

**Protection of civilians in practice  
– emerging lessons from the UN mission in the DR Congo**

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## English summary

Protection of Civilians (PoC) has received increased attention from scholars, politicians and practitioners, but the most fundamental challenge remains: how to translate abstract protection mandates into concrete activities on the ground. A key issue in this regard is the division of labour amongst protection actors, and more specifically, the role of the military and the types of tasks it could carry out to support civilian activities.

This report investigates how the UN mission in the Democratic Republic of the Congo (MONUC) in the period 2009–2010 developed and implemented a series of cross-cutting initiatives to protect the civilian population against armed attacks, sexual violence and other human rights violations. The report looks into how these initiatives have been applied in the field, and how they are perceived by those implementing them. From this review of protection initiatives, three recurring issues are discerned and discussed as particularly relevant for military contributions to protection activities: (i) the need for civil-military cooperation; (ii) the use of intelligence; and (iii) the use of military force. Finally, the report offers concrete advice for troop contributors preparing for protection tasks, centred around three main findings:

First, physical integration of civilian and military expertise in strategic and operational planning activities, information analysis and local outreach mechanisms, has an added value for protection of civilians. At the same time, there is a tension between the objective of ‘getting everyone on board’ and of developing a relevant protection strategy. The inclusion of too many actors and tasks may lead to a conceptual stretching of protection of civilians, which, in the end, could render it a meaningless concept. It is therefore important to work towards a common, yet limited, understanding of protection of civilians in which the roles and tasks of both military and civilian actors are clearly understood, as well as their mutual dependencies.

Second, multidimensional and integrated missions require multidisciplinary and integrated intelligence organisations. A wide range of information sources must be synthesized, at all levels of operations, including information from humanitarian and development organisations. These intelligence products should, in turn, be disseminated to a wide group of clients incorporating the relevant protection actors in the area of operations.

Third, troop contributing nations need to be better prepared to use force as a last resort to protect civilians. National caveats may be one of the most difficult obstacles to surpass to this end. Many troop contributors are cautious and seldom agree to operate robustly, despite orders to do so. There is a clear need to make military units and troop contributors more aware of what robust peacekeeping might entail.

## Sammendrag

Beskyttelse av sivile har fått økt oppmerksomhet blant forskere, politikere og feltarbeidere, men en fundamental utfordring gjenstår: hvordan omforme abstrakte beskyttelsesmandater til konkrete aktiviteter på bakken? En hovedutfordring i denne sammenheng er hvordan militære styrker kan benyttes for å beskytte sivile og støtte sivile aktiviteter med samme formål.

Rapporten undersøker hvordan FN-operasjonen i Den demokratiske republikken Kongo (MONUC) i perioden 2009–2010 utviklet og iverksatte en rekke initiativ for å beskytte sivilbefolkningen mot væpnede angrep, seksualisert vold og andre typer overgrep. Rapporten vurderer hvordan disse initiativene har blitt iverksatt i felt, samt hvordan de oppfattes av de som iverksetter dem. På bakgrunn av denne vurderingen utledes og diskuteres tre sentrale problemstillinger med særlig relevans for militære bidrag til beskyttelse av sivile: (i) behovet for sivil-militært samarbeid, (ii) bruk av etterretning og (iii) bruk av militær makt. Til slutt kommer rapporten med konkrete råd til troppebidragsyttere basert på MONUC-studien, sentrert rundt tre hovedfunn:

For det første, fysisk integrering av sivile og militære aktører i forbindelse med strategisk og operasjonell planlegging, informasjonsanalyse og kontakt med lokalbefolkningen innvirker positivt på beskyttelse av sivile. Samtidig foreligger det en spenning mellom målet om ”å få alle om bord” i en felles tilnærming og å utvikle en relevant strategi for beskyttelse av sivile. Dersom for mange aktører og oppgaver inkluderes, vil konseptet ’beskyttelse av sivile’ bli strukket så langt at det kan miste sin betydning. Derfor er det viktig å komme fram til en felles men avgrenset forståelse av beskyttelse av sivile. Her må de ulike sivile og militære roller og oppgaver defineres, samtidig som deres gjensidige avhengighetsforhold blir belyst.

For det andre, flerdimensjonale og integrerte operasjoner har behov for tverrfaglige og integrerte etterretningsorganisasjoner. Et bredt spekter av informasjonskilder må settes sammen på alle operasjonsnivåer, inkludert informasjon fra humanitære aktører og utviklingsorganisasjoner. Etterretningsproduktene må deretter fordeles bredt til alle aktører – sivile og militære – involvert i beskyttelse av sivile innen et gitt operasjonsområde.

For det tredje, troppebidragsyttere må være bedre foreberedt på å benytte militær makt, som en siste utvei for å beskytte sivile. Nasjonale forbehold, *caveats*, mot maktbruk er et klart hinder for effektiv beskyttelse av sivile. Flere troppebidragsyttere opptrer med stor forsiktighet og er sjelden villige til å bruke makt, til tross for direkte ordre om å gjøre det. Militære enheter og troppebidragsyttere må derfor få økt innsikt i hva robust fredsbevaring faktisk kan innebære.

## Contents

|          |  |           |
|----------|--|-----------|
|          | <b>Preface</b>   | <b>6</b>  |
| <b>1</b> | <b>Introduction</b>                                      | <b>7</b>  |
| 1.1      | Protection of Civilians to the fore                      | 9         |
| 1.2      | Background note on the DRC and the role of MONUC         | 10        |
| <b>2</b> | <b>A bottom-up approach to Protection of Civilians</b>   | <b>13</b> |
| 2.1      | System-Wide Strategy                                     | 14        |
| 2.2      | Conditionality Policy                                    | 16        |
| 2.3      | Early Warning and Rapid Response Cell                    | 18        |
| 2.4      | Joint Mission Analysis Centre                            | 19        |
| 2.5      | Protection Cluster and the Protection Matrix             | 21        |
| 2.6      | Joint Protection Teams                                   | 22        |
| 2.7      | Mobile Operating Bases                                   | 25        |
| 2.8      | Early Warning Centres                                    | 26        |
| 2.9      | Community Liaison Interpreters                           | 28        |
| 2.10     | The Handbook: Protection in Practice                     | 28        |
| <b>3</b> | <b>Military contributions to protection of civilians</b> | <b>29</b> |
| 3.1      | The need for civil-military cooperation to protect       | 29        |
| 3.2      | The use of intelligence to protect                       | 31        |
| 3.3      | The use of military force to protect                     | 34        |
| <b>4</b> | <b>Concluding remarks – advice to troop contributors</b> | <b>37</b> |
|          | <b>Acronyms</b>  | <b>41</b> |
|          | <b>Bibliography</b>                                      | <b>43</b> |

## Preface

This report constitutes one of two concurrent FFI-publications on Protection of Civilians (PoC) in armed conflict. The other report, which should be read alongside this, is titled 'Protection of Civilians in Theory: A Comparison of UN and NATO Approaches'.<sup>1</sup> Together, they are intended to bring the debate on Protection of Civilians one step forward by reducing the gap between theory and practice. Specifically, they are meant to inform and improve the preparation of national military contributions in future operations.

Currently, most troop and police contributing countries provide their UN and NATO contingents with little or no pre-deployment training on protection of civilians. One reason for this short-coming is that the majority of existing military doctrines and training programmes are primarily developed to defend territories and attack enemies, not to protect vulnerable individuals or groups of civilians. This lack of relevant national doctrines and training has made it difficult for military officers to translate abstract protection mandates into concrete strategies and operational activities, which are to be carried out in concert with civilian partners on the ground.

The Norwegian Defence Research Establishment (FFI) has initiated several research activities on Protection of Civilians. The aim is to prepare military contingents for implementation of mandated tasks related to protection of civilians in armed conflict. These two FFI-reports are the first in a series of forthcoming FFI-publications focusing on the military challenges related to protection of civilians.

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<sup>1</sup> Alexander William Beadle, "Protection of Civilians in Theory: A Comparison of UN and NATO Approaches", *FFI-report* 2010/02453 (Kjeller: Forsvarets forskningsinstitutt, 2010).

# 1 Introduction

Protection of Civilians (PoC) has received increased attention from scholars, politicians and practitioners, but the most fundamental challenge remains: how to translate abstract protection mandates into concrete activities on the ground. A key issue in this regard is the division of labour amongst protection actors, and more specifically, the role of the military and the types of tasks it could carry out to support civilian activities.<sup>2</sup>

In December 2008, the UN Security Council decided that protection of civilians was to be elevated to the highest priority of the UN Mission in the Democratic Republic of the Congo (MONUC).<sup>3</sup> Consequently, MONUC and its partners started developing cross-cutting protection activities which are currently being implemented across the country. This report investigates how recent MONUC protection initiatives have been applied in the field, and how they are perceived by those implementing them.<sup>4</sup> The aim is to identify recent lessons learned and best practices at the operational level, which may, in turn, inform the preparation of national military contributions to future operations.<sup>5</sup>

The report is based on a field trip to the Democratic Republic of the Congo (DRC) conducted in May 2010.<sup>6</sup> Some 30 semi-structured interviews were carried out with UN staff from different sections, departments and agencies in Goma, Sake and Kinshasa. In addition, a series of briefs were given by different UN sections and military components about their specific roles and tasks within the mission, and about the current situation in the DRC. Finally, the research team joined

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<sup>2</sup> The Henry L. Stimpson Center in Washington has through several studies identified a number of gaps in the 'authority, willingness, capacity, knowledge and strategy of national and multinational peace and security institutions to use military capabilities to more effectively protect civilians'. See Alison Giffen, "Addressing the Doctrinal Deficit: Developing Guidance to Prevent and Respond to Widespread or Systematically Attacks Against Civilians", (Washington DC: The Henry L. Stimpson Center, 2010); Victoria K. Holt and Josuha G. Smith, "Halting Widespread or Systematic Attacks on Civilians: Military Strategies & Operational Concepts", (Washington DC: Henry L. Stimpson Center, 2008); Victoria K. Holt and Tobias C. Berkman, *The Impossible Mandate? Military Preparedness, the Responsibility to Protect and Modern Peace Operations* (Washington DC: The Henry L. Stimpson Center, 2006).

<sup>3</sup> On 1 July 2010 MONUC was renamed the United Nations Organization Stabilization Mission in the DRC (MONUSCO). However, this report refers to the mission as MONUC, since the field study was conducted in May 2010, before the name change, and the findings relate to that specific time-period.

<sup>4</sup> Significant developments have taken place since the last major study on protection in the DRC was undertaken: Victoria K. Holt, Glyn Taylor, and Max Kelly, *Protecting Civilians in the Context of UN Peacekeeping Operations* (New York: United Nations, 2009). The present report should therefore be read as a supplement to previous research on protection activities in the DRC.

<sup>5</sup> MONUC provides a rich case for studying key mechanisms related to protection of civilians. Yet generalizing the findings to other cases must be done with caution. No armed conflicts or interventions are alike, and these are some of the most unpredictable and volatile social environments that exist. At the same time, contemporary armed conflicts do share similar features and it is possible to discern certain protection mechanisms which appear to be applicable across contexts.

<sup>6</sup> The authors would like to thank all those who assisted us before, during and after the field study, in Norway, New York and the DRC. Special thanks go to Colonel Per Erik Rønning for providing invaluable support throughout the entire process.

three field patrols: (i) with the North Kivu Brigade; (ii) with the Military Observers in Goma, and (iii) with a military contingent in Kinshasa.

The report is organized into four chapters. The remaining part of this introductory chapter gives a brief contextualization of how protection of civilians has become a prioritized task in current UN peace operations and in the DRC. Chapter two provides a review of initiatives currently being implemented by MONUC for protection of civilians. The chapter should be read first and foremost as a reference tool, but it also serves as an empirical starting point for the analysis that follows in chapter three. Chapter three discusses three issues of particular relevance for military contributions to protection activities, emerging from the empirical findings of chapter two: (i) the need for civil-military cooperation (ii) the use of intelligence; and (iii) the use of military force. The chapter shows that while each issue is still perceived as highly controversial within the UN, they also constitute necessary elements of an efficient, proactive and consistent protection strategy. Finally, chapter four offers concrete advice for troop contributors preparing for protection tasks, centred around three main findings:

First, the MONUC-case shows that physical integration of civilian and military expertise in strategic and operational planning activities, information analysis and local outreach mechanisms, has an added value for protection of civilians.

Second, multidimensional and integrated missions require multidisciplinary and integrated intelligence organisations. Intelligence in peace operations, and more specifically for the protection of civilians, is founded on a rationale fundamentally different from that of traditional warfare and national security.

