



**NAVAL  
POSTGRADUATE  
SCHOOL**

**MONTEREY, CALIFORNIA**

**THESIS**

**CIVILIAN PROTECTION IN THE EASTERN DRC: EVALUATION  
OF THE MONUSCO PEACEKEEPING OPERATION**

by

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March 2012

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<b>REPORT DOCUMENTATION PAGE</b>			<i>Form Approved OMB No. 0704-0188</i>
Public reporting burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instruction, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Washington headquarters Services, Directorate for Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302, and to the Office of Management and Budget, Paperwork Reduction Project (0704-0188) Washington DC 20503.			
<b>1. AGENCY USE ONLY (Leave blank)</b>	<b>2. REPORT DATE</b> March 2012	<b>3. REPORT TYPE AND DATES COVERED</b> Master's Thesis	
<b>4. TITLE AND SUBTITLE</b> Civilian Protection in the Eastern DRC: Evaluation of the MONUSCO Peacekeeping Operation		<b>5. FUNDING NUMBERS</b>	
<b>6. AUTHOR</b> Thomas F. Copeland		<b>8. PERFORMING ORGANIZATION REPORT NUMBER</b>	
<b>7. PERFORMING ORGANIZATION NAME(S) AND ADDRESS(ES)</b> Naval Postgraduate School Monterey, CA 93943-5000		<b>10. SPONSORING/MONITORING AGENCY REPORT NUMBER</b>	
<b>9. SPONSORING /MONITORING AGENCY NAME(S) AND ADDRESS(ES)</b> N/A		<b>11. SUPPLEMENTARY NOTES</b> The views expressed in this thesis are those of the author and do not reflect the official policy or position of the Department of Defense or the U.S. Government. I.R.B. Protocol number N/A.	
<b>12a. DISTRIBUTION / AVAILABILITY STATEMENT</b> Approved for public release; distribution is unlimited		<b>12b. DISTRIBUTION CODE</b> A	
<b>13. ABSTRACT (maximum 200 words)</b>  Since 2003 language mandating civilian protection (POC) has increasingly appeared in Security Council resolutions, peace support doctrine, and humanitarian frameworks. Despite the frequency of its use, the term lacks a universal definition and a clear gap exists between military operations that attempt to establish, introduce, and/or enforce "civilian protection" and humanitarian approaches to POC concepts. This thesis posits three metrics that should be used to evaluate the effectiveness of peacekeeping operations which aim to establish POC: rates of civilian massacres, rates of internally displaced persons, and incidents of sexual violence. These criteria share both military and humanitarian priorities. They also represent elements of conflict present in the eastern Democratic Republic of the Congo since at least 1998, and each must be reduced in order to establish a minimum standard for civilian protection in the country. The United Nations Organization Stabilization Mission in the Congo (MONUSCO) was charged with implementing POC in the eastern regions of the DRC beginning in 2008. This thesis considers the ability of MONUSCO to address each of the three POC metrics and shows that the mission has fallen short of achieving its mandate to instill minimum standards of civilian protection.			
<b>14. SUBJECT TERMS</b> Civilian Protection, Democratic Republic of the Congo, Peacekeeping Operations, Peace Support Operations, Humanitarian Language, MONUSCO, Civil-Military Relations		<b>15. NUMBER OF PAGES</b> 93	
		<b>16. PRICE CODE</b>	
<b>17. SECURITY CLASSIFICATION OF REPORT</b> Unclassified	<b>18. SECURITY CLASSIFICATION OF THIS PAGE</b> Unclassified	<b>19. SECURITY CLASSIFICATION OF ABSTRACT</b> Unclassified	<b>20. LIMITATION OF ABSTRACT</b> UU

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**CIVILIAN PROTECTION IN THE EASTERN DRC: EVALUATION OF THE MONUSCO  
PEACEKEEPING OPERATION**

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Submitted in partial fulfillment of the  
requirements for the degree of

**MASTER OF ARTS IN SECURITY STUDIES  
(STABILIZATION AND RECONSTRUCTION)**

from the

**NAVAL POSTGRADUATE SCHOOL  
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## **ABSTRACT**

Since 2003 language mandating civilian protection (POC) has increasingly appeared in Security Council resolutions, peace support doctrine, and humanitarian frameworks. Despite the frequency of its use, the term lacks a universal definition and a clear gap exists between military operations that attempt to establish, introduce, and/or enforce “civilian protection” and humanitarian approaches to POC concepts. This thesis posits three metrics that should be used to evaluate the effectiveness of peacekeeping operations which aim to establish POC: rates of civilian massacres, rates of internally displaced persons, and incidents of sexual violence. These criteria share both military and humanitarian priorities. They also represent elements of conflict present in the eastern Democratic Republic of the Congo since at least 1998, and each must be reduced in order to establish a minimum standard for civilian protection. The United Nations Organization Stabilization Mission in the Congo (MONUSCO) was charged with implementing POC in the eastern regions of the DRC beginning in 2008. This thesis considers the ability of MONUSCO to address each of the three POC metrics and shows that the mission has fallen short of achieving its mandate to instill minimum standards of civilian protection.

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## LIST OF ACRONYMS AND ABBREVIATIONS

AU	African Union
DDR	Disarmament Demobilization and Reintegration
DRC	Democratic Republic of the Congo
ESDP	European Security Defense Policy
GBSV	Gender-Based Sexual Violence
ICISS	International Commission on Intervention and State Sovereignty
ICRC	International Committee of the Red Cross
IHL	International Humanitarian Law
IDP	Internally Displaced Person
IO	International Organization
JWP 3–50	United Kingdom Joint Warfare Publication 3–50 (2004): <i>National Doctrine on The Military Contribution to Peace Support Operations</i>
MOD	Ministry of Defense
MONUC	United Nations Organization Mission in the Democratic Republic of the Congo
MONUSCO	United Nations Organization Stabilization Mission in the Democratic Republic of the Congo
MSF	Medecins Sans Frontières
NGO	Non-governmental Organization
NATO	North Atlantic Treaty Organization
OCHA	UN Organization for the Coordination of Humanitarian Affairs
PK	Peacekeeper
PKO	Peacekeeping Operation
POC	Protection of Civilians
PSO	Peace Support Operation
SC	Security Council
SGBV	Sexual and Gender-Based Violence
UN	United Nations
UNFPA	United Nations Population Fund

UNHCR United Nations High Commissioner for Refugees  
UNICEF United Nations Children's Fund

## **ACKNOWLEDGMENTS**

I would like to thank Professors Arturo Sotomayor and Jessica Piombo for their expertise through the thesis-drafting process. I am grateful for their academic insight, their diligence both inside and outside the classroom, and their willingness to work with me overseas. For their wisdom, tutelage and support, I also extend my gratitude to Deputy Director of the Cebrowski Institute Sue Higgins; Associate Provost Paula Jordanek; Provost Leonard Ferrari; and June Gorman, a friend and life-long educator.

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# I. INTRODUCTION

## A. BACKGROUND

War in the Democratic Republic of the Congo (DRC) has persisted at a brutal, intermittent pace for the better part of two decades. So too have international peace building efforts. These have focused on bringing the violent conflict to a close, restoring state capacity, and implementing sustainable democratic reforms. This paper focuses on work undertaken by the United Nations peacekeeping mission in the Congo to fulfill one crucial aspect of its mandate, the protection of civilians (POC).

The Security Council (SC) approved Resolution 1291 in 2000, creating the United Nations peacekeeping mission in the Congo (MONUC), which was subsequently renamed United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) after approval of SC Resolution 1925 (2010).<sup>1</sup> Since 2008, the MONUC-MONUSCO operation has been charged with the task of protecting civilians.<sup>2</sup> It is just the second UN peacekeeping operation (PKO) authorized to use force in extending protection to civilians, and it is unlikely to be the last.<sup>3</sup> Therefore, it is critical to understand what is meant by the concept *civilian protection*—a rhetorical term commonly employed by media outlets, policy experts, Non-governmental Organizations (NGOs), and the UN itself. Furthermore, it is necessary to know *how to determine* whether a peacekeeping operation fulfills its mandate of providing POC. What tools exist to test the ability of PKOs to implement POC? This question is asked because it helps frame a measurable hypothesis. Rather than attempting an impossibly broad investigation of the tools available to evaluate POC, and an even more contentious debate that attempts to finalize a universal POC definition, this thesis will consider aspects of the POC dilemma through the lens of a case study on the Democratic Republic of the Congo. The

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<sup>1</sup> United Nations Security Council Resolution 1925 (2010).

<sup>2</sup> United Nations Security Council Resolution 1856 (2008).

<sup>3</sup> United Nations Security Council Resolution 1509 (2003); United Nations Security Council Resolution 1528 (2004); United Nations Security Council Resolution 1590 (2005); United Nations Security Council Resolution 1769 (2007); Alex J. Bellamy, “The Responsibility to Protect and the Problem of Military Intervention,” *International Affairs* 84, no. 4 (2008): 636.

central question of this thesis asks whether or not UN Peacekeepers in the country provide civilian protection. Does the MONUSCO mission meet its mandate and adequately protect civilians in the eastern DRC?

## **B. SIGNIFICANCE**

The ability to protect civilians in the eastern Congo carries an array of policy implications at both local and international levels. Experts have shown that civilian protection is important because it is necessary to build any form of “sustainable peace,” a keystone for the development of any central government.<sup>4</sup> This is especially true in Africa where civil wars have taken the lives of millions and state fragility leads to the cascading effects of poverty, displacement, and physical insecurity.<sup>5</sup> However, there is little consensus surrounding the definition of civilian protection. This paper will therefore contribute to the growing body of knowledge on the capabilities of the international community to extend protection to civilians in so-called “failed state” environments.

More specifically, this work should provide a valuable contribution to the study of the current peace operation in the Congo. First, by outlining civilian protection tasks, it submits a mechanism for measuring one of the most ambiguously defined, but arguably important, aspects of the mission.<sup>6</sup> Second, it looks at recent data from the Congo and tests it against a set of metrics to evaluate POC effectiveness. In this capacity, the paper also supports work conducted at a policy level within the United Nations—if findings suggest the mission fails to protect civilians, experts should use this data to determine if recent Security Council resolutions that contain similar POC language are too broad.<sup>7</sup>

Finally, the thesis also adds to the larger study of peacekeeping operations as it provides a definition for civilian protection that can be critiqued and compared to other

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<sup>4</sup> Victoria Holt et al., *Protecting Civilians in the Context of UN Peacekeeping Operations* (New York: DPKO/OCHA, November 2009), 4–7.

<sup>5</sup> Paul D. Williams, *Enhancing Civilian Protection in Peace Operations: Insights from Africa* (Washington DC: National Defense University, 2010), 2–5.

<sup>6</sup> Holt et al., *Protecting Civilians*, 285–286.

<sup>7</sup> In addition to the DRC, ongoing missions in Haiti, Sudan, Central African Republic, and Liberia are charged with protection of civilians.



case studies. Additional research can analyze the utility of the definition outside of the DRC and measure its applicability to other PKOs. These broader lessons are important to the discourse on Chapter VI and Chapter VII peacekeeping operations and humanitarian intervention.

### **C. HYPOTHESIS**

This thesis advances the claim that MONUSCO has not extended adequate civilian protection to the eastern Congolese population. In doing so, it considers two opposing hypotheses. Hypothesis 1: MONUSCO has failed to protect civilians in the eastern DRC. Hypothesis 2: MONUSCO has succeeded in protecting civilians in the eastern DRC provinces.

In order to test these hypotheses, this study examines the effect MONUSCO played in mitigating three criteria of violence that undermine civilian protection: *rates of civilian deaths by militant attacks*, *rates of internally displaced persons (IDPs)*, and *occurrences of sexual violence*. The selection of these criteria deserves further explanation and will be addressed and defended in Chapter II; however, three reasons can be succinctly summarized here. First, these criteria encompass both military and humanitarian conceptions of POC. They do not comprehensively address the humanitarian-military divide that complicates the task of defining civilian protection, but they do account for the core principles espoused by both schools. Second, the criteria are measurable. Recent research conducted by public health officials, medical experts, legal scholars, international monitoring agencies (including UN bodies), and political scientists provides sufficient data by which to test each criterion. A discussion about methodology follows and further outlines the data that was selected and omitted from the study. Third, the standards are applicable to other case studies. A spike in civilian death tolls, mushrooming IDP populations, and sexual violence are characteristic of civil war and protracted conflict. These criteria of violence can be measured in future case studies that contrast with the eastern Congolese environment. In conclusion, these metrics might not exhaust the definitional problems of POC, but they address major arguments presented by

both military and humanitarian communities. They are also easy to employ in the definition this thesis proposes for civilian protection, and their utility can be further evaluated in future research.

#### **D. METHODOLOGY**

This analysis conducts a case study on the ability of peacekeepers to protect civilians in the eastern Congo—principally North Kivu, South Kivu, and the Ituri provinces. The case study methodology is appropriate because the universe of cases available to examine civilian protection in peacekeeping operations is narrow but growing. Historically, POC was not explicitly mandated in Security Council resolutions, but this trend has been abandoned in recent years with resolutions concerning women and children as well as conflicts in Sudan, DRC, and Cote d’Ivoire taking up the issue of civilian protection.<sup>8</sup> To address civilian protection, the thesis first presents an overview of POC literature and then establishes a definition for the purpose of the study. The definition relies on the three criteria outlined above.

Data for measuring these criteria are derived from several sources. First, major findings rely on epidemiological data examining the effects of death from violence in the eastern DRC that have been published since 2006. These include qualitative analyses conducted by medical researchers and public health officials, as well as studies conducted by major research universities and academic institutions compiling first-hand incident data. Second, statistics gathered by the United Nations contribute data on IDP and refugee populations, rates of sexual violence, and number of deaths per annum. Third, recent international trials and arrest warrants stemming from war crimes committed in the Congo have produced a set of legal case documents that are invaluable for their objectivity and statutory basis. Fourth, NGOs working in the eastern region of the country have published reports that contain measurable information about the effects of violence. This work includes initial assessments, population interviews, and qualitative analysis of the target population. Where possible, multiple sources are used to evaluate

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<sup>8</sup> S/RES/1590 (2005); S/RES/1769 (2007); S/RES/1856 (2008); United Nations Security Council Resolution 1889 (2009); United Nations Security Council Resolution 1960 (2010); United Nations Security Council Resolution 1991 (2011).

the same criterion. To avoid sample bias, United Nations documents are not used as a principal source if another publication cannot be used to cross-reference an unorthodox or contentious finding. This is especially true of United Nations Department of Peacekeeping Operations (UNDPKO) documents. The potential for selection bias is substantial if UN documents are considered in isolation. However, it is worth noting that UN publications can be an equally valuable method of comparative analysis for studies produced by humanitarian organizations.

