Introduction

The Democratic Republic of the Congo (DRC), located in Central Africa, has the significant records in its internal conflicts and their resolutions by the UN. The DRC has suffered from one of the world’s most horrific and complex conflicts in its history which killed more than 5 million people since 1998, the deadliest war since World War II.1 At the same time, the UN exerted the strongest commitment by dispatching its UN peacekeeping operations since the 1960s. In fact, the peacekeeping operations in the DRC have provided the largest frequency of adopting the Chapter VII-led mandates, which would lead to “robust operations” and “peace enforcement”. Nevertheless, presumably, the UN peace operation in the DRC is one of the least successful ones in its history.

The UN had established three peace operations in the Congo, namely ONUC, MONUC and MUNUSCO. This paper will deal with the historical analysis on the UN’s involvement in the above three peace operations in the DRC through its coercive means such as so-called “robust” operations, peace-enforcement and even combat operations. This paper will provide a number of small and limited cases of military measures conducted by the UN which is now called robust peacekeeping or peace enforcement. However, these measures had not resulted in positive results in creating peace in the DRC.

The case of peace operations in the Congo was the typical example of the pursuit of “negative peace” in accordance with the definition of peace by Johan Galtung in the 1960s. According to Galtung, negative peace is defined as the pursuit of “the absence of

violence, absence of conflict, and absence of war.” In retrospect, the UN as well as North Americans has tended to trust negative peace in which they have suggested that more intractable entities their peacekeepers and peace enforcers encounter, the more coercive and more heavily equipped they should be. This paper will indicate that the case of the DRC will demonstrate the limitations of the pursuit of negative peace.

Furthermore, this paper will indicate why the pursuit of negative peace was not successful in the DRC. In other words, this paper will suggest what factors would lead to successful robust operations or peace enforcement in the end.

The Historical Background of Peacekeeping in the DRC: ONUC and the First Peace Enforcement in the UN History

The DRC has an old precedent of UN peacekeeping operation back in the 1960s, namely, the UN Operation in the Congo (known by its French initials, ONUC: 1960-1964). In 1960 the Congo had suffered from the multi-layered crisis. On the one hand, President Joseph Kasavubu and Prime Minister Patrice Lumumba struggled against each other to gain powers in the Congo. It was a virtually proxy war during the Cold War period. The former was supported by the US, and the latter by the Soviet Union. On the other hand, in the south-eastern province of Katanga, which generated 80 percent of the Congo’s export revenue and half of its total income, Moise Tshombe declared independence. In this crisis, the Belgian paratroops intervened in the Congo. Although Belgium justified its military moves as humanitarian intervention to safeguard European lives, other saw less altruistic motives.3

The civil war in the Congo led to the establishment of ONUC to ensure the withdrawal of Belgian forces, to assist the Government in maintaining law and order and to provide technical assistance in accordance with Security Council Resolution 143 (1960) on 14 July 1960. According to the Blue Helmets in 1990 published by the UN, ONUC soldiers were initially “instructed that they were members of a peace force, not a fighting force, that they had been asked to come in response to an appeal from the Congolese Government, and that they should give protection against acts of violence to all the

---

people." Therefore, although the concept of the protection of civilians in peacekeeping operations seems to emerge in the post Cold War period, the task of protecting civilians had been universally conducted since the early history of UN peacekeeping operations.

The basic principle of ONUC on the use of force was created almost on the same line as that of UNEF, according to which the UN soldiers:

*may never take the initiative in the use of armed force, but are entitled to respond with force to an attack with arms including attempts to use force to make them withdraw from positions which they occupy under orders from the commander acting under the authority of the Security Council and within the scope of its resolution.*

Therefore, it was clear that any initiative in the use of force by ONUC soldiers was prohibited. However, the attacks on civilians and UN personnel continued. For example, in August 1960 pro-Lumumba *Armee Nationale Congolaise* (ANC) were sent to South Kasai, in the southern part of the Congo, and many civilians who were among anti-government groups were killed including women and children. At the end of April 1961, a Ghanaian detachment of ONUC in Port-Frauncqui was attacked by ANC troops, and 44 of its members were ruthlessly massacred. This brutal assault and other brutal incidents were mainly an act by undisciplined and unpredictable ANC elements.

In late October 1960, broader rules of engagement (ROE) were issued for ONUC soldiers by UN headquarters in New York. The new ROE enabled ONUC troops to use force:

1. if attempts were being made to force them to withdraw from a position already held;
2. if attempts were made to disarm them;
3. if attempts were made to prevent them from carrying out orders given to them by their commanding officers; and
4. if attempts were being made to violate UN installations or to arrest or abduct UN personnel.

---

5 Jane Boulden *Peace Enforcement; The United Nations Experience in Congo, Somalia, and Bosnia* (Westport: Praeger, 2001), p. 32
7 Jane Boulden *Peace Enforcement; The United Nations Experience in Congo, Somalia, and Bosnia*, p. 32
Finally ONUC was authorised to use of force. By Resolution 161 (1961) of 21 February 1961, the Security Council urged that the UN “take immediately all appropriate measures to prevent the occurrence of civil war in the Congo, including arrangements for ceasefire, the halting of all military operations, the prevention of clashes, and the use of force, if necessary, in the last resort.” Therefore, it is to be noted that ONUC was the first case of peace-enforcement led by the UN. In late 1961, under the code name of *Rumpunch* authorized by Secretary General Dag Hammarskjold, ONUC took over the radio station, public facilities, and the headquarters of the gendarmerie in Elisabethville, Katanga. Over 80 mercenaries were intercepted and about 350 surrendered.9

Furthermore, in September 1961, the UN Representative in Katanga Connor Cruise O’Brien decided to launch another operation code-named *Morthor*, whose objective was to suppress the mercenaries, to neutralize Tshombe, bringing him to the negotiating table. However, in the mid of the operation, Secretary General Hammarskjold lost his life in tragic air-clash during his flight to the Congo. Meanwhile, in the operation *Morthor* ONUC encountered heavy and defensive resistance, found themselves on the defensive, and was inflicted heavy damage by the Katangese air force.10

Secretary General U Thant, Hammarskjold’s successor, considered that using force would be only way to crack down the secessionists in Katanga, offering the UN any prospect of an honourable exit from the Congo. Through the fall of 1961 ONUC had built up its forces in Elisabethville including a small air force. In early December 1961, the Congolese gendarmerie had moved to isolate various components of ONUC in and around Elisabethville. ONUC attacked Katangese roadblocks to restore its freedom of movement, and substantial casualties ensued on both sides.11 Skirmishing between the gendarmerie and ONUC led to a large-scale fighting in December 1961. This fighting continued until a renunciation of secession by Katanga’s leader Tshombe. On 21 December 1961, Tshombe signed the so-called “Kitona Declaration” in which he formally recognized the authority of the Congolese government over all of the Congo territory.