Third, troop contributing nations need to be better prepared to use force as a last resort to protect civilians. Many troop contributors are cautious and seldom agree to operate robustly. There is a clear need to make military units and troop contributors more aware of what robust peacekeeping might entail. Chapter four also comments on additional findings from the MONUC case:

- UN forces cannot protect everyone, prioritising high-risk (must protect) areas is therefore necessary. Military units must be mobile, flexible and prepared to operate both independently in small units and in close collaboration with civilian partners.
- Troop mobility is a precondition for effective protection of civilians, prompting the need to solve air, land and sea mobility issues as demanded by the local terrain.
- Local solutions are favourable, although they may not be 'the best solution'.
- Avoid bringing along advanced technologies and equipment. Simple low-tech solutions are often more sustainable and relevant in the local environment.
- Gender expertise and awareness is a prerequisite for dealing with protection issues in places where sexual violence occurs.

## 1.1 Protection of Civilians to the fore

Protecting civilians, or the failure to do so, is perhaps the most visible aspect of current operations. It is intimately linked with the overall legitimacy of a mission, both in the eyes of the local population and the international community. The genocides and atrocities that occurred during the 1990s – sometimes with UN troops nearby – generated a growing sense of moral duty to protect civilians under imminent threat of physical violence. The UN has responded with reforms aiming to prioritize and improve protection of civilians, but problems with implementation have led some to question whether protection amounts to an ‘impossible mandate’.<sup>7</sup>

For the UN, the core issues of protection have gradually developed into a ‘Draft Operational Concept’ organized around three tiers: (i) protection through political process, (ii) providing protection from physical violence, and (iii) establishing a protective environment.<sup>8</sup> This comprehensive approach shows that protection of civilians for the UN goes far beyond mere basic physical protection. But despite what the UN Secretary-General has called ‘ten years of normative progress’, corresponding developments on the ground are lagging behind. The *Report of the Secretary-General on the Protection of Civilians in Armed Conflict* of 2009 states:

While the last 10 years have seen peace come to some of the world’s major conflicts, others have continued to smoulder and burn and new ones have broken out. Common to old and new ones alike are persistent and sometimes appalling levels of human suffering owing to the failure of parties to conflict to fully respect and ensure respect for their obligations to protect civilians. Actions on the ground have not yet matched the progress in words and the development of international norms and standards.<sup>9</sup>

Several reports and workshops have sought to explain why only ‘lip service’ has been paid to protection.<sup>10</sup> Whilst the Capstone Doctrine incorporated protection as a cross-cutting issue in 2008, it offered ‘no operational definition around which planning for specific missions can take place’.<sup>11</sup> Leaders and personnel have received only ‘extremely limited training’ on protection of civilians prior to deployment.<sup>12</sup> The shortage of troops, staff, vehicles and equipment in some of the most challenging environments has also been linked ‘to a lack of consensus about what it is

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<sup>7</sup> Holt and Berkman, *The Impossible Mandate? Military Preparedness, the Responsibility to Protect and Modern Peace Operations*, p. 4; see also Beadle, "Protection of Civilians in Theory: A Comparison of UN and NATO Approaches".

<sup>8</sup> United Nations, "Draft DPKO/DFS Operational Concept on the Protection of Civilians in United Nations Peacekeeping Operations", (New York: United Nations, 2010).

<sup>9</sup> United Nations, "Report of the Secretary-General on the protection of civilians in armed conflict", (New York: United Nations, 2009), para. 4.

<sup>10</sup> Giffen, "Addressing the Doctrinal Deficit: Developing Guidance to Prevent and Respond to Widespread or Systematically Attacks Against Civilians"; Holt, Taylor, and Kelly, *Protecting Civilians in the Context of UN Peacekeeping Operations*; Holt and Smith, "Halting Widespread or Systematic Attacks on Civilians: Military Strategies & Operational Concepts"; Victoria K. Holt, "The Responsibility to Protect: Considering the Operational Capacity for Civilian Protection", (Washington DC: Henry L. Stimpson Center, 2005).

<sup>11</sup> Holt, Taylor, and Kelly, *Protecting Civilians in the Context of UN Peacekeeping Operations*, p. 7.

<sup>12</sup> *Ibid.*, p. 9.

that we want peacekeepers to do'.<sup>13</sup> For military units, this has led to operations 'without the strategies, preparation, resources, and assets to cope with protection crises'.<sup>14</sup>

In total, ten UN peacekeeping operations have been explicitly mandated to protect civilians under imminent threat of physical violence.<sup>15</sup> Out of these ten, eight are still on-going and most of the approximately 85,000 UN military personnel deployed around the world are operating under such instructions.<sup>16</sup>

## 1.2 Background note on the DRC and the role of MONUC

The conflicts in the DRC have a long history and are extremely complicated. In the recent past (1998–2003) a number of neighbouring states were involved, such as Rwanda, Uganda, Sudan, Burundi, the Republic of the Congo, Angola, and the Central African Republic. This conflict is also known as Africa's World War.<sup>17</sup> Current conflicts, predominantly in the eastern provinces of North and South Kivu and Orientale (see map on p. 12) can be seen as a continuation of this war. The Congolese population has for many years been suffering from war and colonial rule, and the consequences are still felt.<sup>18</sup> In the period between DRC's independence in 1960 and to the mid-90s, the state apparatus ranged from weak to outright oppressive. Mobutu Sese-Seko, who ruled from 1965 to 1997, was the dominant figure in this period. In 1997, Laurent Kabila, the father of DRC's current president, Joseph Kabila, took power from Mobutu. Laurent Kabila's leadership was soon contested by his former supporters, and ultimately led to the 1998–2003 conflict, where most of DRC's neighbouring states got involved.

Africa's World War led to the inception of MONUC in 1999. Since then, the mission has evolved from a limited observer mission to a multidimensional and integrated peace operation – currently the largest and most expensive of its kind.<sup>19</sup> It is therefore quite challenging to provide a picture of MONUC as *one* mission. Dramatic developments on the ground, numerous Security Council mandates, a wide list of recommendations from the Secretary-General, ever evolving deployment patterns, changes of troop contributors and frequent rotation of leadership positions and staff are

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<sup>13</sup> Erin A. Weir, "The Last Line of Defence: How Peacekeepers Can Better Protect Civilians", (Refugees International, 2010), p. 2.

<sup>14</sup> Giffen, "Addressing the Doctrinal Deficit: Developing Guidance to Prevent and Respond to Widespread or Systematically Attacks Against Civilians", p. 7.

<sup>15</sup> UN-led missions that have been mandated using variants of this language include Sierra Leone, DR Congo, Liberia, Ivory Coast, Haiti, Burundi, Sudan, Lebanon, Darfur, Central African Republic and Chad.

<sup>16</sup> United Nations, "Background Note", accessed 15.12.2010, <http://www.un.org/en/peacekeeping/bnote.htm>

<sup>17</sup> See e.g. Gerard Prunier, *Africa's World War – Congo, the Rwandan Genocide, and the Making of a Continental Catastrophe* (Oxford: Oxford University Press, 2008).

<sup>18</sup> For more on DR Congo's colonial past see e.g. Adam Hochschild, *King Leopold's Ghost: A Story of Greed, Terror, and Heroism in Colonial Africa* (Boston: Mariner Books, 1998).

<sup>19</sup> The strength of MONUC (MONUSCO) as of 30 August 2010: 19,544 total uniformed personnel, 17,625 military personnel, 716 military observers, 1,203 police (including formed units), 973 international civilian personnel, 2,783 local civilian staff, 598 United Nations Volunteers, accessed 15.09.2010, <http://www.un.org/en/peacekeeping/missions/monusco/>

all factors contributing to a multifaceted picture. The chart below shows the organizational structure of MONUC as it was at the time of visit:

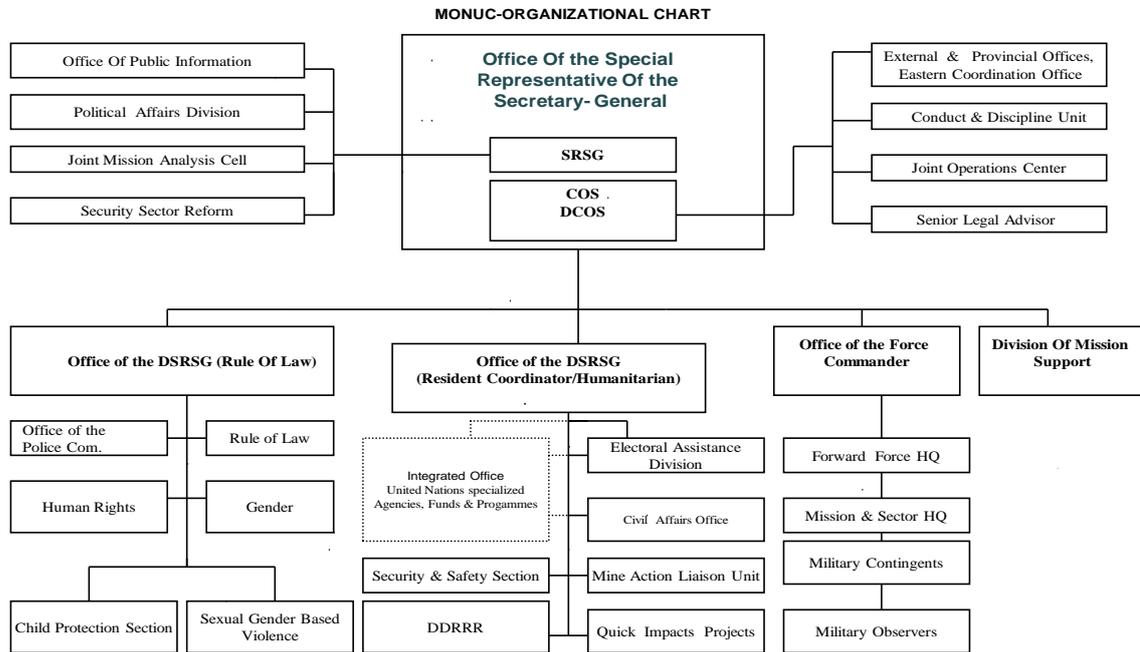


Figure 1.1 MONUC structure 2010

Already in 2000, a year into its existence, MONUC was given a mandate to protect civilians. At that time, however, MONUC was a limited force with no realistic capacity to carry out protection activities. The increasing focus on the (lack of) protection of civilians over the last decade, alongside MONUC's massive increase in both size and other mandated tasks, is closely linked to the fragile security situation in the eastern parts of the DRC. However, it was not until 2008 that MONUC was specifically asked by the Security Council to *prioritize* protecting civilians.<sup>20</sup>

Among the major factors which complicate responses to crises in the DR Congo are: (i) the sheer size of the country (DRC is the 12<sup>th</sup> largest country in the world, approximately 1/4 the size of the USA), and (ii) the lack of infrastructure with very few well functioning roads outside the capital. Below is a map showing MONUC's military deployments as of April 2010:

<sup>20</sup> For a complete summary of MONUC's evolving approach to protection of civilians see Holt, Taylor, and Kelly, *Protecting Civilians in the Context of UN Peacekeeping Operations*, Case Study 1, MONUC.