A potential shortcoming of the project is that no research was done in country. Nevertheless, extensive demographic and first-hand research on the eastern Congo has been published in each of the operational topic areas identified in the definition.<sup>9</sup> These publications are recent, peer reviewed, and highly credible. Moreover, they incorporate data from other fields, namely medicine and public health. In particular, these epidemiological studies improve the analysis of a crucial dependent variable, incidents of sexual violence, a crime that is often under-reported and difficult to assess, especially in the developing world.<sup>10</sup> Additionally, the recent court cases of high-level officials who are accused of war crimes in the DRC provide invaluable insight because of their legal scrutiny and relative objectivity. Therefore, any data that could have been collected in country has been augmented by extensive research that is current and peer reviewed by leading experts in a range of professional fields. This thesis fills a gap in the literature by cumulatively assessing a range of POC factors to determine if MONUSCO's comprehensive efforts to curb civilian violence have been successful across a continuum of POC needs identified by military and humanitarian groups.

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<sup>9</sup> Kirsten Johnson et al., "Association of Sexual Violence and Human Rights Violations with Physical and Mental Health in Territories of the Eastern Democratic Republic of the Congo," *Journal of American Medical Association* 304, no. 5 (August 2010): 553–562; Lawry et al., *American Journal of Public Health* (May 2011); Vinck et al., *Living With Fear: A Population-based Survey on Attitudes About Peace, Justice, and Social Reconstruction in Eastern DRC* (Berkeley: Human Rights Center, 2008).

<sup>10</sup> Letita Anderson, "Politics by Other Means: When does Sexual Violence Threaten International Peace and Security?" *International Peacekeeping* 17, no. 2 (April 2010): 244–249.

## E. DEFINING CIVILIAN PROTECTION

Two levels of problems exist in regard to the problem of civilian protection conducted by peacekeepers. One is theoretical and definitional, pertaining to what is *meant* by civilian protection. The second is operational. Essentially, once POC is understood, how is it implemented by peacekeepers? What mechanisms can measure the success or failure of peacekeepers? This paper addresses critical aspects of both problems, first by proposing a definition, and then by using measurable criteria from the definition to test the success of the MONUSCO peacekeeping operation.

*Civilian protection* is a seemingly straightforward denotation, but in actuality it conveys starkly different meanings to different audiences. Media articles often employ the term to describe violence committed against hapless and anonymous local populations.<sup>11</sup> Security Council resolutions are quite clear that civilian protection also refers to humanitarian aid workers, especially those employed by the United Nations and international NGOs whose efforts are coordinated alongside MONUSCO.<sup>12</sup> To address this divide, Chapter II explores existing scholarship that advances metrics for evaluating the effectiveness of peacekeepers and Chapter III incorporates these metrics into an analysis of the hypothesis and then analyzes POC, or its missing components, in the eastern DRC.

This thesis defines “protection of civilians” as *the prevention of civilian massacres, internal displacement, and systematic or recurring sexual violence in accordance with broader principles established in the Geneva Conventions and international humanitarian law*. Chapter II substantiates reasons for adopting this definition, the most important of which is the incorporation of humanitarian language and operational tasks that should be employed by peacekeepers to mitigate violence. In many ways, the definition is minimal. This is purposeful because the language must correlate with mandates established in increasingly varied Security Council resolutions. A purpose of the paper—and a viable POC definition—is to elucidate the dilemma of extending

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11 Alan Greenblatt, “Suffering in the Congo ‘Seems to be Anonymous,’” *NPR*, 6 April 2011.

12 Katarina Williams, “Use of Force and Civilian Protection: Peace Operations in the Congo,” *International Peacekeeping* 12, no. 4 (Winter 2005): 507–515.

protection *to* civilians *by* peacekeepers. More specificity risks convoluting the study whereas this definition addresses operational outcomes of violence that are generally held to be unacceptable by both state militaries and the humanitarian community while remaining broad enough to allow for context-specific factors. Future research might address the universality of the definition by analyzing more case studies to determine whether these elements are suitable for gauging civilian protection in different operations.

In establishing a definition for civilian protection, I admit an underlying assumption into the study, a POC definition. While this inevitably presents several problems, it provides greater opportunities to explore language and concepts increasingly employed by the international community, humanitarian workers, and various militaries. The unprecedented amount of resources and the civil-military efforts contributed to the MONUSCO mission present a POC case study that will benefit from another draft definition, rather than be obscured by it. A working definition also presents a point of departure for future research and fills a gap in the existing literature.

## **F. OVERVIEW**

This thesis analyzes both civilian protection and the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo. Chapter II explores various interpretations of civilian protection. It posits a brief history of the concept of “the civilian” as a component of the Westphalian state system. In this review of the major literature that concerns definitional problems relating to POC, distinctions between military terminology and humanitarian language are outlined. This chapter also defends the definition for civilian protection employed in this thesis. A set of metrics proceeds from the definition, establishing a framework for evaluating the effectiveness of MONUSCO at providing civilian protection. Together, the framework and definition advocate a set of minimum standards for POC and commits to an underlying assumption about what is meant by the vaguely defined term.

Chapter III tests the hypotheses established in this project to determine whether MONUSCO fulfils its mandate to protect civilians in the eastern DRC. This is done by comparing the three metrics put forward in the working POC definition (mass killings,

sexual violence and IDPs) based on recent reports, published academic articles, peer-reviewed literature, and UN documents.

Chapter IV summarizes significant outcomes of the findings with an analysis that explores operational and design difficulties of ensuring POC. Areas for future research are also identified. These are relevant to discussions on policy implications and recommendations presented in the conclusion of the chapter.

## II. HISTORICAL ROOTS AND DEVELOPMENT OF CIVILIAN PROTECTION

### A. INTRODUCTION

The literature on post-cold War peacekeeping operations is extensive and has generally splintered into several camps. Scholarship on civilian protection is bit more focused. Broadly speaking, its divisions occur along humanitarian and military scopes of practice. Norms vary from organization to organization among humanitarian circles. This is also true across communities, governments, and numerous stakeholder groups.<sup>13</sup> Although UN Security Council resolutions employ the term “civilian protection” with greater and greater frequency, the concept is defined on an ad hoc basis—if at all—by peacekeeping operations. Further complicating the term, POC definitions outlined by military hierarchies typically differ from those adopted by the NGO community. In a review of NATO, UK, OSCE, and UN doctrines, Siobhan Wills, a POC scholar in the UK writes, “The approach to troops’ obligations with regard to the protection of civilians is far from consistent across the various doctrines.”<sup>14</sup> Consensus is split as to whether or not this arrangement is beneficial.<sup>15</sup> On one hand it provides an important space for humanitarian workers that is separate from militaries and combatants. It also complicates lines of communication and coordination efforts in spheres that are increasingly occupied by both actors.

This chapter outlines major arguments in each field. First, it presents military frameworks for POC. Second, it traces the development of civilian protection among international institutions, including the UN. Then, it synthesizes the critiques that are most useful for an operational understanding of POC, especially as it applies to the

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<sup>13</sup> Siobhan Wills, *Protecting Civilians: The Obligations of Peacekeepers* (Oxford: Oxford University Press, 2009), 66–81.

<sup>14</sup> *Ibid.*, 79.

<sup>15</sup> Damian Lilly, “Peacekeeping and the Protection of Civilians: An Issue for Humanitarians?” *Humanitarian Exchange Magazine* 48 (October 2010).

ongoing work of MONUSCO. Finally, this chapter presents the definition used for protection of civilians in this thesis and defends its merits as well as acknowledges two potential drawbacks.

## **B. MILITARY APPROACHES TO POC**

Military components of civilian protection inherently focus on securitized aspects of mission goals. That is, military definitions of POC are extremely task-oriented. These tasks include cantonment, patrols, de-mining, and the provision of security necessary to ensure travel, habitation, delivery of supplies, and a host of stabilization activities.<sup>16</sup> Such duties, when compared with those fulfilled by humanitarian organizations focusing on a separate, but equally important, aspect of reconstruction obviate a disconnect between the goals of military forces providing civilian protection and the goals of aid workers striving for the same chief ends in the same environment. These endeavors are not necessarily in conflict with one another; however, when they elide at a tactical level, they are not always harmonized at a theoretical and policy level. In turn, this complicates how organizations define civilian protection, how they translate sector-specific language to one another, and how they coordinate in the field.

POC is often understood from the perspective of what kinetic tasks a military force should carry out in order to establish civilian protection.<sup>17</sup> Therefore, POC might include or precipitate security sector assistance (SSA) elements such as police reform, rule of law, and human rights protections. These SSA reforms are necessary to stabilize long-term civilian protection. Increasingly, they transpire at the intersection of civilian governance and military operations. Despite the need for functional civil-military cooperation, the two professions do not always work in simpatico, and the brunt of civil-military failures are often attributed to military shortcomings.

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16 B. Austin, M. Fischer, H.J. Giessman, eds., *Advancing Conflict Transformation: The Berghoff Handbook II*, (Opladen: Barbara Budrich Publishers, 2011), 505–511.

17 Victoria Holt, “The Military and Civilian Protection: Developing Roles and Capacities,” in *Resetting the Rules of Engagement: Trends and Issues in Military-Humanitarian Relations*, ed. Victoria Wheeler and Adele Harmer (London: Overseas Development Institute, 2006), 53–56; see also: “Report of the Secretary-General on the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo,” 17 January 2011.



Reasons for this civil-military schism can be presented in a number of formats, and it is valuable to briefly outline two major arguments. First articulated over fifty years ago, they still inform today's discourse on civilian-military relations. Classically, Huntington emphasizes the objective division between military and civilian functions where Janowitz advocates for an integrative professional military imbedded in the education, social, and political strata of civilian and military spheres.<sup>18</sup> The argument is often described in purist versus pragmatist terms. Darrell W. Driver, an International Affairs Fellow at the Council on Foreign Relations and a United States Army Colonel, reiterates the significance of the purist-pragmatist divide and its effect on POC strategy today. In his review of the European Security Defense Policy (ESDP), he formulates the divisions along these purist-pragmatist lines, arguing the North Atlantic Treaty Organization (NATO) and the European Union (EU) will continue to struggle with POC duties because the Huntington-Janowitz division has only become more intractable in the last two decades.<sup>19</sup> Recent debate in peacekeeping policy circles has not settled this argument—although robust scopes of practice in military doctrine, when operationalized, often favor more liberal ideas espoused by Janowitz than the realist model put forward by Huntington.<sup>20</sup> For instance, a pragmatist approach to military doctrine helps explain the evolution from a purist conception of the military (one in which the military is only used to protect the state) to more dynamic roles in complex operations, stability operations, and humanitarian assistance.<sup>21</sup> Recently, this has been characterized by "...the erosion of some traditional peacekeeping principles that have proved ineffective in the type of operations in which forces have been deployed, and also from the uncertain legal status of some interventions that have been undertaken without Security Council

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18 Samuel Huntington, *The soldier and the State The Theory and Politics of Civil-Military Relations* (Cambridge: Belknap Press, 1957), 80–85; Janowitz, Morris, *The Professional Soldier: A Social and Political Portrait* (New York: Free Press, 1960), 417–420.

19 Darrell Driver, "Pragmatic Approach to Civil-Military Partnerships," *per Concordiam* 1, no. 4 (January 2011): 12–18.

20 *Ibid.*, 14.

21 *Responsibility to Protect*, International Commission on Intervention and State Sovereignty (ICISS), Ottawa: December 2001, 11–12.

authorization.”<sup>22</sup> This type of deployment, described by Wills as the “uncertain legal status of some interventions,” refers to missions justified under the Responsibility to Protect (R2P) doctrine whereby civilian protection occasionally supersedes the rights of a state.<sup>23</sup> This evolution in military and humanitarian schools of thought, which includes R2P and the expansion of humanitarian scopes of practice within military structures, will be taken up in the next section.

Other authors comment on the integration of the military in the civilian world, recognizing that isolated military institutions will not build the international solidarity necessary for the provision of human security and the establishment of POC minimum standards.<sup>24</sup> As modernization continues to transform global security dimensions, it is necessary that officers possess bureaucratic and political skills commensurate with civilians in order to achieve success in field operations.<sup>25</sup> Janowitz cautions against using the military as a police force; however his constabulary model might be dynamic enough to incorporate peace-building operations into the purview of the citizen-soldier.<sup>26</sup> Peacekeeping and state-building require a complex understanding of civil-military relations. Adequate security must be imposed, but officers must also exhibit a degree of finesse and deal regularly with civilian bureaucracies, humanitarian agencies, and local populations. An officer with experience in the civilian world will possess skills useful in these cross-cultural operations that have both military and political ramifications.

International and regional organizations, including the United Nations, pool troops and resources before deployment in peace support operations (PSOs). Because of the shared resources and multilateral troop contributions, mandates are often unspecific in their goals. Additionally, divergent foreign policies sometimes water down language in mandates or generalize rather than specify the function of militaries in providing

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<sup>22</sup> Wills, *Protecting Civilians*, 79.

<sup>23</sup> *Responsibility to Protect*, ICISS, 13–15.

<sup>24</sup> For example, see Michael C. Desch, *Civilian Control of the Military: The Changing Security Environment* (Baltimore: Johns Hopkins University Press, 2001); Peter D. Feaver, *Armed Servants: Agency, Oversight, and Civil-Military Relations* (Cambridge: Harvard University Press, 2005).

<sup>25</sup> *Ibid.*, 3.

<sup>26</sup> Janowitz, *Professional Soldier*, 420.

protection.<sup>27</sup> In regards to POC, regional and international organizations focus on preparation or pre-emptive kinetic activities. For instance, major reviews of POC by NATO have focused on civilian protection in disaster response and counter-terrorism initiatives.<sup>28</sup> The African Union (AU) abandoned its predecessor's non-intervention strategy and adopted a policy of non-indifference.<sup>29</sup> This focus on planning and preparation without first giving adequate attention to a definition for civilian protection has undermined the historical debate surrounding the protection of non-combatants and the role of the military in providing security outside of specific security sector reform tasks. Before further considering recent doctrine, it is worthwhile to outline significant changes in humanitarian efforts to protect civilian populations.

## **C. HUMANITARIAN APPROACHES TO POC**

### **1. History**

Civilian protection is generally considered to fall under the responsibility of the state. The Geneva Convention Relative to the Protection of Civilians in Time of War, often called the Fourth Geneva Convention (1949), builds on the earlier Hague Conventions (1899 and 1907) and admonishes state actors to protect civilians from atrocities of war—essentially, it reserves violence only for combatants.<sup>30</sup> Furthermore, the Convention, its protocols, and legal critiques of POC implementation tend to place blame on the state, rather than the soldier, for POC violations. This is true even when operations are contiguous with civilian elements who might suffer from “collateral” violence. For instance, the inability of U.S. soldiers to distinguish between combatants and civilians during the Vietnam War is usually attributed to senior level policy failures

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<sup>27</sup> UN Press Release: Special Committee on Peacekeeping Operations: 219th and 220th Meetings (23 February 2011).

<sup>28</sup> “NATO and Civil Protection,” Parliamentary Assembly 166 CDS-06 E, North Atlantic Treaty Organization, 2006.

<sup>29</sup> Linnea Bergholm, “The African Union, the United Nations, and Civilian Protection Challenges in Darfur,” in *Working Paper Series No. 63*, Refugee Studies Center (Oxford: Oxford University, May 2010), 8–9.

