations and Department of Field Support, 2009.

<sup>19</sup>For further discussion of the opportunities and challenges for non-permanent members of the Security Council, see: Woodroffe, Thom. 'Australia's Two Years on the UN Security Council', *AIIA Policy Commentary*, no. 13, (2012): 35-42.

<sup>20</sup>Wills, Siobhán. *Protecting Civilians: The Obligations of Peacekeepers*. Oxford: Oxford University Press, 2009.

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