---

8 UN Document S/5002, Resolution 169 (1961), 24 November 1961
10 Ibid. p. 72
However, in October 1962, intelligence sources identified that Katangese gendarmeries and the mercenaries were preparing for a conflict. They were clearly reluctant to proceed the Plan of National Reconciliation. The Kitona Declaration became nominal in December 1962, when the Katangese forces fired on UN positions retaliating against economic sanctions which were imposed on Katanga by the UN. In response, the Secretary-General ordered a new military operation. The operation *Grandslam* began on 28 December when ONUC troops cleared the gendarmerie road-block in the Elisabethville to restore the security of ONUC troops and their freedom of movement. Furthermore, ONUC troops had secured themselves in the Elisabethville, Kipushi, Kamina and Jadotville areas, where they restored essential services and protect the local population. In early January 1963, Tshombe announced its readiness to end the secession of Katanga. Since then the assistance of ONUC in maintaining law and order had continued without serious incidents. On 30 June 1964, ONUC finally withdrew from the Congo according to the plan.

Meanwhile, in terms of the protection of civilians, ONUC struggled to relieve the distress caused to innocent people. Persons caught in areas where firing had been initiated by the gendarmerie were escorted to safety, and special arrangement for the evacuation of women and children were made by ONUC. ONUC employed a whole battalion to guard the Baluba refugee camp, where more than 40,000 anti-Tshombe Baluba lived under UN protection. However, such humanitarian tasks were limited, and so was the effectiveness of the engagement of ONUC in the protection of civilians.

On the one hand, ONUC implemented the mandate of securing the withdrawal of foreign troops from the Congo and ending the secession of Katanga. However, on the other hand, the use of force and the great struggle by the UN in ONUC left their marks on the UN and helped to ensure that the UN funded no new peacekeeping operation for a decade. It also took about 30 years before the UN deployed another mission in Africa, UNTAG in Namibia. ONUC had 250 UN fatalities including 245 military personnel and 5 international civilian staff, which was among the worst records in UN peacekeeping operations during the Cold War period. The UN’s reputation suffered tremendous damage as a result of ONUC. The Africans created the Organization of African Unity.

(OAU) in 1963 in part to resolve regional conflicts without external meddling.\textsuperscript{15}

The UN learned lessons on peace enforcement. The UN’s extreme deliberate stance towards peace enforcement after the experience of ONUC was clear by the fact that peace enforcement was no more mandated in UN operations during the Cold War period.

**MONUC, its Use of Force and the Issues on the Protection of Civilians**

In 1965, Joseph-Désire Mobutu gained power in a military coup in the Congo, although his regime was among the most corrupt ones in the world. He allowed military leaders to engage in the business by natural resources such as gold and diamond. Their soldiers resorted to crimes including theft, extortion, armed robbery, arbitrary arrests and illegal fines. Mobutu also depended on corrupt local political leaders who supported him in return for political control at the local level.\textsuperscript{16} After the Cold War, his liberalisation policy was not successful, resulting in the battle with military factions in 1993. In 1996, a coalition led by Laurent Kabila came to power with foreign support of Rwanda and Uganda. The foreign troops were so unpopular that Kabila ordered the foreign troops to leave the Congo. In 1998, Rwanda, Uganda and Brundi staged a new war against the DRC on the ground that Kabila, now president of the DRC, did not address their security concern sufficiently. The war became more complex and deteriorated when Angola, Namibia and Zimbabwe rallied to Kabila.\textsuperscript{17}

The UN established the UN Organization Mission in the Democratic Republic of the Congo (MONUC) on 30 November 1999 in accordance with Security Council Resolution 1279 (1999). MONUC was mandated to observe the ceasefire and disengagement of forces and maintain liaison with all parties to the Lusaka Ceasefire Agreement in July 1999 between the DRC and five regional States (Namibia, Rwanda, Uganda, Zambia and Zimbabwe).\textsuperscript{18} Furthermore, in Resolution 1291 (2000) of 24 February 2000, MONUC was authorised to conduct under Chapter VII of the UN Charter, which

\textsuperscript{15} Adekeye Adebajo *UN Peacekeeping in Africa: From the Suez Crisis to the Sudan Conflicts* (Boulder: Lynne Rienner, 2011), p. 70


\textsuperscript{18} UN Document S/RES/1279, Resolution 1279 (1999), 30 November 1999
decides:

that MONUC may take the necessary action, in the areas of deployment of its infantry battalions ..., ensure the security and freedom of movement of its personnel, and protect civilians under imminent threat of physical violence.19

Therefore, MONUC as well as ONUC can be categorised as peace enforcement. However, Security Council Resolutions 1297 (1999) and 1291 (2000) authorised only 5,537 troops to implement complex tasks throughout the territory of the DRC which is as huge as Western Europe. The problem of MONUC as baseline capacity was not only on its size. Most of the forces were from developing states including Uruguay, Tunisia, Senegal, Bolivia, Morocco, and Ghana. Then Special Representative of Secretary General of MONUC, Amos Namanga Ngongi stated with a limited view as follows:

Clearly, it is understood that MONUC does not have the capacity to be able to ensure full protection of the civilian population in the DRC – that’s not possible. But clearly MONUC has the responsibility and the mandate to be able to protect those whose lives are imminent danger... . We can take dissuasive action, rather than proactive protection.20