<sup>30</sup> Geneva Convention Relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention), International Committee of the Red Cross (ICRC), 12 August 1949.

—criminality falls on the state.<sup>31</sup> “The conclusion must be that the burden of responsibility for protection of civilians rests not solely with the combat soldier but in large measure with those who decide to prosecute a conflict in which a distinction between the enemy and the civilian cannot adequately be made.”<sup>32</sup> This summation properly outlines the greatest difficulty of POC today: the nature of war in many conflicts renders a black and white description of the combatant and the civilian nearly impossible.

To consider modern-day conflict, a phenomenon that has taken on particularly intra-state characteristics since the end of the Cold War, Martha Finnemore provides an important introduction. Without actually referring to the term “civilian protection” in *Constructing Norms of Humanitarian Intervention*, she synthesizes various conceptions of “humanity” since the 19th century. She shows that the development of humanitarian intervention grew from a narrow understanding during the Greek War for Independence—where Greek Christians were deemed worthy of humanitarian assistance and Muslim Turks were not—to a broad and universal appreciation for equality and human rights.<sup>33</sup> Crucial to Finnemore’s constructivist argument is the *normative* development of the concept of humanity. The normative evolution of “the humanity” gave rise to the need for multilateralism as a tool to prevent human rights abuses and deliver humanitarian assistance to at-risk populations.<sup>34</sup> Finnemore is a useful starting point in the POC study because she presages the dilemma of a definition and points to its importance for future research, in many ways drawing an indicator to the current gap in the literature on civilian protection. “International organizations such as the UN play an important role in both arbitrating normative claims and structuring the normative discourse over colonialism, sovereignty and humanitarian issues. Changes in norms create only permissive conditions for changes in international political behavior.”<sup>35</sup>

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31 Richard Shelly Hartigan, *Civilian Victims in War: A Political History* (Chicago: Precedent Publishers, 2010), 5–6.

32 *Ibid.*, 7.

33 Martha Finnemore, “Constructing Norms of Humanitarian Intervention” in *The Culture of National Security*, ed. by Peter J. Katzenstein (New York: Columbia University Press), 162–164.

34 *Ibid.*, 181–185.

35 *Ibid.*, 185.

Finnemore declares that an opportunity exists for international organizations to expand multilateral efforts in humanitarian intervention—a prospect, not a mandate, for civilian protection.

## 2. Post-Cold War Opportunities

The post-Cold War era transformed the geopolitical map and opened new possibilities for civilian protection. As Finnemore advised, the end of bipolar global politics increased opportunity for multilateral arrangements. Additionally, the increasing prominence of non-governmental organizations strengthened capacity for civilian protection. However, the decline of interstate war and the spike in intra-state conflict also necessitated greater protections for civilian populations from belligerents as local groups often suffer the greatest threat from violence during civil conflict.

A plurality of factors complicates such intervention. The two most glaring obstacles are the principle of state sovereignty and the operational capacity required for intervention. Violence stemming from the intricacies of these issues was painfully observed twice in the mid 1990s. The first was the Rwanda genocide of 1994 where 800,000 Tutsis and Hutu moderates were slaughtered. A year later, the worst instances of ethnic cleansing in Europe since World War II left 8,000 Bosnian boys and men killed at Srebrenica.<sup>36</sup> In both cases, the UN cited concerns about both state sovereignty and the right of peacekeepers to prevent civilian massacres as primary reasons that the atrocities were not prevented.

Even if the problem of sovereignty had been better managed, operational shortcomings would have confounded the likelihood of mission success. PKOs in both countries lacked adequate funding, resources, and political attention.<sup>37</sup> In response to these institutional failures, the Canadian government established the International Commission on Intervention and State Sovereignty (ICISS). In 2001, the body introduced

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<sup>36</sup> Holt, *Military and Civilian Protection*, 53–54.

<sup>37</sup> Michael Barnett, *Eyewitness to a Genocide: The United Nations and Rwanda* (Ithaca: Cornell University Press, 2002), 11–12, 40; Robert F. Baumann, George W. Gawrych, and Walter e. Kretchik, *Armed Peacekeepers in Bosnia* (Fort Leavenworth: Combat Studies Institute Press, 2004), 48–49.

the Responsibility to Protect (R2P) doctrine and dramatically shifted the current discourse on humanitarian intervention and peace support operations (PSO).

Responsibility to Protect transformed peacekeeping operations and humanitarian intervention because it challenged traditional conceptions about sovereignty and the state. Introduced to the General Assembly in 2005 and unanimously endorsed by all members of the Security Council in 2006, R2P advanced the claim that while states have *rights*, they also have *obligations*.<sup>38</sup> This constructivist notion breaks from the theoretical foundation that the state is primary to the individual and asserts that the ideal of human rights is on par with the principle of state sovereignty, or at least not secondary to it.<sup>39</sup> It builds on preceding generations of Hague and Geneva conventions and advocates the position that the international community has a responsibility to intervene in a timely fashion to prevent genocide and other human rights atrocities if a state is unwilling or unable to do so. Instances that would require international intervention include: genocide, war crimes, crimes against humanity, and ethnic cleansing.<sup>40</sup>

Several problems with R2P implementation remain unresolved. A major complication is predictability. What warning mechanism will foresee the next genocide, and will states adhere to its predictions? In addition to the problem of anticipation, R2P proposes a sweeping agenda. Its aspiration to provide universal protection to suffering civilian populations is extremely ambitious. The potential for intervention is not only great, but its interpretation is likely to vary from country to country. “The moral ideals of treating all harms to civilians equally, of being willing to respond to the most serious abuses with force (both for effect and a sense of justice), and of extending the legitimate rule of a state are not likely to all point in the same direction.”<sup>41</sup>

Furthermore, R2P is clear about the expeditious requirement of effective prevention: belligerents must not carry out war crimes. How can this be operationalized?

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<sup>38</sup> Alex J. Bellamy, “The Responsibility to Protect and the problem of military Intervention,” *International Affairs* 84, no. 4 (2008): 615–19.

<sup>39</sup> *Responsibility to Protect*, ICISS, 2–14.

<sup>40</sup> *Ibid.*, 33.

<sup>41</sup> Daniel H. Levine, “Civilian Protection and the Image of the ‘Total Spoiler’: Reflections on MONUC Support to Kimia,” *CISSM Working Paper* (October 2010): 16.

Time is a crucial variable. Is a standing, international reserve force necessary to the doctrine's success? R2P obviously expands some of the major complications associated with civilian protection; however, it does not account for many of its operational difficulties, and perhaps it creates more of them.

One prospect for addressing the R2P debate is simply to acknowledge the influence the doctrine has had on both the theory and rhetoric that surrounds peace operations and humanitarian intervention. From the highest echelons of the Secretariat and the Security Council to the most junior peacekeeper in the field, the phrase "responsibility to protect" permeates the discourse. This shows a marked evolution in PKO theory.<sup>42</sup> Regardless of the legality of the principle, or the ability of the UN and international community to uphold and implement its idyllic standards, we very much live in a post-R2P world.

#### **D. CURRENT DEFINITION DEBATES**

The previous section briefly considered the early development of humanitarian norms and observed very general components of the civilian-military divide. It is now possible to further explore the division between the two communities by looking at their attempts to define civilian protection. This is accomplished by a discussion of military doctrine on PSOs followed by an analysis of frameworks put forward by various humanitarian agencies. Finally, efforts undertaken by the United Nations, especially the DPKO, to address civilian protection are analyzed.

##### **1. Military Definitions**

The POC problem is exacerbated by the near total absence of a definition for civilian protection in state military structures. Most states do not define POC. However, since at least 2000, many have designated considerable attention to "peace support

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<sup>42</sup> Roger Cohen, "African Genocide Averted," *New York Times* 7 March 2007; see also Bellamy, "Responsibility to Protect," 615- 617.

operations.”<sup>43</sup> Often this has appeared in the form of new doctrine. Regional organizations have also undertaken doctrinal reviews of PSOs. To date, PSO doctrine falls short of clarifying civilian protection, but it is useful for cohering the effects that recent developments in R2P have had on humanitarian intervention in theory and the observable changes in POC efforts for victims of violence.

To address humanitarian intervention and other non-traditional operations, the United Kingdom Ministry of Defense (MOD) published the Joint Warfare Publication 3–50 (JWP 3–50) in 2004. It defines a *peace support operation* as:

An operation that impartially makes use of diplomatic, civil, and military means, normally in pursuit of United Nations Charter purposes and principles, to restore or maintain peace. Such operations include conflict prevention, peacemaking, peacekeeping, peacebuilding and/or humanitarian operations.<sup>44</sup>

The Joint Warfare Publication outlines the UK program for peacekeeping operations. Because they are often domestic responses to UN initiatives, these missions increasingly call for civilian protection. Unfortunately, the term “civilian protection” does not appear in the doctrine. In fact, the MOD concludes that looseness in interpretation will benefit military actors. “Flexibility is required to avoid actors’ thinking being unnecessarily constrained by terminology.”<sup>45</sup>

While the creative faculties that a “flexibility” in terminology might produce appear useful at first glance, the omission of a POC definition has had disastrous consequences in the past. For example, the number of fatalities suffered by noncombatants in Rwanda, Sudan and the DRC number in the hundreds of thousands. In each case, civilian protection was called for, but not defined by, UN peacekeeping

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<sup>43</sup> The most concise outline for a peace support operation was provided by Major General Wilson of the UK Royal Marines after he completed a tour as Chief of Staff for the NATO-led Kosovo Force; he described PSO as “the application of state power to direct or facilitate the movement of the social, economic, and political affairs of others in the direction that the intervening states think they should go.”

<sup>44</sup> Ministry of Defense UK, Development, Concepts and Doctrine Centre, *UK National Doctrine Joint Warfare Publication 3–50: The Military Contribution to Peace Support Operations* (MOD Shrivenham 16 April 2008): Glossary-6.

<sup>45</sup> *Ibid.*, 122.



operations.<sup>46</sup> A PSO supports UN peacekeeping missions and therefore *relies* on Security Council resolutions to outline the scope of an operation and its definitional terms. Without an agreed upon definition from the Security Council or the JWP-350, the UK lacks adequate structure and guidance for protecting civilians.

On the whole, African militaries also struggle to define civilian protection. This is not surprising as many of the resolutions that call for POC do so in African countries with UN peacekeeping missions. Nevertheless, as a regional body, the African Union has made significant strides in internalizing its response to acts of genocide, war crimes, crimes against humanity, and the subsequent debates surrounding Responsibility to Protect doctrine. The AU policy evolved from a practice of *non-intervention*, an idea popular in the Organization for African Unity (OAU), to the principle of *non-indifference*.<sup>47</sup> Like Finnemore's theories about developments in humanitarian intervention, non-indifference is the result of normative institutional adaptations from an antiquated framework of human rights.

In light of atrocities witnessed in Darfur, the Congo, and Somalia, changes in AU norms now champion the cause of civilian protection.<sup>48</sup> The non-indifference principle does not clarify the more difficult questions about POC, especially issues about *when* intervention becomes necessary. Because of this operational problem, the organization has met with failure in trying to prevent civilian casualties in countries like Zimbabwe.<sup>49</sup> However, AU leaders point to recent success the organization has had in curbing widespread violence on the continent. Examples include missions in Liberia, Sierra Leone, Burundi, and, with relative levels of success, Sudan.<sup>50</sup> More recently, the permissive stance of the AU towards international efforts to remove former President Laurent Gbagbo from power in Cote D'Ivoire highlight the gradual transition from non-intervention to non-indifference. These trends will continue to expand normative

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<sup>46</sup> Williams, *Enhancing Civilian Protection*, 2–6.

<sup>47</sup> Bergholm, "The African Union," 8–9.

<sup>48</sup> *Ibid.*, 22.

<sup>49</sup> Tim Murithi, "The Evolving Role of the African Union Peace Operations: The AU Mission in Burundi, Darfur, and Somalia," *Africa Security Review* 17, no.1 (March 2008): 70–82.

<sup>50</sup> Bergholm, "The African Union," 8–10.

understanding of humanitarian concepts and will increase the awareness of and protection for civilian populations. Codifying terminology will further clarify the non-indifference strategy and reduce response times to vulnerable populations.

## **2. Humanitarian Definitions**

Definitions for civilian protection differ widely in the humanitarian world, and, contrary to DPKO and AU definitions, they are almost never designated on an ad hoc basis. They align with organizational values and missions—beliefs held by humanitarian professionals to be more important than mission-specific tasks. Similar to military doctrine, the work of civilian protection does have tactical, real-world ramifications and can be formalized into activities, projects or tasks. For example, the International Committee of the Red Cross (ICRC) understands protection as a range of activities that seek to affect the causes, not the outcomes, of abuses and violations of international humanitarian law.<sup>51</sup> The United Nations High Commissioner for Refugees (UNHCR) focuses on the access of boys, girls, and women to fundamental human rights, including the ability to “rebuild” their livelihoods.<sup>52</sup> United Nations Children Fund (UNICEF) and Save the Children both emphasize freedom from violence and exploitation while Medecins Sans Frontières (MSF) adds to this list the freedom from willful and deliberate neglect.<sup>53</sup> Finally, humanitarian approaches to POC rely more on international humanitarian law than state or military doctrine.<sup>54</sup> Despite the differences in agency approach, a general summary of humanitarian concerns is that they revolve around the elimination of acute harm and suffering. Similar to pragmatic military operations, they maintain the over-arching goal of improved human security.

In place of a singular definition, professionals in the humanitarian community often find consensus around the “egg model” or “egg framework” developed for

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<sup>51</sup> Yves Daccord, *Protection of Civilian in Armed Conflict: an ICRC Perspective*, Statement to the UN Security Council, 22 November 2010.

<sup>52</sup> SORCHA O’CALLAGHAN and SARA PANTULIANO, “Protective Action: Incorporating Civilian Protection into Humanitarian Response,” *Humanitarian Policy Brief* no. 29 (London: 2009): 1–3.

<sup>53</sup> *Ibid.*, 1–3.

<sup>54</sup> *Ibid.*, 2–4.

preventative action by the ICRC.<sup>55</sup> The egg model establishes three types of activity that require expert collaboration in order to protect civilians: *responsive action*, *remedial action*, and *environment building*. *Responsive action* relates to an immediate crisis or emergency, such as disarming child soldiers. *Remedial action* takes up the task of eliminating patterns of abuse and responds to long-term support needs, such as the restoration of dignity, family planning, psychological, economic, and social forms of rehabilitation. *Environment building* concerns broad, interagency goals that transform both the lifestyles and geographies of those plagued with conflict and instability into positive forms of peace by upholding the rule of law.<sup>56</sup> In many ways the IDP Handbook is a comprehensive source for POC in the humanitarian world. However, an obvious problem in its application to peacekeeping operations is a model that accounts for interagency collaboration among NGOs, but not international peacekeepers.