## 2 A bottom-up approach to Protection of Civilians

This chapter describes and reviews a series of protection initiatives implemented by MONUC. The majority of these bottom-up initiatives have been fuelled by the recent prioritization of protection in the DRC, and local and international expectations raised by the protection mandates issued by the Security Council. Many of the interviewees were hopeful that, in sum, these initiatives would actually improve security for civilians. But there was also considerable frustration over the limited time left to implement them before the possible exit date of MONUC within a year (summer 2011). As one UN official pointed out ‘we have been doing nothing for ten years, and now we are being asked to do everything in one year’.<sup>21</sup>

There is no superior logic binding these initiatives together, and no clear hierarchical order between them. In this report, they are ranked according to their scope, ranging from the System-Wide Strategy on PoC addressing all UN actors present in the DRC, to the practical PoC Handbook addressing MONUC troops in the field. The chapter should be read first and foremost as a reference tool, but it also serves as an empirical starting point for the analysis that follows. Table 2.1 below provides a quick overview of the initiatives reviewed in this chapter:

| PoC-initiative   | Purpose  | Year of establishment | Actors involved   |
|--|--|-----------------------|---|
| <b>System-Wide Strategy</b>  | Provides a comprehensive strategy for coordinating MONUC and external UN agencies and programmes to more effectively address the immediate protection needs of civilians   | 2010                  | All UN actors present in the DRC (MONUC + other UN departments, agencies and programmes)  |
| <b>Conditionality Policy</b>   | To withdraw planning and logistical support to FARDC-units suspected of violations against civilians   | 2009                  | MONUC military staff and units, the Joint Human Rights Office (JHRO) and the Congolese Armed Forces   |
| <b>Early Warning and Rapid Response Cell (Kinshasa)</b>                    | To rapidly respond to reports of exactions and threats of further incidents through collection, consolidation and analysis of information  | 2009                  | Human Rights, Child Protection, Civil Affairs, JMAC, UN Police, UN military staff and senior management   |
| <b>Joint Mission Analysis Centre (Kinshasa + Goma)</b>                     | To provide medium to long-term integrated analysis on all aspects of the mission mandate   | 2005                  | Permanent representatives from various civilian and military mission components   |
| <b>Protection Cluster/ Protection Matrix (Kinshasa + regional offices)</b> | To analyse needs and identify gaps within the humanitarian field, to define the roles and responsibilities of different humanitarian organisations, and to respond to gaps in the protection of internally displaced persons | 2006                  | Led by UNHCR, members of national cluster: UNICEF, UNFPA, MONUC, Oxfam GB, Save the Children UK, UNMACC, World Vision, Oxfam Quebec and ICRC (observer) |
| <b>Joint Protection Teams</b>  | To provide situational awareness, anticipate needs, develop local protection strategies and advice operational commanders on protection issues   | 2009                  | Coordinated by the Civil Affairs Section, but draw members from all sections of MONUC   |

<sup>21</sup> Interview with UN official, Kinshasa, May 2010.

|   |   |      |  |
|---|---|------|--|
| <b>Mobile Operating Bases</b>               | To provide mobility and flexibility for better outreach to populations  | 2006 | MONUC military   |
| <b>Early Warning Centres</b>                | To function as a hub for situational awareness in the Company Operating Base (COB) to optimise operational capacities for protection of civilians | 2010 | MONUC military and Community Liaison Interpreter (CLI)                           |
| <b>Community Liaison Interpreters</b>       | To coordinate information sharing on protection issues between the MONUC military and local authorities and communities                           | 2010 | Locally employed Congolese selected and trained by MONUC                         |
| <b>The handbook: Protection in Practice</b> | To inform planning for senior UN military and police officers, as well as provide practical guidelines for junior officers and field level troops | 2010 | Developed jointly by MONUC (Civilian Affairs Section) and the Protection Cluster |

Table 2.1 MONUC PoC initiatives

## 2.1 System-Wide Strategy

The *UN System-Wide Strategy for the Protection of Civilians in the DRC* is the product of a joint venture between the Civil Affairs Section (CAS) of MONUC and the DRC office of the UN High Commissioner for Refugees (UNHCR).<sup>22</sup> It is ‘UN system-wide’ because it integrates MONUC and external UN agencies and programmes present in the DRC, rather than ‘mission-wide’, which would have been the case if it only addressed MONUC’s own components. As such, the strategy fits well with the logic of the Integrated Mission concept, which is to create a link between the different dimensions of peacebuilding (political, development, humanitarian, human rights, rule of law, social and security) into a coherent support strategy.<sup>23</sup>

The Strategy takes into account the need to reconcile and integrate MONUC’s mandate to protect civilians with its mandate to support Congolese government forces (FARDC).<sup>24</sup> These two objectives have been hard to combine because they conflict with each other. Elements within the newly integrated government army continue to commit violations against the civilian population, even during joint operations with MONUC. Still, according to its mandate, MONUC has to partner with FARDC and protect civilians simultaneously. By supporting the army, MONUC has been considered a party to the conflict by some actors.<sup>25</sup> Therefore, MONUC recently introduced a ‘conditional’ approach (see section 2.2) to guide its support to the government forces. The new policy involves a vetting system to avoid MONUC cooperation with battalion commanders with a known record of human rights violations.<sup>26</sup>

<sup>22</sup> The Protection Cluster and the UN Country Team were also invited to participate in the revision of the first draft, while comments from the Integrated Mission Task Force were incorporated in the final draft.

<sup>23</sup> See United Nations, "Note of Guidance on Integrated Missions", (New York: United Nations, 2006).

<sup>24</sup> MONUC/UNHCR, "UN System-Wide Strategy for the Protection of Civilians in the Democratic Republic of the Congo", (United Nations, 2010), para. 2.

<sup>25</sup> Interview with UN official, Kinshasa, May 2010.

<sup>26</sup> Interview with UN official, Kinshasa, May 2010.

The primary aim of the Strategy is ‘addressing the needs of those civilians exposed on a daily basis to the consequences of hostilities and violations by armed groups, with particular attention to women and girls’.<sup>27</sup> Despite this emphasis on immediate, physical protection, the Strategy also recognizes that effective protection must combine a wide range of activities: humanitarian, human rights, political and military. It also acknowledges that MONUC does not have the operational capacity to position troops in every locality in need of protection, given the DRC’s size, infrastructural gaps and security challenges. Therefore, the only viable alternative is to improve MONUC’s ability to identify ‘patterns of abuse’ and ‘priority areas’ in order to ‘anticipate and plan for protection risks’.<sup>28</sup>

The Strategy faces at least two inherent obstacles which threaten to undermine its ability to provide clear guiding principles on protection of civilians: (i) being UN system-wide and attempting to reconcile all relevant UN actors, with their diverging mandates, principles and understanding of protection, the relevance and applicability of the Strategy for each and every actor is necessarily weakened; and (ii) the continuing stretching of the concept of Protection of Civilians may in the end render it meaningless.

It appears that the process of developing a system-wide strategy has been rather successful in getting ‘everyone’ on board. However, reaching consensus on a joint strategy is one thing. An even greater challenge is developing a consensus-based strategy that is equally relevant to all the contributing actors.

With regards to conceptual stretching, protection of civilians comprises roughly half of the mandated tasks in the latest MONUC mandate.<sup>29</sup> A review of the three latest Security Council Resolutions concerning the situation in the DRC shows that the heading *Protection of Civilians* has been assigned to an increasingly larger share of the total mandated tasks, although the descriptions of the actual tasks have not changed considerably.<sup>30</sup> In addition, an important paragraph was added in December 2008 stating that ‘protection of civilians must be given priority in decisions about the use of available capacity and resources’.<sup>31</sup> Considering the general lack of capacity and resources in UN missions, an overemphasis on one issue could lead to a situation where ‘everybody’ wants to do protection. Consequently, the concept becomes stretched, undermining the possibility of developing clear guiding principles. The draining of resources from other important tasks is potentially a second negative side-effect.

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<sup>27</sup> MONUC/UNHCR, “UN System-Wide Strategy for the Protection of Civilians in the Democratic Republic of the Congo”, para. 14.

<sup>28</sup> Ibid., para. 12.

<sup>29</sup> United Nations, “Security Council Resolution 1925”, (New York: United Nations, 2010).

<sup>30</sup> Ibid; United Nations, “Security Council Resolution 1906”, (New York: United Nations, 2009); United Nations, “Security Council Resolution 1856”, (New York: United Nations, 2008).

<sup>31</sup> United Nations, “Security Council Resolution 1856”, para. 6.

A strategy is supposed to explain *how* to apply available means to achieve declared and preferably realistic ends. It is centrally concerned with the instrumental link between policy-guided ends, and the means available to reach them.<sup>32</sup> It is thus not synonymous with policy, which first and foremost instils the ends in a strategy. In the case of the UN System-Wide Strategy for PoC in the DRC, the policy is laid out in Security Council Resolution 1856 of 2008. The purpose of a PoC strategy is to translate these policy directions into specified and realistic objectives corresponding to the available capacities and resources, and most importantly, to explain *how* these ends are to be met through use of available resources. In spite of the inherent constraints outlined above, the Strategy satisfies these criteria rather well.

The Strategy covers a vast multitude of activities and tasks. The Action Plan Matrix, an appendix to the document, alleviates some of the complexity of the Strategy, indicating expected results and activities to achieve these, as well as the division of labour between UN protection actors. Taken together, the Strategy and the Matrix are elaborate documents with enough detail to guide protection actors and to clarify their roles and tasks in the UN system. However, one potential weak point of the Strategy, reflecting the two obstacles described above, is its coverage of too many aspects and activities all at once. The various listed objectives and activities seem to intermingle, blurring the causal links between them. Prioritizing and sequencing activities might be as important as being able to cover all potential activities.

The Strategy also lacks specific direction for UN military units about how they are to contribute to the protection of civilians. For instance, the issue of how to apply military force to protect civilians is not addressed. It only mentions that ‘Reactive/offensive operations will also take into account all available contingency planning elements and recommendations of the EWRRC Protection Task Force and Protection Cluster’.<sup>33</sup>

## 2.2 Conditionality Policy

The Conditionality Policy was first introduced in Security Council Resolution 1906 of December 2009. Coming to terms with MONUC’s troubled relationship with FARDC, the Security Council stated that:

[T]he support of MONUC to FARDC-led military operations against foreign and Congolese armed groups is strictly conditioned on FARDC’s compliance with international humanitarian, human rights and refugee law and on an effective joint planning of these operations.<sup>34</sup>

Over time, MONUC’s unconditional support role to the national army became politically and morally unacceptable and even regarded as being at odds with the bedrock UN principle of impartiality. The rationale of the Conditionality Policy is that MONUC, in order to offer better

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<sup>32</sup> Hew Strachan, "The lost meaning of strategy", *Survival: Global Politics and Strategy* 47, no. 3 (2005).

<sup>33</sup> MONUC/UNHCR, "UN System-Wide Strategy for the Protection of Civilians in the Democratic Republic of the Congo", para. 29.

<sup>34</sup> United Nations, "Security Council Resolution 1906", para. 22.

protection for the civilian population, must ensure that the joint MONUC/FARDC planning is 'sufficient'<sup>35</sup> and withdraw planning and logistical support to FARDC-units suspected of violations against civilians. At the time of visit (May 2010), MONUC supported only 18 battalions out of approximately 100 as a result of the newly implemented policy.

The Policy has introduced a screening process of battalion commanders. The intention is to ensure that MONUC only provides support to government forces lead by battalion commanders with no record of human rights violations. The Congolese authorities are in charge of identifying and presenting battalion commanders for vetting, but the vetting itself is closely coordinated with MONUC's Joint Human Rights Office (JHRO). Although not usually configured to provide aggregated information on specific persons, the JHRO is now developing more effective reporting tools to support the vetting, and has developed a database with more than 11,000 entries.<sup>36</sup>

The impact of the Conditionality Policy on improving protection of civilians remains uncertain. MONUC does, at least in theory, no longer support units commanded by officers with a previous record of committing violations against the civilian population. As one MONUC official noted: 'This has made life easier for MONUC, since we no longer receive massive criticism by international media each time we enter joint operations with the FARDC.'<sup>37</sup> However, a commander is approved if there are no recorded incidents linking *him* to any specific violations. The Policy does not guarantee that his troops will not commit atrocities during operations. Moreover, there is always the possibility that someone has been involved in atrocities without it having been registered and reported. In addition, the Policy does not include the vetting of commanders above the rank of battalion commander.<sup>38</sup> This means that higher ranking officers with a human rights violation record can still take part, and sometimes do, in planning and running operations alongside and jointly with MONUC.

Due to the Policy, there are now many operations run unilaterally by FARDC, leading to less oversight and transparency. A more intimate UN presence among more battalions is likely to have discouraged the most blatant violations. While all interviewees agreed that something had to be done about the unconditional support of government forces, not everybody agreed that the Conditionality Policy was the optimal solution. One high level MONUC official presented MONUC's conditional support to FARDC as *the* major dilemma currently facing the UN operation:

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<sup>35</sup> It remains unclear what 'sufficient' means in this regard.

<sup>36</sup> Interview with UN official, Kinshasa, May 2010.

<sup>37</sup> Interview with UN official, Goma, May 2010.