Slow deployment was also problematic. In April 2000, there were only still 111 UN military forces in the DRC. It took two years that MONUC reached the original size of the authorised force despite the urgent necessity to improve the situation in the eastern part of the DRC. In the early period of MONUC, its assessment as a UN operation is mixed. On the one hand, as Tull claimed, MONUC's role was limited but effective. In fact, despite its small size with less than 4,000 troops as of October 2000, MONUC did verify ceasefire violations and the withdrawal of foreign armies. On the other hand, the role of MONUC as a Chapter VII-led mission was highly questioned. In this context, Katarina Mansson claimed that the UN was concerned about becoming involved in problematic situations in the Congo where peacekeeping and peace enforcement were blurred and impartiality was lost, as in Bosnia and Somalia.21

Security Council Resolution 1291 (2000) included the mandate of humanitarian

---

assistance and human rights monitoring, with particular attention to vulnerable groups including women, children and demobilized child soldiers. Nevertheless, the humanitarian disaster occurred in Ituri in early 2003. From January to March in 2003, a militia group called the Union of Congolese Patriots (UPC) conducted a large-scale military operation to take control of Ituri, resulting in 330 civilians death in Bogoro and another 160 civilians killing in Mandro. Although, MONUC dispatched an investigation team to Ituri, the deteriorating security situations enforced the team to cut short. This humanitarian catastrophe in Ituri brought 500,000-600,000 internally displaced persons. In April 2003, MONUC deployed a Uruguayan guard contingent to the area, although their tasks were limited: a presence at the Bunia airfield and protection of UN personnel and facilities. Violent clashes continued, often even near UN compounds. On 8 May 2003, the population of Bunia demonstrated against MONUC denouncing its incapability to guarantee any order, MONUC initially attempted to set up roadblocks and restore order, but these were immediately blocked. On 9 May 2003, MONUC headquarters itself became a target of attack.22 On 11 May, a man was kidnapped from the MONUC compound and Uruguayan officers were informed but refused to intervene. The person was then executed less than 100 metres away.23 In May 2003 alone, the 700 blue helmets of MONUC were bystanders to the massacres of 400 civilians.24 Claudia Morsut argued:

*While stressing the challenges and difficulties that the UN had to face in the DRC, all scholars agree that MONUC was coping with serious problem of overstretch, since not enough soldiers were deployed in the Ituri region and in particular in Bunia …*25

In this respect, UN Secretary General Kofi Annan requested help to France, and the EU accepted to set up its operation based on the European Security and Defence Policy (ESDP) in the DRC. On 30 May 2003, Security Council Resolution 1484 (2003) authorised the Interim Emergency Multinational Force (IEMF), acting under Chapter VII of the UN Charter, to contribute to the stabilization of the security conditions and the improvement of the humanitarian situation in Bunia. This operation was given the label *Artemis*. While IEMF’s rapid deployment was significant and militiamen were

---

24 Tull D. M. p. 217
driven out of Bunia, IEMF's operational area was rather limited. Some 150,000 Congolese people fled to the areas surrounding Bunia, where there was no protection of the EU force and upsurges of violence and fighting continued. And IEMF failed to disarm the militiamen. In other words, IEMF left Bunia as a "weapon-invisible" zone, rather than "weapon-free" zone.\textsuperscript{26} IEMF ended on 1 September 2003 as officially planned.

In 2004, continued violence in the Congo required the Security Council to change the policy of MONUC. MONUC began to shift from reactive to preventive operations and increase its presence in the vicinity of vulnerable citizens of the Congo. At the same time, the mission expanded to 16,700 troops authorised by Security Council Resolution 1565 (2004) of 1 October 2004, the largest UN operation in the world with annual budget for more than US$1 billion.\textsuperscript{27} Most of the newly-deployed troops came from unified Indian and Pakistan brigades. In fact, Resolution 1565 (2004) included the most critical and alerting terms:

\textit{[Resolution] strongly condemns violence and other violations of international humanitarian law and human rights ... in the Democratic Republic of the Congo and demands that all parties and Governments concerned in the region ... take without delay any necessary steps to bring to justice those responsible for these violations...}\textsuperscript{28}

Resolution 1565 (2004) also brought the mandate of ensuring the protection of civilians, including humanitarian personnel, under imminent threat of physical violence. Thus, Resolution 1565 (2004) convinced MONUC to enhance its determination to strengthen its military and humanitarian capabilities.

In fact, the UN provided MONUC with highly professional military officers from Europe. In early 2005 Major General Patrick Cammaert from the Netherlands was appointed commander of eastern division of MONUC including North and South Kivu. Furthermore, General Christian Houdet of the French Foreign Legion was appointed MONUC Chief of Staff.\textsuperscript{29} They promoted more robust actions in MONUC. Major General Cammaert said "for the first time in the UN peacekeeping history, MONUC has established a full fledge Military Division with its Divisional HQ, three powerful

\textsuperscript{27} Eriksen S. S. p. 657
brigades in Ituri and North & South Kivu plus a larger helicopter fleet, an impressive engineer capacity and special forces in order to conduct military operations under Chap VII in the most troublesome Eastern part of Congo.”

When MONUC peacekeepers were on a routine foot patrol to protect a camp of some 8,000 internally displaced persons at 80 kilometers north of Bunia on 25 February 2005, nine Bangladesh soldiers were killed in a coordinated ambush by FNI (Forces Nationaliste et Integrationistes) militia. MONUC responded by its robust approach to the maintenance of peace in Ituri. On 1 March 2005 when MONUC came under heavy fire from FNI, MONUC commenced extended military operations, which was successful despite MONUC forces killing 50-60 FNI militia members. Likewise, when fighting broke out between the rebellion by General Laurent Nkunda and the Armed Forces of the Democratic Republic of the Congo (FARDC) in North Kivu in November 2006, MONUC took a robust operation, including the use of attack helicopters, resulting in the killing of many Nkunda’s fighters.

MONUC’s 3,700-strong Pakistani brigade in South Kivu also engaged in coercive efforts to protect civilians. For example, the operation Safe Path, was successful in ensuring safe passage of civilians through the Kafuzi-Biega park. A 50-troop strong Pakistani Rapid Reaction Force was deployed on high alert with light personal weapons as well as mortars. The Pakistani peacekeepers destroyed thirteen to sixteen camps of the FDLR (Forces Democratiques de Liberation du Rwanda), Hutu rebels, in 2006.

These operations by MONUC in 2005 and 2006 were the consequences of MONUC’s increasingly effective operations against the militia and that there was an acceptance of using force of MONUC troops where necessary by Congolese people. Their successful operations were also attributed to the leadership from Europe namely Dutch General Cammaert, robust peacekeeping tactics and sophisticated military facilities and equipments suitable for them.