Paul Williams, a professor whose research focuses on national defense, African security, and integrative peacekeeping operations, contributes what might be a more useful model for civilian protection with his “onion” framework. He encourages a multilayered understanding of POC, with security from physical violence as the most basic level of protection, and the enjoyment of human rights and even greater social and economic “enabling conditions” as optimal forms of protection. In total, Williams suggests four such layers of protection: *physical protection from imminent violence* (the most necessary and urgent condition), *provision of basic necessities*, *enjoyment of human rights*, and *enabling conditions* (the broadest interpretation of POC).<sup>57</sup> His recommendation is useful because, though it accounts for a wide spectrum of protective action, it is more specific than the egg model and is therefore more suitable for application to various peacekeeping operations. However, a shortcoming of Williams’

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<sup>55</sup> S.G. Caverzasio, “Strengthening Protection in War: A Search for Professional Standards,” International Committee of the Red Cross (Geneva 2001).

<sup>56</sup> *Handbook for the Protection of Internally Displaced Persons*, Global Protection Cluster Working Group (March 2010): 7–11.

<sup>57</sup> Williams, *Enhancing Civilian Protection*, 15–17.

model is that it too remains nebulous. For instance, specificity about displaced populations is not adequately addressed by either the provision of basic necessities or the removal of physical threat from violence.

### **3. United Nations Definitions**

POC language initially appeared in Security Council resolutions when the first mandate to provide civilian protection was passed by the SC, outlining the mission in Sierra Leone.<sup>58</sup> Several months earlier, in September 1999, the SC had unanimously passed Resolution 1265, expressing a “willingness” to extend civilian protection “to situations of armed conflict where civilians are being targeted or where humanitarian assistance to civilians is being deliberately obstructed.” The resolution also noted the need to protect refugees and internally displaced persons and those aid workers providing humanitarian assistance to non-combatants.<sup>59</sup> International coverage of the massive civilian casualties in Darfur, in conjunction with the adoption of R2P at the 2005 World Summit, attracted more attention to the topic and provoked extensive work by humanitarian experts at the UN to focus on outlining POC tasks.<sup>60</sup> Despite these early efforts, the SC has never defined civilian protection.<sup>61</sup> Because one is yet to be codified, a recent trend in the scholarship has been to point fingers at the Security Council and the Secretariat for failing to establish a POC definition while continuing to call for its implementation in peacekeeping mandates.

To its credit, the Security Council passed Resolution 1674 in 2006, reaffirming the Responsibility to Protect and condemning attacks on civilians by belligerents.<sup>62</sup> More recently, the Council passed several resolutions that focus on the role of sexual violence in war and the establishment of mechanisms to prevent and monitor human rights abuses carried out by armed combatants. Due in part to atrocities committed in the DRC and

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<sup>58</sup> United Nations Security Council Resolution 1289 (2000): para. 10.

<sup>59</sup> United Nations Security Council Resolution 1265 (1999): paras. 7–10; see also Williams, *Enhancing Civilian Protection*, 8–9.

<sup>60</sup> Holt et al., *Protecting Civilians*, 54–63.

<sup>61</sup> *Ibid.*, 57.

<sup>62</sup> United Nations Security Council Resolution 1674 (2006).

Sudan, the Council approved a string of thematic resolutions between 2008 and 2010 addressing particular aspects of POC, such as sexual violence and the protection of children in conflict.<sup>63</sup> While the specific nature of these resolutions provides some clarity into the meaning of civilian protection, none actually attempt a definition; nor do they prescribe measurable and operational reference points for peacekeepers in the field. For the Security Council, the issue of a POC definition is entirely unresolved, ad hoc, and open-ended.

The DPKO is responsible for its own share of buck-passing. For instance, the 2008 capstone document, *United Nations Peacekeeping Operations: Principles and Guidelines*, repeatedly references the need to protect civilians—among many other tasks—but does not offer an explanation of POC or monitoring mechanisms for PKs in the field.<sup>64</sup> This is not surprising given that only in recent years has the DPKO been handed such broad and sweeping mandates by the SC. Indeed, for most of the DPKO’s history it answered to the early peacekeeping virtues of impartiality and neutrality. The imposition of peace is relatively new territory for the organization. Recognizing this horizon for PKOs, it is worth returning to the conclusions drawn by Finnemore:

“One important task of future research will be to define more specifically the conditions under which certain kinds of norms might prevail or fail in influencing action. A related task will be to clarify the mechanisms whereby norms are created, changed and exercise their influence...More detailed study of individual cases is needed to clarify the role of each of these mechanisms.”<sup>65</sup>

As Finnemore predicted, public opinion, the media and international institutions struggle in a contemporary balancing act to address the permissive norm challenge posed by civilian protection. This paper answers her call for more case studies and contributes to the body of knowledge on PKOs and civilian protection.

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<sup>63</sup> See S/RES/1960 (2010); S/RES/1894 (2009); United Nations Security Council Resolution 1889 (2009); United Nations Security Council Resolution 1820 (2008); see also Holt et al., *Protecting Civilians*, 56–59.

<sup>64</sup> *United Nations Peacekeeping Operations: Principles and Guidelines*, Peacekeeping Best Practices Section: Department of Peacekeeping Operations, (United Nations Secretariat 2008): 20–30.

<sup>65</sup> Finnemore, “Constructing Norms,” 185.

## **E. PROTECTION OF CIVILIANS DEFINED**

### **1. Definition**

For the purpose of this thesis, civilian protection is defined as *the prevention of civilian massacres, internal displacement, and systematic or recurring sexual violence in accordance with broader principles established in the Geneva Conventions and international humanitarian law*. This definition incorporates humanitarian language and thereby reaffirms the most fundamental principles of international humanitarian law. It also includes thematic aspects of recent UN resolutions on the rights of individuals in conflict. These include civilian protection, sexual and gender-based violence (SGBV), and displacement.

As already acknowledged, the definition is minimal. This serves the purpose of acknowledging the most gruesome human rights violations perpetrated during a PKO without holding missions accountable for divergent state doctrines and the absence of an internationally accepted understanding of POC. The purpose of the paper—and a viable POC definition—is to elucidate the dilemma of extending protection to civilians by peacekeepers. This chapter suggests that general consensus in humanitarian and military circles has emerged in recent years around the premise that civilian protection should ensure freedom from acute harm and uphold general standards of human security. The three factors in this definition expand human security and aim to reduce or minimize the most caustic forms of suffering that are often present in war. Having settled a standard for protection, the remainder of this thesis considers whether MONUSCO has achieved success delivering POC, and which factors contributed or detracted from the PKO's successful ability to meet its POC mandate.

### **2. Potential drawbacksinsert tab after all heading numbers**

A final note should be made about two potential drawbacks to the definition. The first is the inclusion of sexual violence. Civilians can be harmed without incidents of gender-based sexual violence. Furthermore, SGBV is extremely difficult to evaluate and monitor, leading to greater likelihoods of sample errors in population-based studies. Determining when SGBV has become a systematic tool of war is perhaps most difficult

to prove. Despite these problems, human rights experts point out the dire need to investigate accusations of sexual violence. In recent years the Security Council and the Secretariat have reinforced this notion: in 2008, the SC passed the landmark Resolution 1820 on the protection of women from sexual violence in conflict, and Secretary-General Ban Ki-moon recently appointed Margot Wallstrom as Special Representative on sexual violence in conflict.<sup>66</sup> Additionally, sexual violence is particularly problematic in the eastern DRC and an important factor to address if “enabling conditions” for peace are sought by peacekeepers, development professionals, and the international community.

An additional criticism that might be levied against the definition is the lack of specific reference to recent doctrine, especially R2P. However, as this chapter demonstrated, implementation of Responsibility to Protect is not without controversy. This is largely because the doctrine places the onus of humanitarian responsibility on the state. Case studies of successful implementation do not exist and cannot be used against which to test a thesis. Therefore, this definition accounts for three important, or “acute,” variables but remains general enough to evaluate future case conflicts.

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<sup>66</sup> S/RES/1820 (2008); SG/A/1220 (2010).

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### **III. HYPOTHESES AND FINDINGS**

#### **A. OVERVIEW**

The argument put forward in this thesis is that MONUSCO has failed to protect civilians in the eastern DRC. According to the definition advanced earlier in this study, POC can be determined on the basis of three factors: civilian massacres, sexual violence, and internal displacement. These three criteria identify the most acute forms of suffering present in wartime societies while unifying literature of both the humanitarian community and 21<sup>st</sup> century military doctrine. This chapter will test the hypothesis by examining each of the three POC measures. Sources comprise a comprehensive survey of the most recent, peer-reviewed analyses of the three measurable POC factors. These are complemented by news articles, reports published by monitoring groups, and internal UN agency reports—all of which examine the conflict in the years since the Security Council prioritized POC in the MONUSCO mandate. The first section of this chapter provides general background about the major armed groups in the eastern DRC. The proceeding three sections test the hypothesis by analyzing rates of civilian massacres, prevalence of sexual violence, and IDP statistics. The summary of findings shows that MONUSCO has failed to protect civilians according to these standards.

#### **B. STATE MILITARY, AND ARMED GROUPS IN THE DRC**

An evaluation of the three metrics considered in this thesis requires a brief overview of the major armed groups in the eastern DRC. A summary of conflict agents in the region is inevitably incomplete for a variety of reasons. Resources, land rights, and economic motivations also alter the kinetic capabilities of rebel groups—as weapons caches are lost or acquired and natural resources are gained or forfeited, the dynamics of conflict change, as does their effects on the civilian population.<sup>67</sup> The fealty of militia units corresponds accordingly. Integration efforts are often incomplete and combatants that are demobilized from a militia group before being reintegrated into the state military

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<sup>67</sup> Gerry Simpson, *Always on the Run: the Vicious Cycle of Displacement in Eastern Congo*, New York, Human Rights Watch (September 2010): 67–69.

do not always adhere to acceptable standards of military professionalism, or even loyalty to the state. Finally, the dense jungle and remoteness of the eastern region, hundreds of miles from Kinshasa's central government, renders the cohesion of armed groups sporadic at best.

The following overview cannot account for such continually shifting alliances and arrangements across multiple armed groups; however, it does present general monographs of the most significant military elements in the region in order to better understand their involvement in the factors of instability that undermine POC. The significant combatant groups include: the state's official military, the Armed Forces of the Democratic Republic of Congo (FARDC); the Democratic Forces for the Liberation of Rwanda (FDLR); National Congress for the Defense of the People (CNDP); and the Lord's Resistance Army (LRA). Other agents of conflict certainly perpetuate insecurity in the eastern DRC, but these are the most identifiable and disruptive actors.

### **1. Armed Forces of the Democratic Republic of Congo (FARDC)**

Current estimates about the size of the state military, the Armed Forces of the Democratic Republic of Congo (FARDC), vary widely. In 2007, it consisted of nearly 165,000 soldiers, of which approximately 30,000 were "shadows" on the payroll, probably representing double payments made to corrupt commanders.<sup>68</sup> Efforts to disarm and demobilize some of the swelling ranks have been underway for years, but are complicated by the sheer number of soldiers, a lack of incentives to disarm, and a range of factors that stem from the difficulty of reintegrating former combatants into the hollow Congolese economy.<sup>69</sup> Additionally, rank and file FARDC personnel have demobilized, while troops from CNDP and other armed groups have been integrated into the state military in an appeasement process meant to centralize political control of legitimate armed groups in Kinshasa.<sup>70</sup> This has caused tension between current and former military

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<sup>68</sup> "DR Congo: Transition without Military Transformation," *Refugees International*, 13 December 2007, p. 3.

<sup>69</sup> United Nations Security Council, "Interim Report of the Group of Experts on the DRC submitted in accordance with paragraph 5 of Security Council resolution 1952 (2010)," 7 June 2011, paras. 51–59.

<sup>70</sup> *Ibid.*, 15–16.

personnel. On the whole, FARDC remains quite large and a major focus of international efforts to professionalize control of the military and curb executive abuses of power.

## **2. Democratic Forces for the Liberation of Rwanda (FDLR)**

The leaders of the Democratic Forces for the Liberation of Rwanda (FDLR) were key agitators of the Rwandan genocide.<sup>71</sup> Unwelcome in both the DRC and Rwanda, ranks of the militia consist largely of ethnic Hutus who have been fighting in the eastern Congo since 1994. Initial efforts to repatriate FDLR combatants to Rwanda in 2002 were complicated because the group purportedly posed a political threat to President Paul Kagame's monopoly on power in neighboring Rwanda.<sup>72</sup> The stalemate continues today as Kagame stands to gain little by repatriating FDLR militants and, unlike his counterparts in Kinshasa, he commands relatively tight control of border security into the country.<sup>73</sup>

Some scholars disagree that FDLR forces consist principally of combatants implicated in the Rwandan genocide, opting instead for the countervailing argument that rank and file members of the FDLR were refugees along the Rwandan-Congo border, that they often relocated with extensive family networks, and utilized violence as a means of survival. "Most of the FDLR were people who had arrived in the Congo when they were young, had grown up there as refugees, and used violence because they had no other means of subsistence."<sup>74</sup> This argument does little to legitimize or delegitimize the FDLR militants, but reaffirms the salience of various groups in the Kivu region and the inherent friction that characterizes their competing networks. The truth probably stands somewhere between the two positions. New recruits who have joined in recent years

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<sup>71</sup> Ted Dagne, "The Democratic Republic of Congo: Background and Current Developments," *Congressional Research Service*, 29 April 2011, p. 6–7.

<sup>72</sup> Prunier, *Africa's World War*, 295–297.

<sup>73</sup> *Ibid.*, 296–297.

<sup>74</sup> Séverine Autesserre, "Local Violence, National Peace? Postwar 'Settlement' in the Eastern DR Congo," *African Studies Review* 49, no. 3 (December 2006): 6.

probably differ from elder FDLR combatants who carry the legacy of genocide and a decades-long attempt to subsist along the Congolese-Rwandan border as politico-military refugees.

In early 2008, the FDLR numbered approximately 15,000, but dwindling recruitment and recent FARDC campaigns, coordinated with MONUC/MONUSCO, have reduced the ranks of combatants to around 8,000.<sup>75</sup> The FDLR represents a particularly complicated militia group in the eastern DRC conflict. Active for years, they have perpetrated some of the worst violence against civilians and units often occupy an ambiguous relationship with FARDC. An incomplete list of crimes committed by FDLR units include rape, murder, resource exploitation, political corruption, land-grabbing, and a host of other illicit economic transactions.<sup>76</sup> Yet, the militia is also intertwined with the state military. FARDC has integrated FDLR soldiers into its ranks through various DDR programs since 2002. However, multi-year efforts have failed to dismantle the militia and halt violence stemming from their activity in the Kivu regions.<sup>77</sup> As a result of unorganized DDR initiatives, individual soldiers and units have been integrated into FARDC ranks, but often only in a titular capacity. Many still exhibit loyalty to former FDLR commanders, or do not recognize any chains of command.<sup>78</sup> Both MONUSCO and the Kinshasa government currently distance themselves from FDLR and recent operations have specifically targeted the group.<sup>79</sup>

### **3. National Congress for the Defense of the People (CNDP)**

Until 2009, the National Congress for the Defense of the People (CNDP) was a Tutsi-Congolese militia that operated, at least part-time, in Rwanda. For several years it

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<sup>75</sup> Dagne, “Background and Current Developments,” 6.