<sup>38</sup> Thierry Vircoulon, "After MONUC, Should MONUSCO Continue to Support Congolese Military Campaigns?" (International Crisis Group, 2010), accessed 01.12.2010, [www.crisisgroup.org/en/regions/africa/central-africa/dr-congo/vircoulon-after-MONUC-should-MONUSCO-continue-to-support-congolese-military-campaigns.aspx](http://www.crisisgroup.org/en/regions/africa/central-africa/dr-congo/vircoulon-after-MONUC-should-MONUSCO-continue-to-support-congolese-military-campaigns.aspx)

The policy decreases the number of battalions actually able to conduct joint operations against the FDLR. In addition, it leads to more unilateral operations by the FARDC at a time when it is obvious that we need improved protection of civilians and military pressure on the FDLR.<sup>39</sup>

Despite this dilemma, the same official said that ‘so far [May 2010] there seemed to be an overall good impact of the Conditionality Policy’. However, this impact seems to have more to do with easing the political pressure on MONUC than with providing better protection. A second related problem is that the Policy has led to a crisis of confidence between FARDC and MONUC. MONUC is now criticized by FARDC for being ‘sold out to human rights advocacy’.<sup>40</sup>

In sum, there is little doubt that the Conditionality Policy has had some positive impact, at least at the political level. It remains to be seen how the Policy will affect protection in practice. One UN official stated that ‘the Conditionality Policy increases our focus on protection.’<sup>41</sup> However, a sustained focus on protection must be followed by relevant action. This dilemma is underlined in a report by the UN Special Envoy on extrajudicial executions, Philip Alston, presented to the UN Human Rights Council in June 2010. The report states that ‘FARDC units were supported by MONUC despite credible reports of widespread human rights violations.’<sup>42</sup>

### **2.3 Early Warning and Rapid Response Cell**

The Early Warning and Rapid Response Cell (EWRRC) was created in May 2009, as a response to the same human rights abuses by FARDC which led to the creation of the Conditionality Policy. This happened during Operation Kimia II – a series of joint military operations between UN and FARDC to diminish the cadres of the rebel group ‘Forces démocratiques de libération du Rwanda’ (FDLR). Due to rumours of violations committed against civilians by FARDC elements during this operation, the UN Force Commander requested reliable and detailed information concerning such events in order to ‘take action with his counterparts’.<sup>43</sup>

The EWRRC is a multidisciplinary working group composed of representatives from Human Rights, Child Protection, Civil Affairs, JMAC, UNPOL and the UN military. The group has weekly meetings at MONUC HQ where its members share updates on violations and protection-related information. The aim is ‘to improve the ability of the senior management to rapidly

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<sup>39</sup> Interview with UN official, Goma, May 2010.

<sup>40</sup> Interview with UN official, Kinshasa, May 2010.

<sup>41</sup> Interview with UN official, Kinshasa, May 2010.

<sup>42</sup> Philip Alston, "Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston", (Human Rights Council, 2010), accessed 01.12.2010, [www2.ohchr.org/english/bodies/hrcouncil/docs/14session/A.HRC.14.24.Add3.pdf](http://www2.ohchr.org/english/bodies/hrcouncil/docs/14session/A.HRC.14.24.Add3.pdf)

<sup>43</sup> MONUC, "Concept Note on the Establishment of a Rapid Response Mechanism in the context of joint operations MONUC/FARDC" (United Nations, 2010).

respond to reports of exactions and threats of further incidents through collection, consolidation and analysis of information from all monitoring sections'.<sup>44</sup>

The EWRRRC consolidates a weekly report on incidents, identifies patterns of abuse and makes recommendations for coordinated response. These assessments are based on available statistics from the Civil Affairs Section and updated maps from the Joint Mission Analysis Centre (JMAC). On an ad hoc basis, the EWRRRC is also mandated to issue 'flash information reports to draw the attention of the senior management to emergencies requiring immediate protective action'.<sup>45</sup>

The EWRRRC is a useful instrument for connecting ends and means in the area of protection, i.e. to implement a protection strategy. However, some UN staff were of the opinion that it was too 'top heavy', and too much concerned with strategic questions of marginal value to the day-to-day protection challenges. It therefore only created an additional layer of bureaucracy. Yet the overall impression is that the EWRRRC has been a valuable addition to MONUC's protection efforts. One practitioner described the establishment of the EWRRRC as follows:

There is a world of difference before and after the establishment of the EWRRRC. Earlier the focus on protection was piecemeal, now there is a formal structure that meets every week to address protection issues.<sup>46</sup>

Although the UN is often criticized for approaching problem solving by establishing new offices, units and thereby additional bureaucracy, the EWRRRC mechanism seems fit for purpose. For field staff in the east of the DRC it might be hard to see the immediate effect of the strategic weekly meeting in Kinshasa. However, when all major decision-makers sit down face-to-face once a week to address protection issues specifically, overall, it will improve MONUC's protection efforts.

## **2.4 Joint Mission Analysis Centre**

The UN Joint Mission Analysis Centres (JMAC) has been a required element of all UN Integrated Missions since 2006.<sup>47</sup> As UN operations have become increasingly robust and complex, the need for comprehensive intelligence support has become more pronounced. However, due to its open and multilateral nature, the UN could not establish an intelligence organisation in line with the traditional intelligence services of nation-states. The UN Department of Peacekeeping Operations (DPKO) had to develop a different type of intelligence structure, something more akin to the spirit of the UN and the Integrated Mission concept. Hence, the JMAC was developed; a concept which incorporates several core features of a traditional intelligence structure, but which also

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<sup>44</sup> Ibid.

<sup>45</sup> MONUC, "Concept Note on the Establishment of a Rapid Response Mechanism in the context of joint operations MONUC/FARDC".

<sup>46</sup> Interview with UN staff, Kinshasa, May 2010

<sup>47</sup> See United Nations, "Joint Operations Centres and Joint Mission Analysis Centres", (New York: United Nations, 2006).

draws heavily on the underlying logic of the Integrated Mission concept. This fusion of a traditional intelligence structure and the UN Integrated Mission concept leads to an *integrated intelligence* organisation, which is also reflected in the latest JMAC policy. Here, *integration* of various mission components – civilian and military – is presented as a key tenet of the JMAC.<sup>48</sup>

The MONUC JMAC at the headquarters in Kinshasa is mandated to provide medium- to long-term integrated analysis on all aspects of the mission mandate to the SRSG and the senior management. By integrating the various civilian and military components of the mission, the JMAC comes across as better equipped to cover the complex information needs of multidimensional missions than traditional military intelligence organisations. It is also expected to contribute towards mission-wide integration by linking the various mission components and generating integrated and balanced analysis for a wide range of clients, including the UN Country Team.<sup>49</sup> It is one of a very few UN structures whereby civilian, military and police personnel are intended to be *physically* integrated in the same multidisciplinary analytical unit. This unit is, in turn, meant to reflect the expertise found within the various dimensions of UN peace operations (e.g. political, civil affairs, military, police, security, rule of law, DDR, electoral affairs, gender, child protection, humanitarian, development, human rights, etc.).

Given its integrated structure, the JMAC is in a position to inform decisions on a range of topics, including protection of civilians. According to the MONUC Action Plan Matrix for the UN System-Wide Strategy on PoC, JMAC is responsible for taking the lead on two specific protection tasks: (i) developing a mission-wide database of protection risks and incidents, and (ii) giving support to curtail illicit exploitation of natural resources in high-risk priority areas.<sup>50</sup> JMAC is also listed as a ‘supporting actor’ on several other protection activities in the Action Plan Matrix, including the development of weekly statistical snapshots of protection trends and risks, and mapping of high risk areas.

With its unique composition and mandate, the JMAC offers the mission leadership a capacity that other mission components cannot provide. As the chief of JMAC states:

We have the advantage of being a think tank. We give added value for both militaries and civilians based on risk assessments of inside dynamics both of the political and military levels. It’s like a writing a PhD. Normally there is a tendency [within the UN mission] to think short term. The JMAC has developed a work plan that obliges the analysts to think long term.<sup>51</sup>

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<sup>48</sup> United Nations, "Policy–Joint Mission Analysis Centres (JMAC)", 2010.3 (New York: Department of Peacekeeping Operations/Department of Field Support, 2010).

<sup>49</sup> The UN Country Team is a group of representatives of the UN funds and programmes, specialized agencies and other UN entities accredited to a country, typically focusing on governance and development.

<sup>50</sup> MONUC/UNHCR, "UN Protection Strategy Matrix", (United Nations, 2010).

<sup>51</sup> Interview with JMAC staff, Kinshasa, May 2010.

The JMAC was also a key contributor in the drafting of the terms of reference for the Joint Protection Teams (see below), the UN Integrated Strategic Framework for the DRC, as well as the STAREC.<sup>52</sup>

## 2.5 Protection Cluster and the Protection Matrix

The Protection Cluster is not unique to the UN system in the DRC. The cluster approach can be traced back to UN reforms in 2005 when member states called for 'more predictable, efficient, and effective humanitarian action, and for greater accountability, when responding to humanitarian crises.'<sup>53</sup> The Principals of the Inter-Agency Standing Committee (IASC) then agreed on a 'cluster leads' system where various UN agencies lead areas according to their specialisation.<sup>54</sup>

The idea behind the cluster system is to analyse needs and identify gaps within specific sectors in the humanitarian field, and to define the roles and responsibilities of different humanitarian organisations within these sectors. The protection clusters, which are led by UNHCR, have in turn been developed with the particular objective of responding to gaps in the protection of internally displaced persons (IDPs).

The DRC Protection Cluster was first set up in 2006, and works closely with MONUC on protection issues, an arrangement which has been further formalized through the UN System-Wide Strategy on PoC. Its activities are mainly directed towards the eastern provinces and the cluster works primarily along three main functional axes: (i) to prevent/reduce the risk of displacement and abuse; (ii) to assist displaced persons and/or victims; and (iii) to create a protective environment and promote durable solutions for those affected by the conflict.<sup>55</sup> Displacement is an imminent threat for the majority of the population in eastern DRC. The Protection Cluster was therefore mandated with the responsibility of responding to the protection needs of the entire population, not solely IDPs.

Due to MONUC's specific protection mandate, and unique military capabilities to protect civilians in the field, UNHCR and MONUC initially co-led the Cluster. This decision brought UNHCR, a politically neutral humanitarian agency, into direct partnership with a UN peacekeeping mission, with an explicit political mandate. This is noteworthy because it created a first-of-a-kind joint leadership responsibility between a UN humanitarian agency and UN peacekeeping mission.<sup>56</sup> However, this joint leadership arrangement was later abandoned due to

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<sup>52</sup> STAREC (*Plan de Stabilization et de Reconstruction pour l'Est*) is the Government of the DRC's stabilisation plan for the eastern parts of the country.

<sup>53</sup> Jaya Murthy, "Mandating the Protection Cluster with the Responsibility to Protect: A Policy Recommendation Based on the Protection Cluster's Implementation in South Kivu, DRC," *Journal of Humanitarian Assistance* 5 (2007).

<sup>54</sup> *Ibid.*, p. 3.

<sup>55</sup> UNHCR, "Strategie du Cluster Protection 2010," (United Nations, 2010).

<sup>56</sup> Murthy, "Mandating the Protection Cluster with the Responsibility to Protect: A Policy Recommendation Based on the Protection Cluster's Implementation in South Kivu, DRC," p. 5.

dissatisfaction amongst some NGOs accusing MONUC for being part of the conflict. MONUC stepped down, but continues to be a permanent member of the DRC protection cluster.

The Cluster coordinates protection activities with the Congolese government and other institutions involved in justice and security reform. It runs activities such as awareness campaigns, training and advocacy. The cluster system is coordinated from the national cluster in Kinshasa, and has several sub-clusters, or provincial clusters in the provinces. In May 2010, the members of the national cluster in Kinshasa included: the UN High Commissioner for Refugees (UNHCR), the United Nations Children's Fund (UNICEF), the UN Population Fund (UNFPA), MONUC, Oxfam GB, Save the Children UK, the UN Mine Action Coordination Centre (UNMACC), World Vision, Oxfam Quebec and the International Committee of the Red Cross (ICRC) (observer). The Protection Cluster also plays a leading role in regularly updating the Protection Matrix.

The Protection Matrix, developed by the Civil Affairs Section of MONUC, prioritizes a number of key roads and hotspots across its areas of responsibility according to perceived protection threats. Given the widespread needs for protection of civilians in eastern DRC, and the limited resources available to MONUC and its partners, there is a crucial need to prioritise. On a monthly basis, members of the provincial protection clusters participate in a meeting dedicated to updating the Matrix, to ensure information from all humanitarian actors is used to assess the overall threat landscape. All locations covered by the Matrix are then discussed and ranked as 1 (must protect), 2 (should protect) and 3 (could protect).