However, MONUC’s robust approach did not resulted in internal stability and

---

33 Terrie J. “The Use of Force in UN Peacekeeping: the Experience of MONUC”, paper to be presented to the AFSAAP Conference 2008, p. 7
sustainable peace in the DRC. In October 2008, there was the upsurge of violence in the Kivu conflict with heavy battles between the national armed forces supported by MONUC and Tutsi militia supported by Rwanda, threatening to take Goma, the capital of the North Kivu province. Despite the presence of MONUC, approximately 250,000 people were displaced by the conflict. This humanitarian crisis was hoped to be solved by reinforcing another 3,000 peacekeepers. However, such proposals were declined by most of the member states.

There is a dilemma with the mandates of MONUC including protecting civilians and supporting the “notorious” national armed forces, FARDC, which assaulted the civilians at the same time. In early 2009, two successive FARDC’s military operations – one conducted known as operation Umoja Wetu, and the second conducted with direct support of MONUC, known as operation Kimia II – have been horrendous abuse by FARDC and rebel forces against civilians in North and South Kivu. Human Right Watch documented the deliberate killing of more than 1,400 civilians by FARDC between January and September 2009. Initially, MONUC was excluded from operation Umoja Wetu. However, according to MONUC insiders, the MONUC leadership was worried about the consequences of military operations, considering civilians would be better protected if UN peacekeepers were part of military operations. Therefore, MONUC agreed to support the Congolese army in following operation Kimia II. However, according to Secretary General’s report on MONUC in June 2009, the FARDC were responsible for serious human rights abuse including arbitrary execution, rape, arbitrary arrests, detention and torture, to the civilians who collaborated with foreign armed groups. Human Right Watch claimed that MONUC did not set out clear conditions for their support, did not adequately prepare for the protection of civilians. It is also reported that MONUC itself registered a total of 64 attacks against civilians in North Kivu. The above case indicates that, in robust operations where impartiality became highly questioned, peacekeepers might become a party to the conflicts which even support the humanitarian catastrophes directly and indirectly.

MONUC was replaced by the United Nations Organization Stabilization Mission in the DRC (MONUSCO) in accordance with Security Council Resolution 1925 (2010) on 28 May 2010. While MONUSCO as well as MONUC was based on Chapter VII of the UN Charter, its mandate focused more on capacity-building for the DRC government. “Stabilization” in MONUSCO meant stabilization through the protection and promotion of human rights and the promotion of democratization by means of the process of reliable elections. The purpose of the creation of MONUSCO was to build the state institution which creates security and justice systems and takes accountability for them. Its authorized size was the ceiling of 19,815 military personnel, with 760 military observers and staff officers, 391 police personnel and 1,050 formed police units.35

The protection of the Congolese civilians was also a key element of the mandate of MONUSCO. However, in its early stage it was difficult to conclude that the protection of civilians in MONUSCO improved compared with one in the period of MONUC. The term of “stabilization” in MONUSCO was rather nominal. For example, from 30 July to 2 August 2010 one witnessed a huge scale of systematic rapes sacrificing at least 303 women in Walikale district in North Kivu province, where was located only 30 kilometers from the MONUSCO base. In other words, MONUSCO could not prevent nor stop the systematic rapes conducted by armed factions.

In November 2012, one witnessed the brutal occupation of Goma, the capital of North Kivu province in the eastern DRC, by the M23, the Tutsi-led anti-government armed group.36 MONUSCO was seriously criticized for its ineffective response in preventing the onslaught.

On 24 February 2013, “the Framework for Peace, Security and Cooperation for the DRC and the Region” was signed by regional powers, which offered a comprehensive approach to the problem. The framework proposed a heavily-armed combat operations commanded by the UN. This framework, which the African Union assisted to put together, was signed in Ethiopian by leaders from the DRC, Angola, Burundi, the Central African Republic, Rwanda, South Africa, South Sudan, Tanzania, Uganda and Zambia. It was signed in the presence of UN Secretary-General Ban Ki-moon, who acted

36 The M23 was said to have about 2,000 armed soldiers. Its strength in the past allegedly came from Rwanda.
as one of the generators.\textsuperscript{37} Thus, the Force Intervention Brigade (FIB) was established by UN Security Council Resolution 2098 (2013) of 18 March 2013. Its mandate included using all necessary means to “neutralize” armed groups which permits it to use force, including deadly force, reflecting UN forces moving towards a more war-fighting, rather than traditional peacekeeping posture.\textsuperscript{38} The FIB, with 3,069 troops", was led by Tanzanian general, and consisted of three infantry battalions, one artillery unit, one Special Forces unit and a reconnaissance company. Troops from the three countries in the region of the Southern African Development Community (SADC), Tanzania, South Africa and Malawi, contributed to the FIB.\textsuperscript{39} In other words, the FIB was a product of collective security following the collaborative discussions among the AU, the SADC, and the International Conference for the Great Lakes Region (ICGCR) on how to bring lasting peace to the DRC.\textsuperscript{40}

While it is considered that the establishment of the FIB was unique in the history of UN peacekeeping operations, such combating missions led by the UN had precedents in the DRC, ONUC in the 1960s in Katanga and parts of MONUC around 2004-2006 in Ituri and South Kivu, as mentioned before.