<sup>76</sup> Chris Nolan, “War is Not Yet Over: Community Perceptions of Sexual Violence and its Underpinnings in Eastern DRC,” (London: International Alert, 2010): 19.

<sup>77</sup> International Crisis Group, *Congo: A Comprehensive Strategy to Disarm the FDLR*, Africa Report 151 (Nairobi/Brussels: July 2009).

<sup>78</sup> Nolan, “War is Not Yet Over,” 16–17.

<sup>79</sup> S/2011/345, paras. 32–37 .

benefitted from the support of Rwandan President Paul Kagame.<sup>80</sup> Following the 2006 elections, the CNDP exerted greater control over North and South Kivu than any other group in the region, but since 2008 its grip on power has substantially diminished.<sup>81</sup> The group was led by Laurent Nkunda who refused to join FARDC after the Comprehensive Peace Agreement (CPA) was signed in 2003, opting instead to capitalize on a then-loyal militia that posed a significant threat to President Kabila's leadership. Rwandan support for the CNDP eroded security in the Kivu regions by propping up a quasi-political militant group that siphoned legitimacy and power from Kinshasa. The militia controlled a number of lucrative mines, providing financial resources that fueled war.<sup>82</sup> For several years Nkunda waged a low-intensity conflict along the Rwandan-DRC border, defeating the Congolese military on at least two occasions before ceding significant portions of territory beginning in 2007.<sup>83</sup>

A major problem in curtailing CNDP violence was the insecurity members of the group harbored about their participation in war crimes during the 1994 Rwandan genocide and the Kisangani war in 2002. Without promises of amnesty, it was unlikely CNDP leaders would give up their arms, even if economic incentives existed for doing so.<sup>84</sup> In 2004, Nkunda attacked Bukavu, launching a full-scale rebellion, occasionally retreating into the hinterlands of North Kivu to reconnoiter with troops and manage assets. He introduced the CNDP government in 2006, a further attempt at legitimizing himself as a political stakeholder in the DRC and countering the new Kabila regime. After declaring his armed movement a government, Nkunda was finally apprehended in 2008, at which point Bosco Ntaganda, the CNDP chief of staff, was elected leader of the para-military party.<sup>85</sup>

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<sup>80</sup> International Crisis Group, *Congo: Five Priorities for a Peacebuilding Strategy*, Africa Report 150 (Nairobi/Brussels: May 2009); see also *Ibid.*, i-iii.

<sup>81</sup> Koen Vlassenroot, and Timothy Raeymaekers, "Kivu's Intractable Security Conundrum," *African Affairs* 108, no. 432 (May 2009): 478.

<sup>82</sup> Nolan, "War is Not Yet Over," 16.

<sup>83</sup> Anneke Van Woudenberg and Ida Sawyer, "You Will Be Punished: Attacks on Civilians in Eastern Congo," *Human Rights Watch* (December 2010): 17.

<sup>84</sup> Vlassenroot, "Kivu's Intractable Security," 478.

<sup>85</sup> International Crisis Group, "Congo: Five Priorities," 7.

Ntaganda, wanted by the International Criminal Court for war crimes, immediately agreed to partner with President Kabila and integrated his troops into the Congolese army in a questionable unification process known as “brassage.”<sup>86</sup> Nkunda remains under house arrest in Rwanda.<sup>87</sup> Ntaganda is a more complicated headache for MONUSCO and the international community because he is wanted for war crimes by the ICC, specifically for conscripting children and overseeing units that massacred civilians. Nevertheless, he currently holds the position of general in the FARDC army, commanding former CNDP units recently integrated into the state military.<sup>88</sup> Opinions about the arrangement vary. Human rights groups are outraged by the blind eye that MONUSCO and other UN agencies turn to Ntaganda.<sup>89</sup> Others are skeptical about the legitimacy of the FARDC troops under his command and the dubious claims that he no longer aspires to operate a para-military arm of the CNDP.<sup>90</sup> Officially the militia might not exist, but the loyalty of former CNDP fighters undoubtedly belongs to Ntaganda, not FARDC authorities in Kinshasa.<sup>91</sup>

#### **4. Lord’s Resistance Army**

The LRA is one of the most notoriously brutal and remarkably unpredictable insurgencies in the world. The militia is mentioned in this thesis because it is responsible for recent civilian attacks in the DRC, and also because it casts light on the convoluted reality of violence in the eastern Congo. That is, it presents a visceral example of how warlords and other violent powerbrokers vie for control of state militaries, armed insurgencies, and militias in a landscape where social, political and economic motives are often impossible to decipher. Active since 1987, when Joseph Kony took up arms against

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<sup>86</sup> Vlassenroot, “Kivu’s Intractable Security,” 482–483.

<sup>87</sup> Dagne, “Background and Current Developments,” 7.

<sup>88</sup> David Smith, “The ‘Terminator’ Lives in Luxury while Peacekeepers Look On,” *The Guardian*, 5 February 2010.

<sup>89</sup> Vinck et al., *Living With Fear*, 13, 20.

<sup>90</sup> International Crisis Group, “Congo: Five Priorities,” i-iii, 8–12.

<sup>91</sup> *Ibid.*, 8, 12–13.

Ugandan President Yoweri Museveni, the history of the LRA is muddled by gruesome tactics and the bizarre, cultish ego of its leader.<sup>92</sup>

For many years the group operated in Northern Uganda and remote regions of the Central African Republic, Sudan, and DRC. Known for its incredibly brutal treatment of civilians and unorthodox campaigns against various state militaries (including FARDC), the LRA political agenda, if one is at all decipherable, blends elements of Catholicism, Protestantism, and Acholi nationalism.<sup>93</sup> Yet, after decades of terrorizing the jungles of East Africa, aside from the violent self-aggrandizement of Joseph Kony, the group's long-term aspirations are difficult to outline. Moreover, in recent years its strength appeared to have diminished. "In mid-2007, the LRA high command acknowledged for the first time that there might be former LRA groups that no longer answer to it."<sup>94</sup> However, 2010 and 2011 saw a resurgence in LRA violence as the group crossed from the Central African Republic into the DRC, attacking various locations in Orientale province.<sup>95</sup> In the last two years, Kony's men have brazenly attacked FARDC troops; in March 2011, as many as three battles took place between the FARDC and LRA.<sup>96</sup> In a region characterized by unrest and unpredictability, the LRA remains the biggest wildcard and its relevance to POC is perhaps the most apparent.

It is clear that any study of armed movements in the eastern DRC requires much greater attention to detail than the brief overview of the groups above. Indeed a dozen or more armed movements have been involved in the conflict over the last twenty years.<sup>97</sup> Richard Prunier, one of the most notable Congolese historians, describes the war as "continental" and asserts that state-sponsored military activity can be traced to at least ten countries on the continent; these range from Congolese neighbors Burundi, Rwanda and

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<sup>92</sup> Mareike Schomerus, "The Lord's Resistance Army in Sudan: A History and Overview," Geneva: Graduate School of International Studies (September 2007): 10–12.

<sup>93</sup> United Nations Office for Coordination of Humanitarian Affairs, "In-depth: Life in Northern Uganda," 1 January 2004.

<sup>94</sup> Schomerus, "The Lord's Resistance Army," 21.

<sup>95</sup> S/2011/345, paras. 30–33.

<sup>96</sup> *Ibid.*, paras. 31–33.

<sup>97</sup> Prunier, *Africa's World War*, 75–77.

Uganda, to more distant powers like Libya and South Africa.<sup>98</sup> Additional sub-state insurgencies contribute to instability, and even local Mai Mai contingents, often formed for the ostensible reason of protecting small village clusters, engage in the wider culture of violence for economic, political, and/or social profit.<sup>99</sup>

The preceding section introduced significant militant groups in the eastern DRC, including the official state military. The remaining sections in this chapter examine the three metrics used to consider whether MONUSCO effectively protects civilians or falls short of fulfilling its POC mandate.

### **C. METRIC 1: CIVILIAN MASSACRES**

Any methodology for monitoring civilian massacres is difficult. One challenge is the obvious fact that victims of group attacks are often killed and unable to report incidents. Additionally, individuals who witness mass killings and survive frequently suffer physical harm themselves, which can make attaining justice more difficult. Many are terrified to report the crimes for fear of reprisal attacks.<sup>100</sup> Others are displaced, posing challenges for researchers trying to locate suitable assessment sites.<sup>101</sup> This study considers civilian massacres to be assaults against a sizable group of people, often village-wide, of whom the significant majority are not combatants.

Despite the complications, several reliable resources are available to examine civilian massacres (i.e., group attacks) in the eastern Congo. Two scientific studies are considered in this section. The first is a population-based epidemiological study published by Kathryn Alberti and colleagues from MSF field offices throughout the DRC. The second study is a comprehensive research project overseen by Anneke Van Woudenberg and Ida Sawyer of Human Rights Watch. Their team interviewed approximately 1,000 households in the eastern DRC, examining the impact of violence on the economy, society and politics in the region. These data-dependent studies are

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<sup>98</sup> Ibid., 75–81, 88, 99–10.

<sup>99</sup> S/2011/345, paras. 42–50.

<sup>100</sup> Vinck et al., *Living With Fear*, 17.

<sup>101</sup> Ibid., 16.



supplemented with articles from journalists and reports published by the UN Secretariat and the UN Group of Experts on the DR Congo, a nonpartisan, fact-finding committee of scholars and practitioners appointed by the Secretary-General. Each source records significant massacres of civilian populations; these range from direct attacks that produce fatalities numbering as few as ten to as many as several hundred. Presented in concert, they enumerate incidents where MONUSCO has failed to prevent village-wide civilian massacres since at least 2008, in some cases supporting FARDC troops immediately prior to Congolese military units carrying out attacks on civilians.

In the widely respected Alberti Study, epidemiologists questioned approximately 250 households about civilian casualties in three districts in the North Kivu province. The cross-sectional study represented a population of 200,000 and investigated the impact of violence between September 2008 and May 2009. Given this timeframe, the research evaluated violence in the region during the first year after MONUSCO's POC mandate was approved by the Security Council. The findings are startling because they elaborate on the frequency and scope of village-level attacks in North Kivu. The study showed "the proportion of violent death" to be well above average. In two of the three districts where civilians were interviewed, at least one third of all deaths were the direct result of violence.<sup>102</sup> In Masisi and Kitchanga, 30% of mortality rates for the population below age 5 were due to violence; but for the population over the age of 5, the percentage increased dramatically to 58% and 71% respectively.<sup>103</sup>

The majority of the population also reported experiencing displacement. In the districts questioned, the reason for displacement was a "direct attack" on the village in 61–85% of cases.<sup>104</sup> This statistic is further examined in the subsequent section on internally displaced persons. Here, it underscores the nature of group violence on the affected population. In two of the three districts surveyed, the rate increases: over 80% of the population reported "direct attack" on a village or home as the reason for

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<sup>102</sup> Alberti et al., "Violence Against Civilians and Access to Healthcare in North Kivu, Democratic Republic of Congo: Three Cross Section Surveys," *Conflict and Health* 4 no. 17 (2010): 5.

<sup>103</sup> *Ibid.*, 4.

<sup>104</sup> *Ibid.*, 3.

displacement.<sup>105</sup> That mortality rates caused by “direct attack” exceed 50% for a given population, overwhelmingly confirms the claim that civilian protection is largely non-existent, regardless of the basis for evaluating POC standards.

In the course of the study, researchers recorded those victims killed during militant assaults, but did not account for mortality rates affected by secondary conditions (such as displacement) that were not the immediate result of direct attacks.<sup>106</sup> Furthermore, the Alberti study probably under-reported the actual number of deaths caused by violence or displacement as several locations were abandoned by researchers due to the sudden outbreak of violent conflict. “These sites, and that from which the team was evacuated, were likely to have been more strongly affected by violence than those in which the survey could be conducted...These are populations that continue to be affected by conflict, are constantly moving, and likely have high levels of trauma and mortality, as yet unrecorded.”<sup>107</sup> The conclusion of its own report suggests that while the percentage of civilian deaths stemming from violence and conflict affects the majority of the population surveyed in the Alberti study, it likely falls short of the real totals and misrepresents the accurate level of violence.

A second study conducted by two Congolese experts interviewed over 1,000 subjects and, like the Alberti publication, found that attacks on villages and citizen groups by soldiers were rampant in the eastern provinces during 2009.<sup>108</sup> Researchers Sawyer and Van Woudenberg found that almost 1,900 civilians were specifically targeted and killed between January and September 2009 by members of the FDLR, FARDC or their allies.<sup>109</sup> The report pinpoints nearly 1,500 civilian murders in less than a year, an average of over 150 per month in 2009. More importantly, the research demonstrates that killings were *targeted*—the civilian attacks were organized, and even included examples

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<sup>105</sup> Ibid., 3–4.

<sup>106</sup> Ibid., 3.

<sup>107</sup> Ibid., 4–5.

<sup>108</sup> Woudenberg, “You Will Be Punished,” 18.

<sup>109</sup> Ibid., 45.

of political assassinations.<sup>110</sup> For example, village chiefs were specifically identified and killed. Other influential leaders were also slaughtered, usually either shot or butchered by machete or hoe.<sup>111</sup> Sawyer and Van Woudenberg report that the tactic was effective at spreading insecurity throughout rural communities and escalating fears in the North and South Kivu provinces.<sup>112</sup>

The inability of MONUSCO to disrupt these organized assaults and the fact that tactics such as political assassinations were used to further intimidate the population suggest troubling limitations to curbing systematic civilian casualties. As the authors explain, “[MONUSCO] officials did not set out clear conditions for their support, did not insist on the removal of known human rights abusers from the ranks of the Congolese army, and did not adequately prepare for the protection of the civilian population.”<sup>113</sup> These factors contributed to instability, further eroded the scant security in the region, and left the population vulnerable to violence in the future.

Two other examples of MONUSCO’s inability to protect civilians can be observed in separate LRA campaigns, the Uele River massacre of 2010 and the so-called “Christmas Massacres” that took place in December-January 2008—2009. The LRA has remained a persistent and brutal rebel force in the region despite repeated efforts by MONUSCO to curb attacks by the group.<sup>114</sup> In March 2010, BBC journalists reported previously undocumented village massacres in which 320 or more civilians were slaughtered.<sup>115</sup> According to reporters, six or more villages were attacked over the course of five days in the region of the DRC that borders the Uele River west of Niangara, a

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<sup>110</sup> Ibid., 45–51.

<sup>111</sup> Ibid., 51–52.

<sup>112</sup> Ibid., 52.

<sup>113</sup> Ibid., 12.

<sup>114</sup> S/2011/298, paras. 3, 19–22.