This classification recognizes that there are protection needs across most of the eastern provinces, but that MONUC is forced to concentrate its efforts on the most vulnerable locations. The aim is to establish a peacekeeping presence in locations identified as 'must protect' by all means necessary (barring serious logistical constraints), and to cover areas classified as 'should protect' if resources exist. Ideally, 'could protect' areas should also be patrolled on a regular basis. It is reported that MONUC has been able to deploy to 75 % of the 'must protect' areas, and that the remaining 25 % are hard to reach due to logistical problems.<sup>57</sup>

## **2.6 Joint Protection Teams**

The Joint Protection Teams were first deployed in February 2009, after a series of events in North Kivu province exposed MONUC militaries' 'lack of capacity to adequately understand the context (political, social, ethnical, and cultural) in which they were deployed'.<sup>58</sup> The idea is to integrate representatives from various civilian mission components into a joint team deployed to areas where a threat against civilians has either been registered or is anticipated. The JPT then produces an assessment about the situation and potential threats to the civilian population. These assessments are subsequently used for military planning and reconfiguration of MONUC's mobile military assets in the corresponding area of operation.

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<sup>57</sup> Interview with UN official, Goma, May 2010.

<sup>58</sup> MONUC, "Briefing Note on Protection of Civilians", (Kinshasa: United Nations, 2010).

The JPTs typically deploy to a MONUC military base for 4–5 days. They are coordinated by a representative from the Civil Affairs Section, but draw members from all substantive sections of MONUC, such as Political Affairs, Human Rights, Child Protection, Public Information and UNPOL. Their composition varies according to personnel available and the specific expertise needed in each case. This multidisciplinary set-up allows them to draw on a wide variety of skills and specialisations when assessing the local security situation. It also allows for specialized interventions when needed, e.g. trained Human Rights personnel are at hand when there is a need to interview victims of human rights abuses or sexual and gender-based violence. Similarly, specialists from Child Protection can facilitate the separation of children associated with armed groups during a JPT deployment. In a JPT, each member therefore plays a dual role: first and foremost assisting the overall JPT tasks, and secondly, covering his or her specific area of responsibility.<sup>59</sup>

Between February 2009 and June 2010, MONUC deployed a total of 188 JPTs in the provinces: North Kivu, South Kivu, Maniema, Orientale, Katanga and Equateur.<sup>60</sup> According to an internal preliminary assessment paper on the JPTs, ‘there is ample anecdotal evidence – as well as broad agreement among all stakeholders – that the work of JPTs has had a strong positive impact on the implementation of MONUC’s PoC mandate’.<sup>61</sup> However, the same study warns that the JPTs should not be taken as ‘the sole panacea for the protection of civilians’, but rather be seen as a ‘force-multiplier’.<sup>62</sup>

The JPTs are also responsible for establishing local action plans for protection of civilians. An action plan may include a variety of measures, such as establishing regular security meetings attended by representatives of all armed forces; creating local alert mechanisms; identifying persons at risk who may need particular assistance in the case of an emergency; and drawing up contingency plans such as the designation of specific assembly-points.<sup>63</sup> At the end of each mission, the JPT conducts a debrief with the base Commander and produces a joint report, which is circulated among all senior MONUC staff and the humanitarian community.

The preliminary assessment paper on the JPTs also lists a set of challenges. The follow-up humanitarian, military and logistical responses expected at the end of a JPT assessment are not always satisfactory. The general capacity constraints of MONUC also limit the impact of the JPTs. In many cases, key recommendations cannot be implemented because the forces lack the necessary equipment or are constrained by the Memorandum of Understanding (MoU) between a troop contributing country and the UN. Moreover, JPTs often find that those who provide them

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<sup>59</sup> MONUC, "A preliminary assessment of the impact of Joint Protection Teams in Eastern Democratic Republic of Congo", (Kinshasa: United Nations, 2010), p. 6.

<sup>60</sup> MONUC, "Briefing Note on Protection of Civilians".

<sup>61</sup> MONUC, "A preliminary assessment of the impact of Joint Protection Teams in Eastern Democratic Republic of Congo", p. 9.

<sup>62</sup> *Ibid.*, p. 1.

<sup>63</sup> *Ibid.*, pp. 7–8.

with crucial information are targeted by either rebel, government forces or other armed groups or their intelligence services. There are also, as always in UN missions, significant staffing and resource constraints. There is a general lack of communication means, such as cell-phone coverage, VHF base stations allowing for radio-communication and satellite phones. Finally, there is a general lack of transportation means, such as suitable vehicles and air transport.<sup>64</sup> The overall impression is that practitioners in MONUC regard the JPTs as a positive addition to the mission. A simple point often made was that the JPTs are able to support military units with language skills necessary to understand the specific threats to the civilian population in a given area. Although the troops patrol every day, they are not always able to stay in direct contact with key leaders or local communities. The information JPTs gathered was also used as direct input for planning, thus making it easier for the military components to implement protection guidelines.

There is an ongoing process to develop a standing JPT capacity. This would mean that MONUC could deploy two JPTs per week when needed. This will of course be expensive in terms of providing enough qualified personnel to staff the teams. It will also strain the limited logistics capacity of MONUC, insofar as the JPTs often need to be moved by helicopter and require military escort to carry out their assessments.

Although the JPT concept is generally applauded by civilian actors, some stated that they no longer mentored the military units. One commented that:

All their efforts are now put into the actual assessment and the JPTs provide less support to the military unit deployed at the hot spot. In addition, the sudden increase in the number of JPTs deployed necessarily has led to weaker quality of the staff and they also lack the necessary resources to perform better assessments.<sup>65</sup>

Another potentially problematic impact of deploying JPTs is that they can raise capability expectations amongst the civilian population, while in fact the JPT has little to offer to them directly.

Military practitioners were divided in their view of the JPTs. In general, planners and HQ staff saw the information provided by the JPTs as valuable, filling an information and analysis gap that the contingents were not able to provide. In addition, they often felt it valuable that other sections of MONUC would experience first hand how difficult the terrain is and how challenging it is to deploy and sustain military units in dense jungle with virtually no infrastructure.

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<sup>64</sup> Ibid., pp. 19–24.

<sup>65</sup> Interview with UN staff, Kinshasa, May 2010.

However, some officers deployed at battalion level did not share this positive view of the JPTs. As one military commander in the East commented:

The JPTs are only deployed after the fact that there has been a threat or attack on the civilian population. Also, the teams stay for only a few days. What can they learn in that short amount of time? In addition, the report comes in 14 days later and by that time we have already dealt with that specific threat. I do not see what I can gain operationally by receiving these reports.<sup>66</sup>

This statement contrasts the JPT guidelines which underline that JPTs are also supposed to be able to deploy proactively, and that they should inform military planning. This might indicate that the added value of the JPTs is felt more strongly at brigade and HQ levels. Battalions and units below are in need of a more speedy supply of information to deal with immediate challenges in their area of operation.

## 2.7 Mobile Operating Bases

There are more people at a soccer game in Chelsea on a Sunday than there are UN soldiers in the DRC.

MONUC military staff officer, Kinshasa

MONUC is currently the largest ongoing UN operation, but 20,000 uniformed personnel is not a large number given the sheer size of the DRC.<sup>67</sup> The majority of security threats and attacks against civilians occur in the Eastern parts of the country. This is also where approximately 95 % of the troops are deployed. Yet many of the military commanders interviewed stressed the low coverage of uniformed personnel to protect civilians as being the most basic constraint for MONUC. According to estimates recorded in interviews, there are in North Kivu approximately one peacekeeper per 12 square kilometres and per 1100 inhabitants. 'We cannot protect everyone!' one commander stated.<sup>68</sup>

In order to alleviate the low troops to task ratio, MONUC has been deploying mobile military units since 2006. The composition of the mobile units takes different forms in terms of number of soldiers, how long they are deployed to a certain area and what their tasks are. A Mobile Operating Base (MOB) can either be a Temporary Operating Base (TOB), consisting of up to 40 military personnel deployed temporarily to a hot spot for up to three weeks, or a Company

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<sup>66</sup> Interview with MONUC military commander, eastern DRC, May 2010.

<sup>67</sup> The DRC covers approximately 2,345,000 square kilometres, the 12th largest country in the world, according to the CIA World Factbook. The strength of MONUC (MONUSCO) as of 30 August 2010: 19544 total uniformed personnel, 17625 military personnel, 716 military observers, 1203 police (including formed units), 973 international civilian personnel, 2783 local civilian staff and 598 United Nations Volunteers, accessed 15.09.2010, <http://www.un.org/en/peacekeeping/missions/monusco/>

<sup>68</sup> Interview with MONUC military commander, Goma, May 2010.

Operating Base (COB), consisting of up to 160 military personnel, or the size of a company, for a more permanent deployment to troubled areas.<sup>69</sup>

Mobility is highly relevant in the DRC. Although MONUC has some air-lift capacity, it is far from enough to provide the troops with the mobility needed to protect civilians in remote regions of the Eastern provinces. Many of the TOBs and COBs depend on armoured vehicles and lighter 'soft-skinned' trucks, as well as foot-patrols. The difficulties of moving people and equipment in the East, where roads are almost non-existent, should not be underestimated. This leaves the military units with a very shallow reach beyond their bases, which directly impacts their ability to protect civilians.<sup>70</sup>

The military units in MONUC also conduct more traditional peacekeeping activities. Short of supporting the FARDC in offensive operations against the FDLR, MONUC performs market patrols, firewood patrols, and establishes escort windows, to mention a few. These efforts may not be new military approaches, but they are tailored to provide improved security for the civilian population. As one military commander commented:

Our escort windows have made it possible for the local economy in this area to get back on its feet. It might seem like a very rudimentary approach, but it has been one of our successes. People now can go safely to the market to sell and buy products. This was not possible a few weeks back.<sup>71</sup>

## 2.8 Early Warning Centres

Following a failure to protect civilians during a massacre in Kiwanja, North Kivu, in November 2008, the local Indian UN battalion set up a 'Surveillance Centre' to allow its 'COBs [Company Operating Bases] to be in constant touch with a selected set of focal points in neighbouring localities'.<sup>72</sup> The idea was to improve the COB's ability to rapidly respond to protection alerts from the local population, mainly through the establishment of telecommunications networks. This model, which has proven helpful, has therefore been further developed and replicated in other areas of operation. MONUC has, amongst other initiatives, engaged the main private telecommunications operators in DRC in order to assist in establishing such networks.

The surveillance centres, also known as Early Warning Centres (EWCs), are set up to improve the capacities of MONUC militaries in information acquisition by reinforcing their interaction with the civilian population, civilian components of MONUC (primarily Civilian Affairs Section) and

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<sup>69</sup> As of 10 December 2009, in North Kivu only, 6785 MONUC Blue Helmets were deployed with 36 MOBs, 10 of which were Temporary Operating Bases (TOB). In South Kivu, 3853 military personnel were deployed with 17 MOBs, 2 of which were TOBs. Accessed 15.09.2010, <http://monuc.unmissions.org/Default.aspx?tabid=2615>

<sup>70</sup> MONUC does have a quick reaction capacity through two Rapid Reaction Force companies. Only one was fully operational at the time of the visit in May 2010, and later one company returned home as part of the immediate drawdown during the summer of 2010.

<sup>71</sup> Interview with MONUC military officer during patrol in Sake, May 2010.

<sup>72</sup> MONUC, "Briefing Note on Protection of Civilians", p. 3.

other relevant parties. Their implementation is coordinated with parallel initiatives such as the Joint Protection Teams. The EWC-system is a continuously evolving concept which is ultimately to be handed over to local authorities. Real-time monitoring of the situation is expected by MONUC's military leadership to permit more decisive and proactive military interventions to protect the population.

The EWC consists of a duty officer, a duty warrant officer, a radio operator and a community liaison interpreter (CLI – see section 2.9). Depending on the manpower, shifts should ensure 24/7 activity. A key asset of the EWC is the CLI who is responsible for developing directories of local partners (contact points) and a map of protection priority areas, e.g. locations where markets are organized as well as axes frequently used by traders. The CLI uses MONUC cell phones or other communication means to call all contact points on a daily basis. These contact points are in turn used as information hubs through which the population can report information of security relevance. Contact points include but are not limited to: NGOs and local authorities with already existing early warning systems; village vigilance committees; FARDC, the national Congolese Police (PNC), the civil administration; village chiefs; religious leaders; humanitarian agencies; civil society; the business community; women's associations; youth associations, FM radio stations; higher headquarters; and neighbouring battalions. The CLI also monitors and records news aired on local radio channels.

A particularly useful contact point is the village vigilance committee. It consists of a network of influential individuals in the local community tasked to convince the population to refrain from collaborating with armed or criminal groups. It works as an extension of the EWC providing MONUC with timely information about aggressive activities of armed groups. The committees also assist the various humanitarian agencies in carrying out their activities. Finally, the committees guide MONUC troops to reach remote places, and inform people about the work undertaken by MONUC.