In fact, the FIB contributed to the stabilization of the eastern part of the DRC. The FIB’s first engagement was the fight against the M23. Between July and November 2013, when the FIB, alongside FARDC units, engaged by artillery, aerial attacks, snipers etc. The offensive measures led to the victory on the side of FARDC/FIB. It was due to the use of well-trained and disciplined FARDC units which benefitted from the massive support from the FIB in terms of equipment, logistics and food.\textsuperscript{41} As a result, the FARDC retook the areas in North Kivu seized by the M23 in 2012. These areas

\textsuperscript{37} Lansana Gberie, “Intervention brigade: End game in the Congo?: UN peacekeeping task enters a new phase”, \textit{Africa Renewal}, August 2013. \url{http://www.un.org/africarenewal/magazine/august-2013} accessed on 24 March 2016. Ban Ki-Moon also appointed the former Irish president, Mary Robinson as special envoy to the area. \textit{The Guardian} 30 August 2013


\textsuperscript{39} Lansana Gberie, Ibid.


included Kiwanja, Rutshuru, Bunagana, Mbuzi, Chanzou and Runyoni. The delivery of basic services was also initiated in those areas. The M23 ended their insurgency, and on 5 November 2013 the Congolese government announced that they had been defeated.\(^{42}\) On 7 November, Ugandan officials announced that about 1,500 M23 combatants, including the M23 military commander, Sultani Makenga, had crossed into Uganda and surrendered.\(^{43}\) A joint strategic review and military capability study conducted in the UN from 16 to 31 January 2014 recognized “a new momentum” in the military operations following the introduction of the FIB.\(^{44}\)

The joint FARDC/FIB operations continued then against the Allied Democratic Forces (ADF). The ADF is an Islamist Ugandan armed opposition force in Congolese territory, and has been a key player in a series of massacres around the town of Beni, arguably the worst violence that the country has seen in a decade.\(^{45}\) Following the combating operations by FARDC and the FIB, ADF’s operating bases were nearly destroyed after the six months of military operations by the FARDC/FIB forces. A few months later, the FIB assisted FARDC for its offensive operations against APCLS, a Masisi-based militia. The FIB provided support through aerial attacks against APCLS.\(^{46}\) It is also to be noted that despite an increase in insecurity following the combating operations humanitarian catastrophes did not occur.

Meanwhile, several negative aspects on the FIB were also identified. First of all, unlike other regular MONUSCO forces, the FIB was fighting against the anti-government armed groups with FARDC, and therefore was considered to be a party to the armed conflict. A problem is that many armed groups are unable to distinguish and separate the regular MONUSCO forces from the FIB. This situation raises two problems, from operational and legal viewpoints. Operationally, the regular MONUSCO forces, which are less heavily armed, are more physically vulnerable to unexpected attacks from anti-government military factions. From the legal aspect, now MONUSCO including the FIB which lost impartiality, is regarded a party to the conflicts and will have lost the protections afforded to them under international law such as international

\(^{43}\) UN Document S/2013/773 Report of the Secretary-General on the implementation of the Peace, Security and Cooperation Framework for the Democratic Republic of the Congo and the Region, 23 December 2013, para.8. Sultani Makenga was then accused of war crimes by the Congolese authorities and was listed by the Security Council Committee pursuant to resolution 1533 (2004). \textit{Ibid}.
\(^{45}\) Jason K. Stearns and Christoph Vogel “The Landscape of Armed Groups in the Eastern Congo”, Congo Research Group, a publication by the Center on International Cooperation, New York University, December 2015, p. 5
\(^{46}\) Christoph Vogel “DRC: Assessing the performance of MONUSCO’s Force Intervention Brigade”. 

14
humanitarian law (IHL), the Convention on the Safety of United Nations and Associated Personnel (SOFA), and the Rome Statute of the International Criminal Law.47

In the similar context, one should recognize that the FIB is one of the operations conducted by the UN agencies. In other words, the FIB is, like many other traditional UN peacekeeping operations and UN agencies such as UNDP or UNHCR conducting and implementing in the common mission areas, engaged under the framework of the UN. It means if the FIB, which affiliates to the UN, conducts something provocative to someone, they feel hostile not only to the FIB but also to all UN agencies in the mission areas in the DRC. This could affect the UN’s ability to negotiate peace deals with the militias and risks deepening conflicts. This concern is also shared with NGOs and humanitarian aid workers, quoting “when the population sees a white car, they don’t differentiate between whether it is us, the UN or FIB. It makes us military targets”.48

Indeed, while the FIB and FARDC, to some extent”, implemented the mandates of neutralizing “several” armed groups, a number of major armed groups were still active, disrupting the local security and damaging “the Framework for Peace, Security and Cooperation for the DRC and the Region”. In fact, ADF was still brutal, targeting a number of innocent civilians. According to the Secretary-General’s report on 30 December 2014, in two months since October 2014 attacks attributed to ADF resulted in the killing of over 250 civilians.49 This figure increased to 347 in his report 26 June 2015. On 5 May 2015, a group of suspected elements ambushed a MONUSCO patrol between Oicha and Eringeti, killing two Tanzanian peacekeepers. 50 Meanwhile, FDLR51 continued committing human rights abuse against the civilian population. In North Kivu province, following operation Sukoda II conducted by FARDC against FDLR, 162 elements had been captured, 62 had surrendered and 13 had been killed. Despite this progress, the command and control structures of the group remained largely

47 Scott Sheeran and Stephanie Case “The Intervention Brigade: Legal Issues for the UN in the Democratic Republic of the Congo”, p. 1
51 FDLR is the French acronym for the Democratic Forces for the Liberation of Rwanda, originally established by ethnic Hutus who fled Rwanda after participating in the genocide of the Tutsi population.
intact. Some of the FDLR fighters participated in the UN-led disarmament, demobilisation, repatriation and rehabilitation (DDRR) programs. However, most of their fighters and weapons remain at large, and this small gesture may be taken by the MONUSCO as a sign of sufficient gesture. Furthermore, MONUSCO and FIB was criticized of their reluctance of going after the FDLR as aggressively as it pursued the M23. Thus, the impartiality of FIB had been questioned. Above all, according to the impression of South African journalist who talked to non-government people in the region was that the FIB had not done very much for a nearly a year since its establishment.

On the whole, while the FIB was effective in the limited mandate of neutralizing the armed groups in the limited areas for the short term, it is questionable that it will contribute to sustainable peace in the DRC. In fact, in the early stage it was said the FIB created the new situation on the ground which generated the new momentum. However, as Secretary-General was concerned in his report to the Security Council on 25 September 2014, the situation in the eastern part of DRC has evolved only slowly. Some disarmed combatants have returned to the bush, while residual armed combatants continued to fight over territory and mining sites and to attack and harass civilians.