<sup>115</sup> Martin Plaut, “DR Congo Massacre of Hundreds is Uncovered,” *BBC World Service*, 28 March 2010.

northeast town near the borders of Sudan and the Central African Republic.<sup>116</sup> Combatants abducted men, women and children and killed political leaders in many of the villages.<sup>117</sup>

The tactics were sporadic and it is difficult to decipher their purpose or strategic goals. They undermined the dignity of community-members and seriously threatened the livelihoods of any survivors. As a Catholic priest in nearby Tapili explained, “We don’t understand what their strategy really is, but they clearly like killing, they like destroying things.”<sup>118</sup> MONUSCO attempts to stymie the activity of Joseph Kony have been limited, and the LRA has proven its ability to continually wreak havoc on local communities. The Uele River attacks are important because they evince instances of militarized, yet inchoate violence. Although entire villages were destroyed, the LRA did not target political leaders. Furthermore, the appalling episodes that took place in December 2008, when the Christmas Massacres began, were repeated in a similar fashion over a year later in March 2010 when the Uele River campaign erupted. Over the course of a year, as intermittent violence continued, MONUSCO failed to extend POC to the Kivu provinces and deter the Uele River atrocities.

In December 2008, as many as a dozen villages were attacked by members of the militia in what was dubbed the “Christmas Massacres.” Although numerous assaults took place between December 23 and January 13, the most violent incidents occurred December 24—28, 2008 when as many as 620 individuals were killed.<sup>119</sup> The scenes from the series of attacks are particularly gruesome: children were abducted and women were raped; victims were ambushed with axes or club-like objects; most survivors were abducted and forced to carry looted goods for the combatants—their futures uncertain at best.<sup>120</sup> After belligerents slaughtered residents in Batande, they then ate the feast villagers had prepared for Christmas before moving on to continue their killing spree. On

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<sup>116</sup> Ibid.

<sup>117</sup> Ibid.

<sup>118</sup> Ibid.

<sup>119</sup> “DR Congo: LRA Slaughters 620 in ‘Christmas Massacres’,” *Human Rights Watch* press release, 17 January 2009.

<sup>120</sup> Ibid.

some nights rebels were able to burn as many as 900 houses; schools, churches and medical caches were also targeted, and their leaders numbered among the dead.<sup>121</sup>

The importance of emphasizing these details is to demonstrate the village-wide destruction of both physical property and human life. Apart from mere wartime casualties, villages razed by LRA militants were completely destroyed. Agriculture and other natural resources were eviscerated. Essentially, the basic foundation for livelihoods was systematically stamped out during each raid.

In addition to civilian deaths, the only constant in the attacks is that both MONUSCO peacekeepers and LRA combatants were in the region at the same time that both campaigns took place. As described earlier in this chapter, the LRA is one of the most unpredictable insurgencies in the world so it is not surprising that MONUSCO struggled to extend civilian protection and prevent LRA mortalities. However, the length of the campaign is troubling, as is the fact that MONUSCO also failed to prevent violence instigated by other combatant groups, even when peacekeepers knew such attacks were likely to occur.<sup>122</sup> Indeed, the inability of MONUSCO to counter repeat and premeditated civilian massacres is one of the most discouraging aspects of the PKO's ineffectiveness.

An often-overlooked aspect of violence in the eastern Congo is the degree of planning and coordination by high-level military hierarchies. The FDLR is especially adept at such organized violence:

The widespread and systematic nature of the attacks on civilians across North and South Kivu, in areas sometimes hundreds of kilometers apart, the similarity of the messages from the FDLR to local communities—including in public meetings, warning letters and direct verbal threats—as well as the similarity of methods used during attacks, strongly indicate that the retaliatory attacks were ordered from the FDLR's central command.<sup>123</sup>

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<sup>121</sup> Ibid.

<sup>122</sup> Anna Maedl, "Rape as Weapon of War in the Eastern DRC? The Victims' Perspective," *Human Rights Quarterly*, 33 (2011): 143–144; "Women's Bodies as a Battleground: Sexual Violence Against Women and Girls During the War in the Democratic Republic of Congo, South Kivu (1996–2003)," in *Reseau des Femmes pour un Developpement Associatif* (RFDA), *International Alert*, 2005.

<sup>123</sup> Woudenberg, "You Will Be Punished," 52.

First-hand accounts from perpetrators also detail how attacks were organized at a senior level by military commanders. “Dozens of former FDLR combatants interviewed by Human Rights Watch and others confirmed that no significant military operations could be conducted without clear orders from the military leadership.”<sup>124</sup> Obviously, such planning implies gross human rights violations. It also raises disturbing questions about the political motives—rather than military commands—to which FDLR leadership might adhere. Finally, it suggests that MONUSCO was woefully unprepared to intercept or interrupt these military activities once they were initiated, a factor that certainly undermines the legitimacy and ability of the PKO to protect civilians.

In addition to rebel groups, the state military is also responsible for attacks on civilians and, by extension, so is MONUSCO. In his 2010 report on the DRC to the Security Council, UN Secretary-General Ban Ki-moon provided extensive details about the shortcomings of the force to protect civilians in the village of Fizi from a FARDC attack:

Armed groups continued to target civilians...In addition, human rights violations by elements of the national security forces continued to be reported in the context of ongoing military operations. Notably, on the night of 1–2 January, following a dispute between an element of FARDC and a civilian, FARDC elements carried out multiple exactions, including lootings, rape, torture, arrests and extortion, against the civilian population in Fizi town. MONUSCO immediately dispatched a patrol...A mobile operating base was established in Fizi on 7 January and a joint protection team mission was deployed on 8 January.<sup>125</sup>

Close analysis of the report’s language reveals the disturbing nature of the attack: the “exactions” are reprisal killings against unarmed civilians who refused to “support” militarized groups.<sup>126</sup>

According to the SG, they were carried out by FARDC troops who were assisted by UN peacekeepers days, if not hours, prior to the attacks. That is, the report by the

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<sup>124</sup> Ibid., 52.

<sup>125</sup> United Nations Security Council, “Report of the Secretary-General on the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo,” 17 January 2011, paras. 9–13.

<sup>126</sup> Vinck et al., *Living With Fear*, 17–18.

Secretary-General confirms that MONUSCO directly contributed resources—and in some cases participated in joint combat operations—with FARDC troops in the exact region on the exact dates that the civilian reprisal attacks took place.<sup>127</sup> The attacks occurred during a series of kinetic activities implemented under Operation Hatua Yamana (“Formidable Reach”). Between December 29, 2010 and January 7, 2011 a FARDC unit in Fizi raped and tortured civilians before razing the town.<sup>128</sup> The commission of these crimes occurred at the hands of FARDC soldiers while MONUSCO troops were deployed in the region, supporting the FARDC contingent.<sup>129</sup> Despite operating in the area, peacekeepers did not respond to Fizi until seven days after violence broke out.<sup>130</sup> Fizi, Masisi, Kitchanga, and Batanda each present evidence of a major gap in MONUSCO’s capacity to protect civilians. Each displays the horrors of rebel and state military attacks against civilians—and the inability of the contingent to prevent village-wide assaults.

Several conclusions can be drawn from an analysis of civilian massacres in the eastern DRC. First, the two population studies established that direct village attacks resulted in thousands of civilian casualties since the MONUSCO mandate was implemented. In several areas, the *majority* of civilian mortalities for an extended period of time, usually ranging from six months to one year, were the result of militia-related violence, despite the deployment of peacekeepers. Second, internal UN reports show that Congolese troops who raped, maimed and killed civilians received *direct* support from MONUSCO in the days leading up to civilian attacks. From this, one can conclude that the presence of peacekeepers directly facilitated attacks against civilians, rather than protecting them from such abuses—the exact *opposite* of their mandate. Furthermore, protection teams deployed by MONUSCO failed to reach civilians in time to prevent assaults and their proximity to a population guaranteed neither protection, nor a timely

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<sup>127</sup> S/2011/20 (2011), paras. 4–8.

<sup>128</sup> *Ibid.*, paras. 4–13.

<sup>129</sup> United Nations Joint Human Rights Office, “Report on the Investigation Missions of the United Nations Joint Human Rights Office into the Mass Rapes and other Human Rights Violations Committed in the Villages of Bushani and Kalambahiro, in Masisi Territory, North Kivu, on 31 December 2010 and 1 January 2011” (July 2011): 5–12.

<sup>130</sup> *Ibid.*, 1–6.

response to ongoing violence once it broke out. Therefore, it is reasonable to conclude that MONUSCO failed to prevent civilian massacres and direct military assaults on village populations in the months and years after the mandate was approved by the Security Council.

#### **D. METRIC 2: INTERNALLY DISPLACED PERSONS**

Several reasons exist for selecting internal displacement as an indicator for measuring the success of MONUSCO to extend POC to the local population. First, noting the historic roots of displacement in the Congolese conflict, the Security Council cited it as a factor that directly undermines POC.<sup>131</sup> Displacement was also recognized by Kinshasa as a POC priority and an impediment to peace in the eastern provinces.<sup>132</sup> Secondly, the problem of refugees affects regional security, another impetus for members of the SC to invest resources in the PKO.<sup>133</sup> Third, the other two metrics considered in this thesis examine specific instances of violence that physically target civilians. Displacement is caused by primary factors stemming from conflict, but also from secondary and tertiary conflict factors (e.g., economic incentives, social stability, opportunities for education, access to land rights, etc.).<sup>134</sup> Displacement erodes human security over the long-term and leaves migrant populations open to a plethora of risks but is not always recorded as a direct threat to physical safety. The study is more thorough for including a metric that accounts for these secondary and tertiary causes. Finally, the protection of IDP groups is one of the specific factors identified by SC Resolution 1856 (2008) that provided MONUSCO its mandate to extend protection to civilians.<sup>135</sup> In this

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<sup>131</sup> United Nations High Commissioner for Refugees, “Global Appeal 2011 Update: Restoring Hope, Rebuilding Lives” (December 2010), 28–30; see also S/RES/1925, paras. 1–12.

<sup>132</sup> International Security and Stabilization Support Strategy (I-SSSS): Integrated Programme Framework 2009–2012. Kinshasa: Government of Democratic Republic of the Congo, Revised 2010.

<sup>133</sup> Both the Secretariat and the Security Council have listed the conflict as a major concern for regional stability. Coordination among senior leaders has been requested from Uganda, Rwanda, and Burundi, among others. See S/RES1856 (2008), paras. 5–23; S/RES/1925, (2010), paras. 1–12.

<sup>134</sup> Stephen C. Lubkemann, *Culture in Chaos: An Anthropology of the Social Condition in War* (Chicago: University of Chicago Press, 2008): 7–14.

<sup>135</sup> SC/RES/1856 (2008) para. 3.



regard, it is one of the only demonstrable and measurable indicators provided by the Security Council resolution that established MONUSCO's POC policy.

The trend in IDP statistics for the eastern Congolese provinces is best characterized by steady growth since the MONUC/MONUSCO transition. The Internal Displacement Monitoring Centre (IDMC), a branch of the Norwegian Refugee Council, listed the 2008–2009 displaced population at 2.1 million individuals.<sup>136</sup> The UNHCR isolates the total “population of concern” within countries into several categories (including refugees, asylum-seekers, IDPs and returnees). It assessed that the population of concern grew slightly from 2.24 million in 2010 to over 2.3 million in 2011.<sup>137</sup> Therefore, both the UN and external monitors verify that the population of IDPs in the country has grown since the approval of SC Resolution 1856 (2008), which explicitly called for the PKO to deliver assistance to the this group.

While the burden to alleviate the expanding displaced population does not fall squarely on MONUSCO, most agencies usually reference the PKO as a critical interagency partner. The question that remains unanswered is whether MONUSCO contributed to the growth in the IDP population or whether the number grew regardless of MONUSCO activity. This section will examine several instances where MONUSCO activity contributed to an increase in the size of displaced populations. These activities involve direct support for the Congolese state military, including operations where FARDC units assisted by MONUSCO peacekeepers instigated violence and created circumstances that caused non-combatants to flee their homes. The conclusion is that MONUSCO clearly initiated activities that led to specific incidents of displacement. It is unlikely the overall spike in IDP numbers is the sole result of MONUSCO action (or inaction), but the peacekeeping operation certainly functioned as a catalyst for displacement in observable, if isolated, episodes.

The most contentious examples of MONUSCO activity that directly contributed to internal displacement include a series of three operations that were jointly undertaken

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<sup>136</sup> “Over 2.1 million IDPs in the Context of Deteriorating Humanitarian Conditions,” Internal Displacement Monitoring Centre, *Norwegian Refugee Council* (February 2010): 1.

<sup>137</sup> UNHCR, “Global Appeal 2011,” 1.

with FARDC troops. These include Operation Umoja Wetu (January 2009—February 2009), Operation Kimia II (February/March 2009—December 2009), and Operation Amani Leo (January 2010—present).<sup>138</sup> The size and scope of these operations changed over time, but each was implemented with MONUSCO as a partner.

The UN secretariat asserts that most assistance came in the form of logistics support, transportation, and supplies; however, each included multiple firefights and planned military assaults.<sup>139</sup> These campaigns are noticeable for their proactive involvement of peacekeepers in waging kinetic activity against armed groups (both Congolese and Rwandan).<sup>140</sup> Since the inception of the operations, numerous human rights groups, and even the UN itself, have criticized their effects on displaced populations.

In response to criticism, MONUSCO has emphasized its role in providing logistical support to FARDC, pointing out the responsibility of the Congolese state to investigate accusations about violations of the military code of conduct.<sup>141</sup> Unfortunately, the decision by MONUSCO to defer to Congolese state authorities does nothing to hold officials accused of war crimes accountable for their actions. Rather, it abdicates responsibility for critical breaches of justice to state legal institutions that are marred by shortcomings with regards to the rule of law. Additionally, despite the tremendous tactical support, many organizations maintain that MONUSCO directly supported FARDC troops that committed human rights violations and war crimes, involving village-wide assaults and the subsequent displacement of civilians. This claim was briefly considered in the context of Fizi in the previous section, but it should be explored in more detail when examining the IDP crisis as substantial evidence suggests a causal relationship between displacement and MONUSCO assistance.

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<sup>138</sup> United Nations Security Council, “Report of the Secretary-General on the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo,” 8 October 2010, paras. 4–9, 45–50; Boutellis, Arthur and Guillaume Lacaille, “Issue Brief Renewing MONUSCO’s Mandate: What Role Beyond the Elections?” (New York: May 2011), 3–4.

<sup>139</sup> S/2009/623 (2009), paras. 4–15; S/2010/512 (2010).

<sup>140</sup> Boutellis, “Issue Brief” 3–4.

<sup>141</sup> S/2009/623 (2009), paras. 4–15; S/2010/512 (2010), paras. 29–32; S/2011/298 (2011), paras. 39–40.

The IDMC of the Norwegian Refugee Council, for instance, found that a substantial civilian population in the eastern Kivus was displaced as an unexpected consequence of the MONUC-supported military operations that began in 2009.<sup>142</sup> In these operations, MONUC/MONUSCO troops assisted the Congolese army with provisions, munitions, and transportation logistics.<sup>143</sup> FARDC carried out strikes against FDLR and Mai Mai militia, whereby the peacekeeping contingent directly contributed to the exponential growth in the number of civilian IDPs as residents fled their homes in fear of the converging militias and armed forces.<sup>144</sup> “By the end of the year, an estimated 990,000 people were displaced in North Kivu, and 690,000 in South Kivu.”<sup>145</sup> In 2011, the rate of returnees grew to 600,000, perhaps an indication that the operations might have been successful and that civilians could safely return, except that just as many civilians fled during the same period of time that the repatriating population grew.<sup>146</sup> Clearly, the hemorrhaging IDP crisis in the Congo was not resolved by MONUSCO-supported kinetic activity. Indeed, there is convincing evidence that it probably contributed to the problem.