Although the EWC-system appears to be a practical solution to protection challenges, the reach of each TOB or COB is rather limited. The EWCs and CLIs may provide relevant information and analysis, but military units are not necessarily going to be able to respond to emerging threats in time. As one UN military officer noted:

We are very aware of the limitations we have in terms of reach beyond our base. Therefore we have decided that we must limit the number of telephones we distribute to ten, and be sure to inform our contacts that we will not be able to reach beyond a certain radius.<sup>73</sup>

To meet these challenges, the EWC is also informs adaptations of operational capacities within the COB to evolving protection requirements. Such measures could include setting up Quick Reaction Forces (QRFs), deployments of Temporary Operating Bases, short term Mobile Operating Bases, riot control teams, specified patrols, etc. The EWC plays an important role in establishing relevant local communication means such as the extension of phone network

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<sup>73</sup> Interview with UN military officer, Sake, May 2010.

coverage, external High Frequency (HF) radio early warning networks, satellite phones, distress rockets, etc.

## **2.9 Community Liaison Interpreters**

By May 2010, MONUC had recruited 49 Community Liaison Interpreters (CLI) to extend the reach and impact of the JPTs, and assist COBs and TOBs in their daily operations. The CLIs are locally employed Congolese selected and trained by MONUC. Subsequently, they are assigned to a COB. Their job is to facilitate interaction and confidence-building between MONUC militaries and local communities, monitor the implementation of JPT recommendations, and assist MONUC militaries in identifying protection risks and devising locally-tailored protection responses based on population needs.<sup>74</sup>

The CLIs act as interpreters for the COB Commander and coordinate information sharing on protection issues between the MONUC military and local authorities and communities. They are also involved in setting up communication networks and forums to increase COB communication with the local population, and follow up on the implementation of early warning mechanisms and contingency protection plans set up by the JPTs. Finally, they report on emerging humanitarian needs to JPT coordinators and document protection achievements by measuring the impact of protection activities and updating the MONUC protection database.

The creation of CLIs is an important step forward towards improved protection of civilians. Lack of language skills was mentioned by almost all interviewees as a major obstacle to reach out to the local communities. The MONUC Briefing Note on Protection of Civilians notes that ‘while anecdotal evidence suggests that the impact of these deployments is so far very positive, reporting chains need to be harmonized in order to formally bring to light the added value and daily contribution of the CLIs to the protection work of MONUC’.<sup>75</sup> One particular ‘formalisation’ of the CLIs has been to integrate them as permanent members of the Early Warning Centres.

## **2.10 The Handbook: Protection in Practice**

The UN Practical Handbook for Peacekeepers is jointly developed by MONUC and the Protection Cluster. It is intended to function as an informative planning tool for senior UN military and police officers, as well as provide practical guidelines for junior officers and field level troops. The Handbook is written in an accessible format with a series of do’s and don’ts on issues related to the protection of civilians. These include protection of IDPs and IDP camps, child protection, protection against sexual and gender-based violence and human rights. In addition, the Handbook offers a list of key definitions related to protection activities, and the key principles of international humanitarian law.

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<sup>74</sup> MONUC, "Briefing Note on Protection of Civilians".

<sup>75</sup> Ibid.

The Handbook covers several practical challenges UN peacekeepers are dealing with on a daily basis in the DRC. Undeniably, the document presents itself as somewhat naïve, as many of the ‘dos’ are not immediately doable. For instance, the lack of language skills among MONUC-troops will make it rather difficult to ‘remind the attacker/perpetrator and those associated with the attacker/perpetrator that they are in breach of both DRC law and International Law and of the consequences of the crime.’<sup>76</sup> However, if the guidelines are implemented, understood, and followed, it would have an impact on daily protection efforts. This remains a big ‘if’. Although the pamphlet is distributed to some stakeholders, the degree to which the content of the handbook is digested by troops and planners throughout their deployment remains unclear. It seems unlikely that units will pull the handbook out and start reading once faced with an imminent threat towards civilians. It must therefore be accompanied by training, education and exercises on protection of civilians for UN military troops.

### 3 Military contributions to protection of civilians

From the above review of protection initiatives, three recurring issues can be discerned as particularly relevant for military contributions to protection activities: (i) the need for civil-military cooperation; (ii) the use of intelligence; and (iii) the use of military force. In this chapter, these issues are discussed in light of the empirical findings presented in chapter two.

While all three are still perceived as highly controversial within the UN, they constitute necessary elements of an efficient, proactive and consistent protection strategy.

#### 3.1 The need for civil-military cooperation to protect

We need to recognize that protection is more than just having military boots on the ground. It’s about how you use them, and how you connect with your civilian staff.<sup>77</sup>

Former MONUC SRSR Alan Doss, May 2009

The wars in Iraq and Afghanistan have triggered much thinking outside the UN about how civil-military cooperation could be used as a means to better manage interventions in ‘irregular’ wars.<sup>78</sup> However, the expected results have been long in coming, largely because civil-military cooperation has proven challenging both in practice and in theory. Attempts to coordinate and sometimes integrate civilian and military actors have also led to an unfortunate blurring of lines between them. Civil-military cooperation is clearly more feasible and useful in some areas than in others.

Protection of civilians is an area within which civil-military cooperation is particularly feasible and useful. The UN mission in the DRC offers several examples of successful civil-military

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<sup>76</sup> MONUC, *Protection in Practice* (United Nations, 2010), p. 8.

<sup>77</sup> Quoted in United Nations, "Addressing Conflict-Related Sexual Violence: An Analytical Inventory of Peacekeeping Practice", (New York: United Nations, 2010), p. 10.

<sup>78</sup> See e.g. Robert Egnell, *Complex Peace Operations and Civil-Military Relations*, ed. Routledge, Cass Military Studies (New York: Routledge, 2009).

arrangements for protection of civilians. At the headquarters level, the Joint Mission Analysis Centre (JMAC) (chapter 2.4) and the Early Warning and Rapid Response Cell (EWRRC) (chapter 2.3) represent civil-military concepts which have proven valuable to protection activities by providing unique analytical products. At the field level, the Joint Protection Teams (JPTs) (chapter 2.6) and the Surveillance/Early Warning Centres (EWCs) (chapter 2.8) represent further examples of practical responses to protection tasks. The protection cluster system in the DRC is another good example. In the latter case, both humanitarian and military participants appear to have laid aside conflicting ideas and principles in order to reach a useful and practical compromise on how to improve protection in practice.

MONUC has been at the forefront of civil-military cooperation for several years. Already in 2005, the *Guidelines for Interaction between MONUC Military and Humanitarian Organizations* were developed by MONUC and its humanitarian partners in the DRC.<sup>79</sup> It consists of a set of general principles and definitions in addition to specific operational guidelines. It clarifies the working principles and mandates of both humanitarian and military actors, and offers principles for cooperation, coordination, distinction and information-sharing. It also offers direction on difficult issues such as the use of military assets by humanitarian actors and humanitarian operations carried out by MONUC militaries.<sup>80</sup>

As regards protection of civilians, the Guidelines list the types of activities expected to be handled by MONUC's military components, such as securing areas, deterrence of violence, removal of threats, escorts and establishment of buffer zones. In assisting humanitarian actors to carry out their protection activities, the militaries may, according to the Guidelines, also provide logistics support (helicopters) and military escorts to allow early access in cases where security risks are too high. The Guidelines also stress that 'in protecting and assisting the civilian population, military and humanitarian actions represent different facets of the overall endeavour', and that 'close coordination is necessary in order to achieve consolidated results'.<sup>81</sup>

The MONUC Civil Affairs Section plays a key role in strengthening interactions between MONUC military and civilian components. Civil Affairs also coordinates external civilian partners through regular meetings aimed at informing the local planning of MONUC military activities. These activities include, but are not limited to: (i) patrols on market days; (ii) night patrols; (iii) working with local police and army to carry out patrols; (iv) securing IDP sites and areas of main concentration of population; and (v) escorting humanitarian agencies providing food and other aid to the population.

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<sup>79</sup> MONUC, "Guidelines for Interaction Between MONUC Military and Humanitarian Organizations", (Bukavu: United Nations, 2005).

<sup>80</sup> It should be noted that humanitarian actors are but one category of civilian actors. There is a tendency to lump civilian actors in one category, without taking into account each actor's mandate and tasks, and the distinction between humanitarian and development activities and between governmental and non-governmental organisations (NGOs).

<sup>81</sup> MONUC, "Guidelines for Interaction Between MONUC Military and Humanitarian Organizations", p. 6 and 18.

Effective civil-military cooperation may be easier to establish within the UN than in other international organisations. The UN has access to a wide range of both civilian and military capabilities, in contrast to, for example, NATO which is mainly military. Moreover, in an Integrated Mission, UN military and civilian components work under the same mandate, facilitating cooperation. But the UN also faces challenges regarding civil-military cooperation. As one member of MONUC staff who used to work for the Office for the Coordination of Humanitarian Affairs (OCHA) stated, it is ‘almost religious [to OCHA] not to trust the mission’.<sup>82</sup>

The MONUC case, however, shows that civil-military cooperation is both possible and necessary for the implementation of protection mandates. It reinforces the need for developing joint guidelines, and leaving conflicting ideas and principles aside in order to reach practical compromises. It also shows that recognising the different roles of civilian and military actors is equally important. While military actors are more suitable for dealing with immediate physical protection challenges, civilian actors are better suited to addressing humanitarian needs and implementing long-term protection strategies.

### **3.2 The use of intelligence to protect**

Intelligence has always been viewed as being somewhat at odds with the UN, an organisation founded on principles of transparency, impartiality, multilateral cooperation and protection of human rights. Yet, as the organisation has engaged in increasingly violent, volatile and unpredictable conflict environments, the need for substantive intelligence support has increased.<sup>83</sup> The recent emphasis on the protection of civilians has driven the intelligence requirements of UN peace operations even further. Security Council Resolution 1894 of 11 November 2009, ‘stresses that mandated protection activities must be given priority in decisions about the use of available capacity and resources, including information and intelligence resources.’<sup>84</sup>

The fundamental reason why intelligence is so important for protection activities is its basic purpose of estimating future trends and events, including threats against the civilian population. Ideally, good intelligence leads to preventive measures mitigating such threats. In order to develop relevant intelligence products for the protection of civilians, a wide range of information sources must be synthesized, including information from humanitarian and development organisations. These intelligence products should, in turn, be disseminated to a wide group of clients incorporating the relevant protection actors in the area of operations. However, tapping information from development and humanitarian organisations for intelligence purposes may not

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<sup>82</sup> Interview with UN official, Goma, May 2010.

<sup>83</sup> See e.g. Walter A. Dorn, "Intelligence-led peacekeeping: The United Nations Stabilization Mission in Haiti (MINUSTAH), 2006-2007", *Intelligence and National Security* 24(6) (2009); Jacob Aasland Ravndal, "Developing Intelligence Capabilities in Support of UN Peace Operations", *NUPI-report* (Oslo: Norwegian Institute of International Affairs, 2009); and Philip Shetler-Jones, "Intelligence in Integrated UN Peacekeeping Missions: The Joint Mission Analysis Centre", *International Peacekeeping* 15, no. 4 (2008).

<sup>84</sup> United Nations, "Security Council Resolution 1894", (United Nations, 2009), para. 19.

be a viable option. Many civilian organisations are suspicious towards any organisation or unit associated with the term intelligence. At the same time, relaying intelligence products back to civil society does, at the outset, conflict with the nature of intelligence, which is usually disseminated to a very restricted audience. However, wide dissemination may also create trust among the actors involved, and facilitate further information gathering.

Intelligence in peace operations, and more specifically for the protection of civilians, is founded on a rationale fundamentally different from that of traditional warfare and protection of national security. While national intelligence services are geared towards supporting military operations in war and national security, 'peacekeeping intelligence' is driven by the same altruistic motives of global peace and stability as the operation it is meant to support. Thus, intelligence activities in peace operations should be organized according to their specific aims and requirements. Multidimensional and integrated missions therefore require multidisciplinary and integrated intelligence organisations. An integrated intelligence unit must not only draw information from a wide range of military and civilian sources, it should also be composed of a mixture of military and civilians experts.

Some would argue that such organisations cannot function as intelligence organisations, because the inclusion of too many actors – civilian and military – makes it impossible to handle sensitive information securely. Others would argue that the very essence of intelligence is retained as long as the information direction, collection, analysis and dissemination is used to support decision-making on future events in a timely manner, by using traditional intelligence methods.<sup>85</sup> The UN has started to use the term intelligence in its official documents and activities, especially in relation to protection issues. However, there are still intelligence gaps inhibiting MONUC from fulfilling its protection requirements, particularly at the lower levels of command.