The case of MONUSCO indicated the importance of confidence-building among the civilian population towards UN missions. The increasingly complex and volatile security situation in the DRC generated anti-UN and anti-MONUSCO and FIB sentiment among the civilian population. This sentiment led to a number of violent demonstrations and attacks against MONUSCO on 22 and 29 October and 11 November 2014 in the Beni area. Such mistrust of the population on MONUSCO was due to the latter’s ineffective operations which deteriorated and threatened civilians’ life. For example, in October 2014, in Rutshuru territory, FARDC supported by MONUSCO commenced operations against Mayi-Mayi Nyatura elements. As a result of the clashes between FARDC and the Mayi-Mayi elements, two hundred households were displaced. Meanwhile, on 8 December 2014 a mob was throwing stones in Oicha so
that a MONUSCO helicopter was preventing from landing.\textsuperscript{57}

The humanitarian situations deteriorated in 2015. In 2015, the total number of IDPs in the DRC was estimated at 2.8 million, and the estimated number of new IDPs in the first quarter of 2015 was 337,000. This was partially a result of the military operations by FARDC against FDLR in late February 2015. It means that the military actions by the national army which was supported by MONUSCO exacerbated the humanitarian situations in the DRC.\textsuperscript{58} This triggered anti-MONUSCO sentiments, fuelled by the perception that MONUSCO had not sufficiently engaged in military operations against armed groups.

\textbf{Discussions: What Factors Lead to Successful Robust Operations or Peace Enforcement?}

On the whole, the history of UN peace operations in the DRC identified several occasions of the use of force which can be called “peace enforcement”, “robust operations”, or “combat operations”. Such operations were identified at all of the UN operations in the DRC: in ONUC in 1960s, in MONUC, especially, in 2005 and 2006 at Ituri and South Kivu, and in MONUSCO, especially as the FIB, in 2013. In the most of the cases, the operations themselves were effective. The case of peace operations in the DRC gives a simple question. Does peace enforcement or combat operations organized in the UN work in general? Or does one tend to be dogmatic on peace enforcement in intractable situations? If so, what factors have made peace enforcement ineffective? This paper will provide several significant factors which influence the success of peace enforcement and combat operations.

\textbf{Consistent Mandates and Strategies (an organizational factor)}

All of the historical peace operations in the DRC were quite successful in suppressing the riots and uprisings or neutralizing the targeted armed groups. ONUC was successful in terminating the mercenaries in Katanga in early 1960s, IEMF was successful in eliminating militiamen in Bunia, MONUC was successful in protecting civilians by the forceful means from FNI or FDLR in North and South Kivu in 2005 and 2006, and the FIB in MUNUSCO was successful in defeating the M23 in Goma in 2013.

\textsuperscript{57} Ibid. para. 34
However, such operations tended to produce the positive results only in the limited areas and on the temporal basis, and they had not led to the stability and sustainable peace in the state. The protection of civilians had also been limited.

Historically, all of the UN operations in the DRC had lacked consistent mandates and the long-term of military strategy. In other words, each operation started by the non-robust mandate by Chapter VI or seeming Chapter VII. (ONUC eventually did not adopt Chapter VII during its entire mission.) Then, examining the deteriorating situations in the Congo, the UN Headquarters in New York decided to strengthen Security Council resolutions with more robust mandates. (See Table 1) A number of special operations in peacekeeping or peacemaking in the DRC were established, including the operations Rumpunch, Morthor and Grandslam in ONUC, operations Artemis and Safe Path in the MONUC period, and operations Skoda in MONUSCO. As this paper indicated, all of the operations were effective. However, their operations were limited and not sufficient enough to terminate the targeted groups. They survived and reemerged with more strengthened power, deteriorating humanitarian situations. The case of the DRC indicates that emphasizing the short-term tactics and marginalizing long-term strategy in peace-enforcement does not lead to the sustainable stability in host countries.
Table 1. The UN Operations in the DRC, Security Council Resolutions, and their Mandates etc.

<table>
<thead>
<tr>
<th>Security Council Resolutions</th>
<th>Mandates/Contents</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>ONUC</strong></td>
<td></td>
</tr>
<tr>
<td>SCR 143(1960) 14 July 1960</td>
<td>The initial resolution. Assisting the government in maintaining law and order. Calling upon the Belgian Government to withdraw its troops. Authorizing the Secretary-General to take the necessary steps.</td>
</tr>
<tr>
<td>SCR161(1961) 21 February 1961</td>
<td>Urging the UN to take immediately all appropriating measure to prevent the occurrence of civil war in the Congo. Approving peace enforcement. Operation Rumpunch followed.</td>
</tr>
<tr>
<td><strong>MONUC</strong></td>
<td></td>
</tr>
<tr>
<td>SCR1279(1999) 30 November 1999</td>
<td>The initial resolution. Observing the ceasefire and disengagement of forces and maintain liason with all parties to the Lusaka Ceasefire Agreement.</td>
</tr>
<tr>
<td>SCR 1291(2000) 24 February 2000</td>
<td>Expanding the strength of MONUC up to 5,537 forces. MONUC may take the necessary action in the area of deployment. Protecting civilians under imminent threat of physical violence. (Under Chapter VII)</td>
</tr>
<tr>
<td>SCR1565 (2004) 1 October 2004</td>
<td>Authorizing the increase of MONUC’s strength by 5,900 personnel, up to 16,700 troops. The largest UN operation in the world. Dutch Major General Cammaert’s robust operations Safe Path followed. (Under Chapter VII)</td>
</tr>
<tr>
<td><strong>MONUSCO</strong></td>
<td></td>
</tr>
<tr>
<td>SCR 1925 (2010) 28 May 2010</td>
<td>The initial resolution. Stabilizing and consolidating peace in the DRC. The maximum forces of 19,815. (Under Chapter VII)</td>
</tr>
<tr>
<td>SCR 2098 (2013) 18 March 2013</td>
<td>Authorizing all necessary means to neutralize armed groups. The Force Intervention Brigade (FIB) followed. (Under Chapter VII)</td>
</tr>
</tbody>
</table>

*Overcoming Security Dilemma (a domestic factor)*

Another important factor which enhances the effectiveness of peace enforcement or robust peacekeeping is to overcome “security dilemma.” By definition, the security dilemma refers to a situation in which actors by a state intended to heighten its security, such as increasing its military strength, can lead other states to respond with similar measures, producing increased tensions that create conflict, even when no side really desires it. In the environment of international peace operations, the third persons’ intervention in conflicts such as UN forces would face greater difficulties with the parties in conflict where the security dilemma is influential. In this light, the DRC is a country which has typically suffered from this dilemma. There are several reasons why
the security dilemma has been accelerated in the DRC.