The Humanitarian Working Group, another organization working in the region, found the Kimia II and Amani Leo operations had an especially pointed role in undermining POC by displacing civilians. A 2011 report concluded, “Both offensives have had very grave consequences for civilians...and overall did not meet their obligations under international humanitarian law to minimize harm to civilians.”<sup>147</sup> As Human Rights Watch showed, the most devastating illustration of MONUSCO-supported operational casualties is that for every FDLR combatant who was killed or repatriated in

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<sup>142</sup> “IDPs need Further Assistance in Context of Continued Attacks and Insecurity,” *Internal Displacement Monitoring Centre*, 14 September 2011, p. 1–3.

<sup>143</sup> “Over 2.1 million IDPs,” *Internal Displacement Monitoring Centre*, p. 2–3.

<sup>144</sup> “IDPs need further assistance,” *Internal Displacement Monitoring Centre*, 14 September 2011, p. 3.

<sup>145</sup> *Ibid.*, 3.

<sup>146</sup> “Over 2.1 million IDPs,” *Internal Displacement Monitoring Centre*, 2–3. This fact is also verified by UN sources; see: United Nations Office for the Coordination of Humanitarian Affairs, “Visit of ASG Catherine Bragg to DR Congo,” 4 June 2011.

<sup>147</sup> Sarah Bailey, “Humanitarian Action, Early Recovery and Stabilisation in the Democratic Republic of Congo,” *HPG Working Paper* (London: July 2011), 7.

2009, almost 900 civilians were displaced.<sup>148</sup> Another report found that in the Kivu provinces at least 1.2 million individuals were displaced due to Umoja Wetu, Kimia II, and Amani Leo.<sup>149</sup> Perhaps the MONUC/MONUSCO assistance in these three operations led to an overall increase in civilian protection, but this seems unlikely as both internal UN reports and external studies documented their chronic negative impacts on civilian populations.

In his 2011 reports for the Security Council, the Secretary-General provided fewer details about the ongoing operations than he had in previous years, perhaps because of the growing disfavor of these joint combat operations among many in the international community. However, earlier reports point out many examples of the blowback that resulted from the MONUSCO-FARDC military partnership. For instance, in a 2009 report that highlighted the Kimia II operation, he stated, “The humanitarian situation deteriorated during the reporting period as a result of human rights violations committed by FDLR and FARDC elements.”<sup>150</sup> This insight is an important piece of institutional self-reflection that shows both *rebel* and *state* militants were responsible for displacement and human rights violations, specifically a state military that was kinetically supported by MONUSCO. He also lamented, “In response to the Kimia II operations, FDLR conducted a series of reprisal attacks against the population.”<sup>151</sup> As mentioned previously, in addition to civilian casualties, a consequence of reprisal killings is increased displacement.<sup>152</sup> Essentially, the SG report links kinetic involvement of MONUSCO directly to the IDP population in the DRC.

Given that reprisal killings clearly exacerbate refugee rates, and that MONUSCO reinforced kinetic activity that caused revenge attacks in 2009 and 2010, the MONUSCO strategy that supports the FARDC seems to compete with, if not outright undermine, any

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<sup>148</sup> Woudenberg, “You Will Be Punished,” 45–46.

<sup>149</sup> Simpson, *Always on the Run*, 5.

<sup>150</sup> S/2009/623 (2009), 3.

<sup>151</sup> *Ibid.*, 2.

<sup>152</sup> Claire Bourgeois and Khassim Diagne, “Real Time Evaluation of UNHCR’s IDP Operation in the Democratic Republic of Congo,” Geneva: United Nations High Commissioner for Refugees (September 2007): 25.

humanitarian assistance strategy that aims to reduce IDPs. As one researcher pointed out, “Counter-insurgency operations implemented by the DRC government and occasionally supported by MONUSCO have resulted in severe human rights abuses. State-building can conflict with humanitarian objectives when what is being strengthened is a predatory state.”<sup>153</sup> In February 2010, the Norwegian Refugee Council claimed that MONUSCO support of FARDC troops contributed directly to the displacement of over one million people. “Fighting between militia groups and Congolese armed forces supported by the UN, as well as attacks and violence against civilians, caused the displacement of around a million people in the east of the Democratic Republic of the Congo in 2009.”<sup>154</sup>

This cacophony of accusations shows an explicit connection between MONUSCO strategy to support a state military and the ramifications on populations that are displaced by the realities of such kinetic activity. The conclusion that can be drawn from the literature is that rather than contributing to civilian protection, the peacekeeping strategy creates more insecurity for the population by both directly and indirectly engaging in combat operations that are causally linked to large-scale displacement in the eastern Congo.

Having made the claim that MONUSCO directly contributed to the IDP crisis in the Congo and then presented evidence to support this claim, it is important to consider whether the PKO addresses the problem of IDPs as a policy issue, and, if so, what is done to stymie flight and offset the population’s vulnerabilities. Indeed, such a policy review shows that the peacekeeping operation has struggled with a humanitarian response to displacement for several years.

Since at least 2009, internal UN audits and international agencies have criticized MONUSCO for the MONUC/MONUSCO-assisted missions that further spurred IDP rates.<sup>155</sup> In response to such scrutiny, MONUSCO adopted a policy of *conditionality* in January 2010.<sup>156</sup> Under this arrangement, MONUSCO screens the specific commanders

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<sup>153</sup> Bailey, “Humanitarian action,” 13.

<sup>154</sup> “Over 2.1 million IDPs,” *Internal Displacement Monitoring Centre*, p. 1.

<sup>155</sup> SC/2010/512 (2010), paras. 17–18.

<sup>156</sup> SC/2011/298 (2011), paras. 39–41.

that peacekeepers will support before deployment. If a FARDC commander does not meet certain standards, MONUSCO will not extend support to the contingent.<sup>157</sup> However, a recent study produced by a UN think tank found the conditionality policy actually *decreased* UN monitoring and accountability.<sup>158</sup>

This was partly as a result of a cumbersome screening process for battalion commanders, less than 10 percent of whom passed. This was also due to the limited scope of the vetting process as the conditionality policy was not intended to address the issue of impunity within the FARDC, which was first and foremost the responsibility of the Congolese authorities.<sup>159</sup>

As the paper indicates, a lack of central authority in Kinshasa renders the policy entirely ineffective. More to the point is the example of Bosco Ntaganda, the FARDC commander wanted for war crimes since an ICC arrest warrant was issued in 2008.<sup>160</sup> To date, the DRC government either is unwilling or unable to comply with the warrant.<sup>161</sup> The unwillingness of Kinshasa to adhere to ICC demands for the eastern Congo's most notorious general raises serious questions about whether they will enforce the conditionality policy on FARDC officers of a lower rank.

In response to POC criticism, MONUSCO implemented a system of Joint Protection Teams (JPTs) in late 2008/early 2009. Responsible for a range of POC tasks, these mobile teams are both predictive (of threats to civilians) and suggestive (of solutions to threats).<sup>162</sup> Divisions from civilian affairs, human rights, political affairs and child protection agencies within the greater UN umbrella contribute to JPTs, and 62 of the teams were deployed on five-day missions to various eastern DRC field bases.<sup>163</sup> The teams have been praised for their mobility and flexible nature in the field. Additionally,

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<sup>157</sup> SC/2011/298 (2011), paras. 34–41.

<sup>158</sup> Boutellis, Arthur, "Issue Brief," 3; "DRC: ICC Warrant of Arrest unsealed against Bosco Ntaganda," *International Criminal Court*, 28 April 2008.

<sup>159</sup> *Ibid.*, 3.

<sup>160</sup> *Ibid.*, 2-3.

<sup>161</sup> Woudenberg, "You Will Be Punished," 43–44.

<sup>162</sup> Simpson, *Always on the Run*, 79.

<sup>163</sup> *Ibid.*, 79.

assessments undertaken by teams are considered valuable to various UN agencies. However, despite these modest successes, JPTS are impeded by a lack of qualified specialists, and the short-term nature of their deployments, which are limited to five days in the field.<sup>164</sup> These factors hinder the impact of JPTs and drastically decrease their capacity to establish protection mechanisms.

#### **E. METRIC 3: RAPE AND SEXUAL VIOLENCE**

The frequency of rape and sexual violence in the Kivu and Ituri provinces is perhaps the most commonly reported aspect of the Congolese conflict. Headlines summarize the brutal details with sweeping, if not hyperbolic, rhetoric: “Rape Epidemic Raises Trauma of Congo War” (The New York Times, October 2007), “Hillary Clinton demands arrests over Congo sexual violence” (The Guardian, August 2009), “Congo’s Sexual Violence Goes Far Beyond Rape” (The Washington Post, July 2007), “Haunted by Congo rape dilemma” (BBC News, May 2010).

As the media accounts suggest, much has been written about sexual abuse in the eastern DR Congo, and it is important to decipher sexual violence associated with the protracted conflict from the more widespread problem of sexual abuse writ large, which includes forms of domestic abuse and rape common to areas that are not plagued by ongoing violence. This is not always simple because rape is an under-reported crime, even during times of peace.<sup>165</sup>

Nevertheless, statistics of *documented* sexual violence in the eastern DRC suggest that if unacknowledged cases of abuse are ignored, the rates of sexual and gender-based violence (SGBV) in the region far exceed the number of similar atrocities that occur in other conflict and post-conflict settings.<sup>166</sup> That is, enough clinical evidence has been gathered from the thousands of victims who sought justice after rape or sexual assault to demonstrate a gross gouge in the number of cases in the eastern DRC when compared to

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<sup>164</sup> Simpson, *Always on the Run*, 79.

<sup>165</sup> Maedl, “Rape as Weapon,” 128–130.

<sup>166</sup> *Ibid.*, 132–133.

statistics that are indicative of more “expected” levels of SGBV.<sup>167</sup> This section first outlines what is meant by “sexual violence.” It then details the high levels of SGBV in the DRC and considers what impact MONUSCO has had on such violence.

To a less-informed audience, sexual violence, brutal though it may be, is often the simplest and most straightforward method for interpreting the conflict. It offers a one-dimensional and appropriately abhorrent narrative. However, such a basic understanding of the rape-as-war dynamic fails to outline the true nature of sexual violence in the eastern DRC—one that is as layered and complicated as it is intolerable. For example, both women and men are victims of rape in the eastern Congo, as well as both boys and girls.<sup>168</sup> Therefore, the commonly used “sexual and gender-based violence” (SGBV) acronym is useful, but not comprehensive. Like women, men are also targeted as sexual victims for purposes of inflating social antagonisms, waging war and ensuring ethnic marginalization.<sup>169</sup>

Additionally, rape is not reserved for the innocent. Like much of the Congolese conflict, the distinction between combatant and non-combatant is often dubious, with many individuals claiming to be an armed combatant and a victim of sexual violence (this victim-perpetrator duality is also true of forced displacement, physical assault, ethnic cleansing, and other crimes of war).<sup>170</sup> Therefore, when one speaks of a victim of rape, one might reference a frail grandmother in her late eighties, or an arms-bearing young male whose experiences include both the victimized stigma of sexual assault and the criminalized stigma of rebel soldier. Furthermore, sexual abuse can come in many forms.

The devastating crimes of gang rapes and systematic ‘sexual warfare’ grab headlines, but do not summarize the totality of sexual violence during conflict. The trafficking of women and children, various forms of sexual slavery, the use of children in pornography, the purchase of female ‘housemates,’ and the practice of fathering children

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<sup>167</sup> Vinck et al., *Living With Fear*, 29–33.

<sup>168</sup> Gettleman, Jeffrey, “Symbol of Unhealed Congo: Male Rape Victims,” *New York Times*, 4 August 2009; Lemer, George, “Rape as a weapon of war in Congo, activists say,” *CNN World*, 17 October 2009.

<sup>169</sup> Kelly, *Rape in War*, 2, 8–12.

<sup>170</sup> Vinck et al., *Living With Fear*, 29–33.



in local communities are all crimes of sexual abuse.<sup>171</sup> During conflict these are all considered crimes of war, and they all contribute to the multidimensional conflict in the eastern Congo and its shattering effects on the civilian population. Although cursory, this analysis provides a brief overview of sexual violence in the eastern DRC, and, having introduced the current dilemma, this section proceeds to examine the difficulties MONUSCO has faced in its attempt to curtail the widespread sexual violence.

Between 2005–2007, a reported 20,517 women were raped in South Kivu.<sup>172</sup> More recently, the Journal of the American Medical Association (JAMA) published a study of the conflict that extrapolated findings from a sample population to account for 5.2 million of the most at-risk members of the population in North Kivu, South Kivu and Ituri in 2010. In the three provinces, nearly 40% of women respondents identified as being a victim of sexual abuse, and almost 24% of men reported similar crimes.<sup>173</sup> Of these, the vast majority reported the sexual assault to be conflict-related. 51% of those who experienced sexual abuse claim to have been raped.<sup>174</sup>

Other instances of sexual assault included molestation, being forced to perform sex acts with other civilians, abduction, sexual slavery and forced marriage.<sup>175</sup> The paper summarized the elaborate and complicated role of violence in the region and the exceedingly high rate of sexual abuse as a tool used by combatants in the conflict:

The findings of this study indicate widespread sexual violence and human rights abuses in North and South Kivu and Ituri since the start of the conflict. The prevalence of sexual violence is significantly higher than previously reported in other conflict and postconflict settings...Previous studies have been hampered methodologically but do indicate that limited numbers of women and men report sexual violence cases through the avenues provided by medical and judicial organizations/systems.<sup>176</sup>

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<sup>171</sup> Corinna Csaky, *No One to Turn to: The Under-reporting of Child Sexual Exploitation and Abuse by Aid Workers and Peacekeepers* (Save the Children: London 2008): 6–10.

<sup>172</sup> Steiner et al., “Sexual Violence in the Protracted Conflict of DRC: Programming for Rape Survivors in South Kivu,” *Conflict and Health* 3, no. 3 (March 2009): 3.

<sup>173</sup> Johnson et al., “Sexual Violence and Human Rights,” 553–561.

<sup>174</sup> *Ibid.*, 556–557.

<sup>175</sup> *Ibid.*, 557.

<sup>176</sup> *Ibid.*, 559.

The JAMA study is a crucial piece of SGBV literature on violence in the eastern DRC, important for its scientific basis and the Association's apolitical stance on the conflict. It is also one of several publications that records figures sexual violence that are much higher than records provided by MONUSCO.