At the strategic headquarters level, the Early Warning and Rapid Response Cell (EWRRC) (chapter 2.3) is dedicated to providing information support on protection of civilians to the senior management. However, it is questionable whether it should be labelled an intelligence capability *per se*. It is not a formal structure with fixed resources dedicated to producing intelligence products. It rather draws on already existing capabilities within the mission. Among the EWRRC members, the JMAC and the UN military through their G2 cells are the only dedicated intelligence capabilities. The other EWRRC members – Human Rights, Child Protection, Civil Affairs and UNPOL – collect information in the field and channel it to the EWRRC if it is relevant to the protection mandate. The EWRRC must also draw on its members in order to analyse the information it receives.

The JMAC (chapter 2.4) represents the most substantial intelligence capability within the mission. It is in a unique position to influence decisions on a wide range of topics, given its integrated staff structure and access to a comprehensive information network including various

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<sup>85</sup> Some traditional intelligence methods are nevertheless normally not being applied by the UN due to its transparent and consent-based nature. These include signals intelligence (SIGINT), undercover operations and other forms of covert activities.

UN components, agencies, as well as external actors such as development and humanitarian organisations, local authorities and national embassies.

While the JMAC appears to be a rather successful intelligence capability at the strategic level in Kinshasa, the mission still lacks properly *integrated* intelligence capabilities at the lower levels of command. Admittedly, the JMAC has small outposts in the eastern provinces, but with limited staff capacity. Consequently, MONUC forces are mostly dependent on their own intelligence capabilities – the G2s – which are organized according to traditional military standards. These intelligence cells consist of military staff only and do not have access to the same range of information sources as the JMAC. Some battalions even arrive in the field without ‘an organic intelligence cell’.<sup>86</sup>

The establishment of provincial Early Warning Centres (chapter 2.8) is a recent and most welcome development within the realm of MONUC intelligence. Although the EWCs do not have an integrated staff structure, they *do* cooperate closely with civilian mission components, mainly the Civil Affairs Section, and with the Joint Protection Teams. Moreover, they are meant to integrate the Community Liaison Interpreter (chapter 2.9) into their structure – a highly relevant civilian capacity in the context of protection. The EWCs thus represent a prominent example of how a traditional military company can draw on external resources in order to become more relevant for protection operations, and reach out to local communities.

To uphold dialogue and establish trust with the local communities, the UN is constrained from using intelligence means and methods which are viewed as conflicting with the transparent and consent-based nature of the organisation. Consequently, the JMAC, the G2s and the EWCs cannot become fully fledged intelligence capabilities in the traditional meaning of the word. However, it cannot be assumed that this is necessary in order to fulfil the intelligence requirements of UN peace operations. It is the ability to integrate staff and information that appears to be the most efficient way of achieving the required intelligence, not the ability to go undercover, wiretap hotel rooms, or infiltrate enemy groups.<sup>87</sup> At the same time, there are technical means which would have facilitated the information collecting and analysis of the JMAC significantly, not least a proper database system, which it lacked at the time of visit.<sup>88</sup>

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<sup>86</sup> Giffen, "Addressing the Doctrinal Deficit: Developing Guidance to Prevent and Respond to Widespread or Systematically Attacks Against Civilians".

<sup>87</sup> Similar sentiments are mirrored in a report by Major General Michael T. Flynn, former Head of Intelligence for the International Security Assistance Force in Afghanistan (ISAF): Michael T Flynn, "Fixing Intel: A Blueprint for Making Intelligence Relevant in Afghanistan", *Voices from the field* (Washington, DC: Center for a New American Security, 2010). The report accuses the entire US intelligence community of being only marginally relevant to the US counterinsurgency (COIN) strategy in Afghanistan. General Flynn and his co-authors argue that in the realm of intelligence focus must also shift away from the enemy to the people. To be able to answer critical questions about the environment in which the US and allied forces operate, it is necessary to *integrate* information from a wide range of actors, including civil affairs officers, PRTs, atmospheric teams, Afghan liaison officers, female engagement teams, willing non-governmental organisations and development organisations, United Nations officials, psychological operations teams, human terrain teams, infantry battalions, etc.

<sup>88</sup> Interview with UN official, Kinshasa, May 2010.

### 3.3 The use of military force to protect

As in the area of UN intelligence, protection of civilians has emerged as the main *rationale* for allowing UN troops to use force in peace operations.<sup>89</sup> Although core principles, concepts, and practices of UN peacekeeping have developed significantly since the ‘crisis in peacekeeping’ in the mid to late 1990s, the organisation struggles with how to operationalize its approach to the use of military force. The UN experiences systemic shortcomings in terms of fostering the political will and military capacities necessary to achieve the ends of its ambitious and robust mission mandates.<sup>90</sup> This is evident in MONUC. One senior civilian leader in MONUC clearly stated: ‘we do not know how to be robust.’<sup>91</sup>

The Capstone Doctrine, published by the UN in 2008, describes general guidelines and principles for UN peacekeeping based on 60 years of experience. It is not a doctrine in a traditional sense, as it does not and cannot override national approaches of troop contributing countries. However, it does provide valuable insight into how the UN relates to peacekeeping. According to the Capstone Doctrine, the three core principles of peacekeeping are still valid: (i) consent of the parties, (ii) impartiality, and (iii) non-use of force except in self-defence and defence of the mandate. ‘Traditional’ peacekeepers were neither expected nor prepared to confront armed resistance or to protect civilians from imminent threats other than by non-violent means. However, intra-state conflicts after the end of the Cold War have brought forth challenges which question the validity and applicability of these principles, especially as regards volatile conflict environments where UN forces have been given robust mandates, such as in the DRC.

Although the Capstone Doctrine clearly underlines that the three principles are still at the core of UN peacekeeping, they are constantly being stretched in contemporary operations.<sup>92</sup> In the DRC, MONUC forces are tasked to tackle armed resistance from spoilers of the peace processes and to defend the mandate, if necessary by pro-active use of force, including the use of deadly force. In addition, MONUC is faced with the challenge of prioritising protection of civilians against immediate physical threats before other tasks. MONUC is to perform these tasks in tandem with its ‘conditional support’ to the national army (see pp.14–16), elements of which are among the main human rights perpetrators in the Eastern parts of the country. On the one hand, there is an expectation that a robust stance, including the use of deadly force, is a prerequisite to facilitate a transition from an unstable post-conflict situation towards relative stability. On the other hand, and equally important, MONUC must relate to the core principles of peacekeeping, now supported by a conditionality policy. These requirements are not easy to balance. Many troop

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<sup>89</sup> United Nations, "Concept Note of Robust Peacekeeping", (New York: United Nations, 2009).

<sup>90</sup> By ‘robustness’ this report narrowly refers to the potential to use or threaten to use military force to implement a UN mandate, protect UN personnel or facilities and protection of civilians. There are no clear definitions of what robust peacekeeping entails. For a more elaborate discussion, see Thierry Tardy, "A Critique of Robust Peacekeeping in Contemporary Peace Operations", *International Peacekeeping* 18, no. 2 (Forthcoming 2011).

<sup>91</sup> Interview with MONUC official, Kinshasa, May 2010.

<sup>92</sup> Stian Kjeksrud, "Matching robust ambitions with robust action in UN peace operations – towards a conceptual overstretch?", *FFI-report* 2009/01016 (Kjeller: Forsvarets forskningsinstitutt, 2009).

contributors are cautious and seldom agree to operate robustly, despite orders from Kinshasa to do so. As one senior military officer stated two years ago, when MONUC was heavily criticized for being too passive in its approach:

It does not really matter how robust the mandate is or how encompassing the rules of engagement are. The fact of the matter is that there is no command and control capacity in MONUC. Due to general uncertainty as to what we can and cannot do and a lack of legal advice, troop contributors rather relate to their capitals before taking an order from the Force Commander and his staff.<sup>93</sup>

In operations where UN troops are mandated to use force, they operate under an exemption of the provisions of the UN Charter. This can be deduced from the UN Capstone Doctrine, which includes proactive use of force at the tactical level as an exemption to the principle of non-use of force. It states that it is ‘widely understood that [UN operations] may use force at the tactical level.’<sup>94</sup> This implies that UN forces can and will use force to protect civilians, protect themselves, or disarm spoilers threatening implementation of the mandate. However, the Capstone doctrine underlines that military force should only be used as a last resort and with restraint to influence and deter spoilers. In addition, the use of force ‘should always be calibrated in a precise, proportional and appropriate manner, within the principle of the minimum force necessary to achieve the desired effect, while sustaining consent for the mission and its mandate.’<sup>95</sup>

The Capstone Doctrine highlights the necessity for a pro-active and robust approach, yet they caution quite heavily against its use. This balancing act is not necessarily helpful for a military commander seeking to implement a mandate. Many of the interviewees in Goma and Sake indicated that UN forces do not ‘lead from the front’. ‘We are here to support FARDC, not to fight the FDLR’, one officer stated.<sup>96</sup>

Even though the authorities or main parties have given their official consent to UN deployment, actual consent will always fluctuate and cannot be taken for granted. Consent can often be *de facto* withdrawn without any official statement, which, in turn, can have direct impact on the concept of operation for the UN forces. In addition, there are major differences between a situation where UN forces have consent to use force from the host nation and the main parties to the conflict, and a post-conflict situation where several actors are still competing for power and influence on the local level, as in the DRC. Even minor insurgent groups with local grievances can have strategic impact through their actions. Small groups have the potential of becoming a main actor unless countered. Sometimes they make such ‘advancements’ while UN forces are

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<sup>93</sup> Interview with senior military staff officer, Kinshasa, May 2008

<sup>94</sup> United Nations, "United Nations Peacekeeping Operations Principles and Guidelines", (New York: United Nations, 2008), p. 34.

<sup>95</sup> *Ibid.*, p. 35.

<sup>96</sup> Interview with UN military commander, Goma, May 2010.

deployed, as the CNDP<sup>97</sup> has done to some degree in the DRC. Former spoilers have become government forces, to be supported by MONUC. This reflects some of the complexity the UN faces when managing consent.

In current conflicts, UN forces are always in danger of being perceived as a part of the conflict. And perception matters. MONUC clearly attempts to stick to the established and well-known principle of consent, considered one of the trademarks of UN operations. But current operational demands challenge this bedrock principle. The challenge centres on the question of whose consent the UN needs in order to be able to use force as part of its operations. Complex conflicts underline how difficult it usually is to know who is 'with' the UN and who is 'opposed'. How do you decide who the main actors are in a place like Eastern DRC, where the same actor can be with, against and indifferent to the UN, all at the same time?

Security Council Resolution 1925 authorizes MONUC (MONUSCO) to use all necessary means to carry out its mandate.<sup>98</sup> It also emphasizes that the protection of civilians must be given priority in decisions about the use of available capacity and resources, over any other mandated tasks.<sup>99</sup> Yet there are several stumbling blocks along the way before MONUC becomes a credible military actor.

National caveats towards the use of force may be the most difficult obstacle to surpass. Given the ambivalence of the whole UN system towards the use of force, it is understandable that troop contributors are cautious. There is a lack of clear operational guidelines for the military on the protection of civilians and use of force. Again, some claim that protecting civilians under imminent threat is 'what peacekeepers do', but this has not often been the case in the DRC. Instead, UN forces are time and again criticised for failing to respond forcefully, even when the situation has clearly demanded so.

The Capstone Doctrine visualizes the principle of impartiality by using the analogy of the impartial referee, which penalizes infractions. This analogy only brings us so far. It is one thing to penalize a soccer player by awarding the other team a free kick, but quite another to shoot and kill a member of a militia in the eastern DRC because he fails to adhere to a peace process he does not agree with, or is in fact not a party to. Today, UN operations take sides in complex civil-war-like conflicts, but still claim to adhere to the principle of impartiality. MONUC supports certain battalions of the FARDC in operations targeted towards spoilers of the fragile peace process. A large part of the FARDC is comprised of former militias, and sometimes the only preparation the soldiers have had before being ordered into offensive operations is to be presented with a uniform and a weapon. This supporting role has proven to be extremely challenging for the UN. Bridging

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<sup>97</sup> *Congrès national pour la défense du peuple*, (CNDP) is a political armed militia established in December 2006 by Laurent Nkunda in the Kivu region of the DRC. After Nkunda's arrest, CNDP has been integrated into the government forces.