The first reason is the fragmentation of armed groups. The DRC is a country in which as many as 40 armed groups feel hostile to each other. There have been no more than 20 armed groups only in the Kivus. Most armed groups had never been cohesive, and lack of military pressure, the ample space and resources at their disposal, and the government’s failure to offer their members alternative livelihoods led them to splinter into multiple groups. Thus, the obvious trend among armed groups became fragmentation. Military fragmentation and mutual distrust among local armed groups generated security dilemmas. The fragmentation of armed groups is partly due to the existence of the anti-government rebel groups which retreated to the DRC from neighboring countries. For example, FDLR is from Rwanda, LRA and ADF are from Uganda, and FNL is from Burundi. Therefore, the deployment of such foreign rebel groups has given the legitimate motives for the national armies of neighboring countries to invade in the DRC in pursuit of the rebels.

The second reason for accelerating the security dilemma in the DRC is the failure of the programs of the security sector reform (SSR) such as disarmament, demobilisation and reintegration (DDR). Essentially, the disarmament or demobilisation would be difficult where a number of war lords feel hostile to each other with mutual distrust. According to the report of the Multi-Country Demobilization and Reintegration Programme (MDRP), MDRP carried out the DDR programme in the DRC between 2002 and 2009. Although the MDRP successfully demobilised around 300,000 ex-combatants, reintegration efforts were much less successful (only 58% were reintegrated.) The report indicated that the government-led DDR programme was particularly ineffective. Some parts of DRC’s government managed to disrupt and delay the DDR effort.

A series of failed DDR contributed to a fragmentation of the political arena. Some of the political leaders resorted to armed groups as means of intimidating their rivals and enhancing their reputation as strongmen. This led to an escalation of violence due to a competition for political powers and patronage, which exacerbated security dilemmas.

The third reason accelerating security dilemma is the exploitation of natural resources

---

59 Jason K. Stearns and Christoph Vogel “The Landscape of Armed Groups in the Eastern Congo”, Congo Research Group, a publication by the Center on International Cooperation, New York University, December 2015, p. 7
60 Andre Kolln “DDR in the Democratic Republic of Congo: An Overview”, Report from Peace Direct, November 2011, p. 4
by armed groups. The DRC has boasted some of the richest mineral deposits of diamond, gold, coltan, uranium, tin, copper/cobalt and oil. In the DRC, the rebels’ primary motive has been to extract the maximum commercial and material benefits by exploiting the natural resources in the state. In fact, controlling over mining areas in the eastern provinces of the DRC has continued to shift between different independent armed groups and the national army of FARDC. However, in the absence of alternative income-earning opportunities in the formal economy, access to land and its natural resources is essential to the armed groups. Therefore, there have been brutal conflicts over grazing land.61 Furthermore, several mining companies in western countries have funded military operations conducted by the armed groups in exchange for lucrative contracts in the east of the DRC. The presence of unregulated mining operations in the DRC has negatively affected peace in the country.62 These conflicts are likely to continue until those natural resources with income-generating potential are better managed.

In the DRC, notorious commanders involved in illicit resource trade and taxation have not been arrested or summoned to the military courts, since some of them were ex-war lords who accepted integration into the FARDC. The DRC government has been reluctant to take firm action particularly against them fearing that this could lead to these former rebels defecting again.63

The forth reason accelerating security dilemma in the DRC is lack of will to terminate the conflicts by the parties concerned themselves. There is the existence of armed groups which encourage the continuance of belligerent situation for their survival in the DRC. For example, internal conflicts themselves in the DRC have become the self-purpose of FDLR for their deployment in its eastern province. Now, FDLR’s military capability has not been strong enough to capture their country Rwanda. Therefore, it is more convenient and legitimate for FDLR to “be parasitic” in the DRC where they engage in mining business and promote the belligerent situations.64

On the whole, the situation in the eastern DRC has seriously and typically suffered

---

61 Clementine Burmley, “Natural Resources Conflict in the Democratic Republic of the Congo: A Question of Governance?” Sustainable Development Law & Policy, Vol. 12, Issue 1
from security dilemma. In this circumstance, even if the third legitimate parties, such as the UN forces or the FIB, intervene in internal conflicts in order to neutralize the armed groups or to protect civilians, they are regarded simply as another party to conflict.

**The Political Wills of the International Community (an external factor)**

Peace enforcement and robust peacekeeping would be more likely to be successful and contributing to the following peace process if the international community indicates strong political wills for creating peace there. However, it would be difficult to conclude that strong political wills had been committed to the DRC from the international community. It can be recognized by the following grounds.

In fact, at the time of writing, MONUSCO is the largest UN peacekeeping operation in terms of both approved budgets and total uniformed strength, as can be seen from Table 2.

**Table 2. UNPKOs, their approved budgets (July 2015~June 2016) and total uniformed personnel (31 March 2016)**

<table>
<thead>
<tr>
<th>UN PKO</th>
<th>MINURSO</th>
<th>MINUSCA</th>
<th>MINUSTAH</th>
<th>MONUSCO</th>
<th>UNAMID</th>
</tr>
</thead>
<tbody>
<tr>
<td>state(area)</td>
<td>Western Sahara</td>
<td>CAR</td>
<td>Haiti</td>
<td>DRC</td>
<td>Darfur, Sudan</td>
</tr>
<tr>
<td>budget(USD)</td>
<td>53,190,000</td>
<td>814,066,800</td>
<td>380,355,700</td>
<td>1,332,178,600</td>
<td>1,102,164,700</td>
</tr>
<tr>
<td>personnel</td>
<td>232</td>
<td>11,846</td>
<td>4,899</td>
<td>18,637</td>
<td>17,402</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>UNPKO</th>
<th>UNDOF</th>
<th>UNIFICYP</th>
<th>UNIFIL</th>
<th>UNISFA</th>
<th>UNMIK</th>
</tr>
</thead>
<tbody>
<tr>
<td>state(area)</td>
<td>Golan</td>
<td>Cyprus</td>
<td>Lebanon</td>
<td>Abyei, Sudan</td>
<td>Kosovo</td>
</tr>
<tr>
<td>budget(USD)</td>
<td>51,706,200</td>
<td>52,538,500</td>
<td>506,356,400</td>
<td>268,256,700</td>
<td>40,031,000</td>
</tr>
<tr>
<td>personnel</td>
<td>813</td>
<td>1,063</td>
<td>10,598</td>
<td>4,542</td>
<td>16</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>UNPKO</th>
<th>UNMIL</th>
<th>UNMISS</th>
<th>UNOCI</th>
<th>MINUSMA</th>
</tr>
</thead>
<tbody>
<tr>
<td>state(area)</td>
<td>Liberia</td>
<td>South Sudan</td>
<td>Cote d'Ivoire</td>
<td>Mali</td>
</tr>
<tr>
<td>budget(USD)</td>
<td>344,712,200</td>
<td>1,085,769,200</td>
<td>402,794,300</td>
<td>923,305,800</td>
</tr>
<tr>
<td>personnel</td>
<td>3,745</td>
<td>13,490</td>
<td>5,347</td>
<td>11,948</td>
</tr>
</tbody>
</table>