<sup>98</sup> United Nations, "Security Council Resolution 1925", para. 11.

<sup>99</sup> *Ibid.*

the gap between the principle of impartiality and support for one of the main actors of a conflict is difficult. The recent redirection of the operation in the DRC is an attempt to solve this, whereby MONUC is now providing conditional support to the FARDC while protecting civilians.

## 4 Concluding remarks – advice to troop contributors

It is important not to portray MONUC as a success story. The mission continuously struggles to fulfil its protection mandate alongside a number of other ambitiously mandated tasks. As late as the beginning of August 2010, MONUSCO's inability to deter attacks against the population received global attention and widespread criticism when more than 300 people were raped in four villages in the Walikale region. MONUSCO reportedly heard about the events only a week after, although they had a small base 30 kilometres from the scene of the attacks.<sup>100</sup>

These events testify to the difficulty of protecting the population of a country of such enormous proportions and inaccessible terrain. This is, however, no excuse for not pursuing a more conscious and critical approach to protection of civilians. To that end, MONUC provides a rich case for studying key mechanisms related to protection of civilians. Yet generalizing the findings to other cases must be done with caution. No armed conflicts or interventions are alike. These are some of the most unpredictable and volatile social environments that exist. Lessons learned and best practices from one mission can only serve as a source for critical and innovative thinking, and not as templates for how to carry out future missions. Keeping these limitations in mind, the report will advise the following to future troop contributors:

**Physical integration of civilian and military expertise in strategic and operational planning activities, information analysis and local outreach mechanisms has an added value for protection of civilians.** The Joint Mission Analysis Centre (JMAC) and the Joint Protection Teams (JPTs) are good examples of how physical integration of experts with different skill-sets can improve the UN's ability to gain situational awareness and provide time-critical assessments to inform military planning. While integration will necessarily lead to a civilianisation of military planning, civilian partners will develop increased understanding of how military units operate, and what their strengths and weaknesses are. In sum, plans and operations will benefit from a more integrated approach. Yet there is a tension between the objective of 'getting everyone on board' and of developing a relevant protection strategy. The inclusion of too many actors and tasks may lead to a conceptual stretching of protection of civilians, which, in the end, could render it a meaningless concept. It is therefore important to work towards a common, yet limited, understanding of protection of civilians in which the roles and tasks of both military and civilian actors are clearly understood, as well as their mutual dependencies.

**Multidimensional and integrated missions require multidisciplinary and integrated intelligence organisations.** Intelligence in peace operations, and more specifically for the

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<sup>100</sup> United Nations News Centre, "Preliminary UN report confirms over 300 rapes by rebels in eastern DR Congo", accessed 15.12.2010, <http://www.unclefi.com/apps/news/story.asp?NewsID=36129&Cr=democratic&Cr1=congo>

protection of civilians, is founded on a rationale fundamentally different from traditional warfare and national security. A wide range of information sources must be synthesized, including information from humanitarian and development organisations. These intelligence products should, in turn, be disseminated to a wide group of clients incorporating the relevant protection actors in the area of operations. Member states therefore need to provide national intelligence expertise, in addition to personnel with other areas of expertise. This does not mean that nations will have to compromise national intelligence assets, but it does indicate a need to share best practices also within the intelligence communities. A glaring gap at the moment, at least in MONUC, is the lack of language experts. Intelligence communities usually have access to personnel with relevant language skills. For MONUSCO, French, Swahili and Lingala are the most relevant languages.

**Troop contributing nations need to be better prepared to use force as a last resort to protect civilians.** National caveats may be one of the most difficult obstacles to surpass to this challenge. Many troop contributors are cautious and seldom agree to operate robustly, despite orders from Kinshasa to do so. Given the ambivalence of the whole UN system towards the use of force, it is understandable that troop contributors act cautiously. There is a clear need to make military units and troop contributors more aware of what robust peacekeeping might entail. Pre-deployment training should include the latest UN concepts on robust peacekeeping. Recognising that this is inherently a political issue, mandates and rules of engagement give UN troops the legal backdrop to protect civilians under imminent threat. It seems more viable to prepare for worst case scenarios than to rely on planning for best cases. Protection activities must be adjusted according to the threats. As one senior UN leader stated: ‘When you are dealing with groups like Lord’s Resistance Army, protection of civilians is quite another issue. There is no reconciling with the LRA. That has been tried to no avail. They must be tracked down and captured.’<sup>101</sup>

**UN forces cannot protect everyone.** It is very important to inform troops of this basic constraint, for two reasons. First, it will make them more aware of the limitations of protection in a UN operation, so as not to create false or increased expectations. Second, it also indicates that troops can protect some. MONUC has approached this gap by developing the must-should-could-protect approach. Consequently, MONUC has spread its military organisation rather thin through the Company Operating Base (COB) and Temporary Operating Base (TOB) – deployments. For some troop contributors this might be a new way of operating. A TOB deployment demands that the personnel are able to operate in smaller units with little or no back up for days. TOBs, in particular, are often deployed to ‘must protect’ areas and must consist of personnel with a great degree of autonomy in decision making and the possibility to scale up to ‘all necessary means’. In addition, these smaller troop-sized units must be prepared to work closely with JPTs as well as coordinate their efforts with the humanitarian agencies and development actors present.

**Troop mobility is a precondition for effective protection of civilians.** Air and land mobility is unfortunately a scarce commodity in MONUC. Helicopters are expensive, and the UN cannot be

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<sup>101</sup> Interview with civilian MONUC official, Goma, May 2010.

expected to have 'enough' air mobility to effectively cover a massive land area like the DRC. However, it is possible to avoid sending the most obviously unsuitable equipment. Heavy armoured vehicles are of little use in a dense jungle environment. In short, MONUC would benefit from smaller rapid reaction forces with air mobility. However, given that helicopters will always be in short supply, all-terrain vehicles and boots on the ground will be a second best alternative.

**Troop contributors should prepare to accept local solutions although they may not be 'the best solution'.** Local ownership has been a buzzword for years, but little has been done to develop solutions that actually fully involve local actors. Sometimes local solutions may seem less effective in the short term. However, they are the only sustainable solutions in a long term perspective. The JPTs work closely with local communities and invite them to participate in the drafting of local protection strategies. Engaging the local communities is also the key to functional early warning mechanisms. The Early Warning Centres (EWCs), with the support of Community Liaison Interpreters (CLIs), seem to have taken the local ownership approach one step further. The main rationale behind establishing these centres, besides supporting immediate protection of civilians, is that local communities can build on these structures after the UN mission leaves. EWC networks are already based on the key stakeholders in the communities.

**Nations preparing for deployment to UN operations should be encouraged to avoid bringing units and technologies that are unsustainable in the local environment.** UN missions usually have to rely on low-tech solutions to complex problems. Basic alert mechanisms such as smoke signals or ringing of church bells can also function well if mobile phone networks do not exist or phones are too expensive to buy. The interviews also revealed that several troop contributors bring advanced or heavy equipment of little use in the jungle. Many of the interviewees in MONUC stressed that physical presence is often the best form of protection. More skilled 'boots' on the ground in the DRC will not solve the basic issues fuelling the conflicts, but would protect more civilians from immediate physical harm. Threats and violence against civilians are side effects of poor societal conditions. In the long term, strengthening local structures is the only sustainable solution.

**Future troop contributors need to build gender specific education and training packages into their national defence educational systems.** It is imperative that troop contributors are aware of specific gender issues, especially concerning sexual violence, and that they include 'gender expertise' in their approach to operations.<sup>102</sup> In the DRC, sexual violence as a weapon of war is particularly devastating for the civilian population.<sup>103</sup> Women are the most vulnerable group, but sexual violence is often targeted at anybody in harms way. The MONUC Protection Handbook gives advice to troops on how to act when crimes of sexual violence have occurred or are occurring. This may help to avoid making the most obvious mistakes. However, it offers little

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<sup>102</sup> Randi Solhjell, "Gendering the Security Sector: Protecting Civilians Against Sexual and Gender-Based Violence in the Democratic Republic of Congo", *Security in Practice* (Oslo: NUPI, 2010).

<sup>103</sup> Human Rights Watch, "Always on the Run: The Vicious Cycle of Displacement in Eastern Congo", (Human Rights Watch, 2010).

in terms of explaining the complexity of this massive problem. A handbook is a good start, but not nearly enough to make UN troops more adept at protecting this particular group of victims. In this regard, the *Analytical Inventory of Peacekeeping Practice* published by the United Nations in 2010 is a landmark. This document addresses conflict-related sexual violence from a broad perspective, and includes a very useful inventory of tasks and tactics meant as a ‘knowledge base for military peacekeepers and planners’.<sup>104</sup>

The MONUC case shows that bottom-up initiatives emerging from practitioners in the field constitute the driving forces behind the development of mission-wide strategies and policies on protection of civilians. Lessons learned and best practises from MONUC have been used not only to develop the System-Wide Strategy on PoC in the DRC, but also the *DPKO/DFS Draft Operational Concept* and *Lessons Learned Note* on protection of civilians.<sup>105</sup> The making of such general guidelines is an important step towards translating protection mandates into operational activities. However, they do not offer specific advice to troop contributors and military units on how to prepare for protection operations. Military organizations – which are designed to operate according to doctrines and manuals – can perform optimally only when existing guidelines are geared towards the mandated tasks at hand, in this case the protection of civilians. It is therefore of paramount importance that the UN and its member states develop military concepts of operation (CONOPS), manuals, training packages and doctrine addressing the specific military operational challenges introduced by protection mandates. That would contribute towards a better understanding of the role of the military in protection operation, and a more concrete proclamation of the types of tasks it could carry out to support civilian activities on the ground.

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<sup>104</sup> United Nations, "Addressing Conflict-Related Sexual Violence: An Analytical Inventory of Peacekeeping Practice", p. 21.

<sup>105</sup> United Nations, "Draft DPKO/DFS Operational Concept on the Protection of Civilians in United Nations Peacekeeping Operations; United Nations, "DPKO/DFS Lessons Learned Note on the Protection of Civilians In UN Peacekeeping Operations: Dilemmas, Emerging Practices and Lessons", (New York: United Nations, 2010).

## Acronyms

|          |  |
|----------|--|
| CAS      | Civilian Affairs Section   |
| CLI      | Community Liaison Interpreter  |
| CNDP     | Congrès national pour la défense du peuple   |
| COIN     | Counterinsurgency  |
| DDR      | Disarmament, Demobilization and Reintegration  |
| DFS      | Department of Field Support  |
| DPKO     | Department of Peacekeeping Operations  |
| DRC      | The Democratic Republic of the Congo   |
| EU       | European Union   |
| EWC      | Early Warning Centre   |
| EWRRC    | Early Warning and Rapid Response Cell  |
| FARDC    | Forces Armées de la République Démocratique du Congo                                 |
| FDLR     | Forces Démocratiques de Libération du Rwanda   |
| FFI      | Forsvarets forskningsinstitut/Norwegian Defence Research Establishment               |
| FHQ      | Forward Headquarters   |
| HF       | High Frequency   |
| HQ       | Headquarter  |
| IASC     | Inter-Agency Standing Committee  |
| ICRC     | International Committee of the Red Cross   |
| IDP      | Internally Displaced Person  |
| ISAF     | International Security Assistance Force  |
| JHRO     | Joint Human Rights Office  |
| JMAC     | Joint Mission Analysis Centre  |
| JPT      | Joint Protection Team  |
| LRA      | Lord's Resistance Army   |
| MOB      | Mobile Operating Base  |
| MONUC    | Mission des Nations Unies en République démocratique du Congo                        |
| MONUSCO  | Mission des Nations Unies pour la stabilisation en République démocratique du Congo  |
| MoU      | Memorandum of Understanding  |
| NAM      | Non-Aligned Movement   |
| NATO     | North Atlantic Treaty Organization   |
| NGO      | Non-Governmental Organization  |
| OCHA     | Office for the Coordination of Humanitarian Affairs                                  |
| PNC      | Police Nationale Congolaise  |
| PoC      | Protection of Civilians  |
| QRF      | Quick Reaction Force   |
| STAREC   | Programme de Stabilisation et de reconstruction des zones sortant des conflits armés |
| TOB      | Temporary Operating Base   |
| UN       | United Nations   |
| UN CIMIC | UN Civil Military Coordination   |
| UNFPA    | United Nations Population Fund   |
| UNHCR    | United Nations High Commissioner for Refugees  |
| UNICEF   | United Nations Children's Fund   |

UNMACC United Nations Mine Action Coordination Centre  
UNPOL United Nations Police  
UNSC United Nations Security Council  
US United States

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