(Source: Department of Peacekeeping Operations, the United Nations)

However, the strength of UN forces in the DRC has been rather small relative for its national size. The DRC’s national size, which is about 2,370,000 square kilometers, is as
large as the total size of Western Europe, and the total strength of MONUC and MONUSCO was less than 20,000 forces. It is considered rather small, compared, for example, to NATO-led IFOR (1995-96) whose strength was approximately 60,000 in Bosnia and Herzegovina whose national size was just about 50,000 square kilometers. In a similar light, UNTAC in Cambodia (1992-93), with about 181,000 square meters of its size, had about 20,000 troops, and UNTAET in Timor-Leste, with the national size of only 15,000 square kilometers, had about 10,000 troops. Compared with the above successful mission and its national size and military strength, MONUC and MONUSCO in the DRC had not collected strong international commitment and strong political wills. In reality, it is difficult for the UN to dispatch more than 20,000 peacekeeping forces to one host country since the total number of UN peacekeeping forces are roughly 100,000 every year. However, the insufficient number of UN forces would simply result in insufficient achievement however hard they engage in their missions.

Meanwhile, it is also true that since the Second Congo War, a number of peace agreements were reached in the DRC. For example, they are the Lusaka Ceasefire Agreement in 1999, the Pretoria Accord in 2002, Dar-es-Salaam Declaration on Peace, Security, Democracy and Development in the Great Lakes Region in 2004, the Nairobi Communiqué in 2007, the Peace Agreement in Goma in 2008 etc. However, Masako Yonekawa, a specialist on the conflicts in the DRC, pointed out that the above peace agreements were not realistic to implement since they marginalized the value of the peacemaking process in advance for peace-building. For example, the Pretoria Accord in 2002 was an agreement which was made between Rwanda and the DRC in an attempt to bring about an end to the Second Congo War. Rwanda agreed to the withdrawal of the estimated 20,000 Rwandan troops from the DRC in exchange for international commitment towards FDLR’s disarmament and return to Rwanda. However, the return of FDLR in the short term was unrealistic since FDLR had been deployed in the DRC since 1994 and some of them had become related by locals and others had been engaged in the business of natural resources in the DRC. Therefore, the international community prioritized the signing of peace agreements itself to working out the content of the agreements deliberately considering local situations. In fact, the Pretoria Accord lasted only five days, along with many other peace agreements established in the DRC. The breach of the agreements was partly due to the failure of creating penal regulations in the agreements by parties concerned and the international community.

Yonekawa’s argument of the marginalization of the peace-making process by the international community was recognized by its passive policy towards the serious issues of (un)justice and human rights violation in the DRC. In fact, the resolution of establishing the Truth and Reconciliation Commission had been adopted in the agreements in the DRC although it has not materialized. Needless to mention, the marginalization of justice issues by the international community has negatively influenced the protection of civilians by the UN missions on the operational field.

Conclusion:

In its Resolution 2211 (2015), Security Council promoted the exit strategy of MONUSCO including the FIB. Following Resolution 2211 (2015), the Secretary General also expressed his willingness to initiate a dialogue with the Congolese Government, which would greatly facilitate the transfer of responsibilities from MONUSCO from MONUSCO to the Government and the Mission’s exit. The UN peacekeeping operations in the DRC would follow the tragic cases of those of Somalia in 1993 and Rwanda in 1995. In all of the cases, the UN missions gave in to local or foreign armed groups and withdrew without significant achievement such as solving political and humanitarian issues. However, unlike the cases of Somalia and Rwanda, the UN has been committed to the Congo with robust mandates for a considerably long time, say, since 1999 (MONUC), or, it might be said, even since 1960 (ONUC).

The Congo has a long history of peace operations. It also provides a rare case to peacekeeping studies that all of the historical peace operations in the Congo included the robust mandates including peace enforcement and even combat operations as in the IEMF and the FIB. This paper also provided the cases of a number of short term military operations with the code names. Arguably, UN peace operations are likely to marginalize the long term strategies, focusing more on the short term tactics. In fact, the principle of improvisation has been one of the characteristics of traditional UN peace operations since the Hammarskjold period. However, the case of peace operations in the Congo has been the repetition of Chapter VI-led peacekeeping and Chapter VII-led peace enforcement for a half century. Thus, a lack of consistency have

---

66 Ibid.
enabled local and foreign armed groups to survive, which has made the mandates of civilian protections difficult to be implemented. Or the history of peace operations in the DRC convinces that the mixture of peacekeeping and peace enforcement and the sporadic combat operations in the limited areas would be ineffective and inappropriate for UN missions.

In addition to consistent mandates and strategies, the case of the Congo indicates the significance of eliminating the security dilemmas and gaining international political wills so that robust operations work properly. As in the case of the Congo, UN operations would be helpless to deal with a number of belligerent groups which are hostile to each other. Slow deployment and the reluctance to contributing troops from the member state were clear in the Congo. Especially, the more coercive and robust the UN mandates are, the quicker response and the greater political wills would be necessary. That was not the case in the Congo.

The case of peace operations in the Congo indicated the limitations of the pursuit of negative peace defined by Galtung. However, one cannot deny negative peace, which is the pursuit of “the absence of violence, absence of conflict, and absence of war” by peace enforcement and combat operations. One suggests how one can maximize it, although it would be very difficult missions as the case of the Congo indicated.