In 2009 MONUSCO reported 2,000 incidents of sexual violence. In the same year, the United Nations Population Fund (UNFPA) accounted for over 17,000 cases.<sup>177</sup> The NGO Refugees International documented over 17,500 cases of sexual violence in 2009.<sup>178</sup> These discrepancies pose problems for research, but more importantly they point to the unsettling fact that MONUSCO probably accounted for far fewer instances of sexual violence than those that were actually perpetrated. The drastic discrepancy between the MONUSCO number and the scientifically verified rates published by JAMA—approximately 15,000—are troubling for two major reasons. First, the discrepancy shows that MONUSCO is unable to prevent thousands of cases of SGBV per year in the Kivu provinces; this appears true regardless of whether the source is MONUSCO, JAMA, or Refugees International. Second, given the scrupulous monitoring of data used by the JAMA study, and the similar findings by Refugees International, it appears likely that MONUSCO records of sexual violence are woefully inadequate and under-record actual cases. Therefore, not only have peacekeepers struggled to prevent incidents of SGBV since their mandate was approved, it also seems unlikely that MONUSCO is equipped with research and data analysis tools to ensure prevention in the future.

One area of consensus centers on militias and institutions that are responsible for sexual violence. Although agreement is not universal, it provides a good starting point for considering the responsibility of perpetrators and the role of MONUSCO. Most prominently, groups that perpetrated SGBV between 2008–2011 include the LRA, CNDP, FDLR, and FARDC.<sup>179</sup> Clearly, sexual violence occurs to a startling degree; but

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<sup>177</sup> Ibid., 11.

<sup>178</sup> “DR Congo: Emergency Response,” *Refugees International field report* (Washington, DC: June 2010).

<sup>179</sup> S/2011/20, paras. 45–54. Groups that are directly responsible for rape and sexual violence include local Mai-Mai syndicates, LRA, FDLR, CNDP and FARDC.

how can raw data about SGBV shed light on whether or not the MONUSCO peacekeeping operation fails to provide POC?

Wills points out that a culture of expectation is frequently used to justify rape during peacekeeping operations. As he explains, this stems from “pervasive beliefs both amongst local militias and war lords, and on the part of peacekeeping forces, that abuse of women is inevitable and to be expected in war; and therefore to be viewed as collateral damage rather than as a factor contributing to the social and economic instability that fuels and perpetuates conflict.”<sup>180</sup> Research has also shown that some combatants believe specific types of rape (forcible penetration, molestation of children under ten) constitute criminal acts whereas milder forms of rape (abduction) do not.<sup>181</sup> This factor of “justifiability” might suggest specific types of sexual violence that peacekeepers are most likely to encounter, but it still does not evaluate their effectiveness.

Three questions can elucidate the problem: Does sexual violence occur *regardless* of MONUSCO? Does sexual violence occur *because of* MONUSCO? Does sexual violence decline *because of* MONUSCO? The last question obviously presents a scenario whereby MONUSCO oversees a decline of sexual assault as a result of peacekeepers deployed to the region. The second question presents a worst-case scenario whereby incidents of sexual violence spike with the presence of MONUSCO troops, and the first question presents a scenario whereby MONUSCO is more or less effete in delivering the civilian population from perpetrators of sexual crimes.

The unfortunate conclusion that can be drawn from research conducted since the launch of the MONUSCO operation is that sexual violence certainly takes place *regardless* of MONUSCO presence, and in some cases, sexual violence coincides with MONUSCO activities. A recent investigation by the UN Joint Human Rights Office (UNJHRO) found that 47 women reported being raped over a two-day period between December 31, 2010 and January 1, 2011. The rapes, which had been previously reported

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<sup>180</sup> Wills, 273.

<sup>181</sup> Kelly, *Rape in War*, 10.

by news outlets, were confirmed by the UNJHRO and tied directly to FARDC troops who had been assisted by MONUSCO during Operation Hatua Yamana near Fizi.<sup>182</sup>

Furthermore, the report cited limited influence MONUSCO had on training FARDC troops to prevent future attacks. “The capacity of MONUSCO to supervise the behaviour of the FARDC soldiers supported during joint operations remains limited due in particular to security and logistical constraints.”<sup>183</sup> The report detail the systematic nature of the crime and the role of the Congolese military, which was supported at the time by a joint MONUSCO operation in Fizi:

The victims were threatened with machetes and truncheons and were then undressed and searched before being raped in turn by the assailants in groups of two or four, sometimes in the presence of their children. Some women were reportedly raped by a man identified as a FARDC officer called ‘*Capitaine*,’ who led the attack on Bushani, and by his two bodyguards.<sup>184</sup>

In this example, the FARDC troops cooperated with MONUSCO and simultaneously committed egregious war crimes.<sup>185</sup> The result shows that MONUSCO failed to curb civilian violence—in this instance, violence stemmed directly from the state military and included the public rape of two or more women by a senior officer, the “*Capitaine*.” In response to the questions posed previously, sexual violence did not decline *because* of MONUSCO presence. It either occurred *regardless of* the peacekeepers deployed in the region; or, if MONUSCO provided impunity for FARDC troops, it is possible rapes took place *because of* their deployment.

Similar to the civilian massacres at the hands of FDLR soldiers, instances of rape in the eastern DR Congo suggest high levels of organization and political assembling, particularly by FDLR leadership. Seniors in the rebel movement deny that orders were

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<sup>182</sup> United Nations Joint Human Rights Office, “Report on the Investigation Missions of the United Nations Joint Human Rights Office into the Mass Rapes and other Human Rights Violations Committed in the Villages of Bushani and Kalambahiro, in Masisi Territory, North Kivu, on 31 December 2010 and 1 January 2011,” (July 2011): 13–14.

<sup>183</sup> *Ibid.*, 14.

<sup>184</sup> *Ibid.*, 8; see also S/2011/20, paras. 4–8.

<sup>185</sup> *Ibid.*, 2.

ever given to rape, kill or maim civilians, but the ICC issued arrest warrants for three top commanders in 2009, accusing them of these crimes. The men arrested were Ignace Murwanashyaka, Straton Musoni, and Callixte Mbarushimana.<sup>186</sup> All three currently stand trial in Stuttgart, Germany.<sup>187</sup>

According to the UN Group of Experts on the DRC, the men had regular contact with FDLR military commanders who operated in the field while they planned political and public relations strategies for the organization in Europe.<sup>188</sup> Ignace Murwanashyaka, who likens himself to President Barack Obama, operated the FDLR out of Mannheim, Germany for over twenty years.<sup>189</sup> He was arrested in November 2009 and charged with 29 counts of crimes against humanity and 39 war crimes. Although he vehemently denied the charges at the start of his trial in May 2011, prosecutors accuse him and a syndicate of other high-ranking commanders of masterminding attacks against civilians (including the rapes described above) from Paris and Mannheim.<sup>190</sup>

Christian Ritscher, the senior public prosecutor for the case, outlined the systematic manner in which Murwanashyaka and at least two other FDLR political leaders orchestrated brutal violence against an impoverished and unprotected civilian population on a distant continent:

We have a long list of attacks on the civilian population, killings, people shot because they were not co-operating with the FDLR, women gang raped, rape as a means of armed fight, as means of civil war. There were also pillages at the centre, where complete villages were burned down. Our understanding is that the two defendants had knowledge of everything, at least most of it.<sup>191</sup>

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<sup>186</sup> “Rwanda: Ignace Murwanashyaka and Straton Musoni Tried,” *BBC News*, 4 May 2011. See also, “ICC’s Confirmation of Charges Hearing in the Mbarushimana Case has been Postponed to 16 September,” *International Criminal Court*, 16 August 2011.

<sup>187</sup> “Germany: Q&A on Trial of Two Rwandan Rebel Leaders,” *Human Rights Watch*, 2 May 2011.

<sup>188</sup> “Final Report of the Group of Experts on the DRC submitted in accordance with Paragraph 8 of Security Council Resolution 1857 (2008),” 23 November 2009, para. 92.

<sup>189</sup> “FDLR Inc: Congo’s multinational rebels,” *BBC News*, 18 November 2009.

<sup>190</sup> “Germany: Groundbreaking Trial for Congo War Crimes: Protect Witnesses, Communicate Progress to Congolese Victims,” *Human Rights Watch*, 2 May 2011.

<sup>191</sup> “Rwanda: Ignace Murwanashyaka and Straton Musoni tried,” *BBC News*, 4 May 2011.

If convictions are indeed delivered, they further demonstrate how successful FDLR commanders were at the implementation of sexual violence as a tool for waging war.

The trial does not directly show how MONUSCO failed to provide civilian protection in an *operational* capacity. However, it suggests that at a *strategic* level the MONUSCO mission was not able to curb systematic violence plotted against unarmed civilians. The DPKO and the greater UN apparatus are also at fault for strategic shortcomings. After all, Murwanashyaka and his ministers operated from Europe, and while the MONUSCO mandate is broad, it does not call for the dismantling of an international politico-military cell. However, both Security Council resolutions and reports published by the Group of Experts call for, and describe, the collaborative relationship between the DPKO and MONUSCO.<sup>192</sup>

Several conclusions can be drawn from this analysis. The first and most obvious is that MONUSCO has not adequately extended protection to civilians in the eastern DRC from extraordinary rates of sexual violence. That is, rape and SGBV recurs *regardless* of MONUSCO's field presence. Second, and perhaps more nuanced, is that MONUSCO failed to prevent repeated—and systemic—incidents of sexual assault, especially those perpetrated by the FDLR. However, the MONUSCO mandate called for the prevention of sexual violence; it did not necessitate the disruption of international FDLR political cells. Nevertheless, the difficulty peacekeepers had implementing tactical prevention of civilian violence returns to a larger theme in the MONUSCO literature, the possibility that such an unwieldy mandate is too broad and, in its breadth, provides limited options for successful implementation.

## **F. SUMMARY OF FINDINGS**

This thesis tests the hypothesis that MONUSCO failed to establish adequate POC standards in the eastern Congo. The claim is based on three metrics: rates of civilian massacres, rates of internally displaced persons and the prevalence of sexual violence. Findings show that since the first SC resolution mandated civilian protection,

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<sup>192</sup> Security Council Resolution 1952 (2010), para. 13 and 17; see also “Final Report of the Group of Experts on the DRC submitted in accordance with Paragraph 8 of Security Council Resolution 1857 (2008),” November 23, 2009, para. 8.

MONUSCO peacekeepers have not directly prevented village-wide massacres, minimized the likelihood of displacement or reduced and eliminated SGBV.

In instances such as Operation Hatua Yamana and Operation Kimia II, the PKO actually *supported* perpetrators responsible for civilian casualties. Specifically, village-wide assaults in which dozens of civilians were slaughtered by FARDC soldiers received logistical support by MONUSCO in 2010 and 2011. Because of their failure to extend POC to the population, human rights groups accused peacekeepers of supporting Congolese military units that committed war crimes and human rights abuses. Despite providing helicopter lift, medical evacuations, and rations to government troops that participated in assaults on civilians in North and South Kivu, the UN and MONUSCO adamantly deny these charges. The refusal to recognize these claims draws into question the legitimacy of the PKO and its ability to extend protection in the future.

In addition to civilian assaults, the number of IDPs in the region has not decreased significantly. Moreover, inadequate POC has contributed to displacement so that as vulnerable groups are resettled, different segments of the population are subsequently uprooted. Mechanisms put in place by peacekeepers, such as Joint Protection Teams, have failed to shrink the growing IDP population, as has the policy of *conditionality*. The policy, intended to prevent FARDC commanders accused of human rights abuses from controlling units supported by MONUSCO, has meant that many Congolese units operate unilaterally without guidance, oversight, or accountability from peacekeepers. Additionally, FARDC units supported by MONUSCO peacekeepers share direct causal ties with displacement of the local population in operations such as Umoja Wetu, Kimia II, and Amani Leo. Effectively, both the efforts to sanction criminal units of the state military and to reward the professional arm of FARDC have met in failure.

Finally, despite years of negative media and scrupulous attention from the upper echelons of the UN hierarchy, little evidence suggests MONUSCO has curbed sexual violence in the DRC. Rates of SGBV in the eastern Congo are disproportionate on a global scale, even for conflict zones. Similar to lapses in IDP policy, MONUSCO troops have directly trained or delivered physical support to FARDC and other troops responsible for committing sexual violence. After considering the two hypotheses

initially put forward, the conclusion this thesis draws is that MONUSCO does not prevent any of the three metrics necessary to establish POC norms. Furthermore, some of the policies, tactics and operations implemented by the PKO actually contribute to violence against civilians and therefore draw into question the validity of the peacekeeping operation.



## **IV. CONCLUSION**

### **A. OVERVIEW**

This thesis examines civilian protection in the Eastern DRC, specifically in the context of the MONUSCO peacekeeping operation. Since September 2008, the PKO has been charged to protect civilians as a component of its mandate. Clarity about the meaning of civilian protection is obscured by the lack of a codified definition, the obviously broad scope of civilian protection tasks, and the inherent divisions between military and humanitarian communities. Often operating in shared “theater” or “space,” each community engages conflict with the same end goal of achieving stability and peace, but with vastly different languages, tools, resources, and methodologies. Military approaches to POC often involve kinetic activity and the introduction of troops, machinery and personnel to impose security and establish a peaceful theater. The humanitarian community understands POC to be a robust set of goals that incorporate positive elements of peace alongside basic human security. This thesis proposes a working definition for POC in the DRC that shares important factors to both military and humanitarian institutions. In doing so it seeks to bridge the gap between language, culture, and implementation that often arises when these two communities converge on the same conflict zone. It then tests the definition against the MONUSCO case study to determine whether the PKO in the DRC has successfully implemented civilian protection since it was first mandated in Resolution 1856 (2008). The thesis shows that MONUSCO struggled to achieve each of the metrics, suggesting that civilians have not been fully protected under the auspices of the UN operation.

### **B. METRIC 1**

The first metric tested was whether MONUSCO peacekeepers prevented civilian massacres from taking place in the eastern DRC. Civilian massacres are understood to be attacks against sizable populations of non-combatants that range from several citizens to entire villages. This thesis shows that MONUSCO failed to prevent civilian massacres committed by nearly every major rebel group in the eastern DRC.

Evidence collected since 2009 reveals that all major armed groups in the eastern Congo have committed sweeping attacks against non-combatants and unarmed civilians. Perpetrators include the LRA, FDLR, CNDP, and even rogue or undisciplined FARDC units. The most straightforward and brazen of the attacks were committed by LRA, during which entire villages were massacred over a series of weeks. MONUSCO peacekeepers were unable to respond to the war parties undertaken by LRA militants and interrupt a series of their vicious, unpredictable assaults against unarmed civilians. Additionally, CNDP, FDLR, and less organized Mai Mai militias also struck entire populations, killing scores of civilians with impunity.

In addition to militias and various armed groups, between 2009 and 2012, MONUSCO did not prevent massacres of civilians by organized, and in some cases state-sponsored, military units. Peacekeepers failed to intercept targeted civilian attacks by members of FARDC, FDLR, and their allies. In some cases these took on the form of political assassinations. In others, rape and torture were an element of more widespread killings. Human Rights Watch recorded several thousand deaths since 2009, all instigated by militant units that answer to a chain of command and demonstrate an organized hierarchy. In the case of the FDLR, officers acted on behalf of the political machinations of fugitive leaders in Europe. In the case of FARDC, units demonstrated a significant degree of autonomy that implies an inability of political leaders, including President Joseph Kabila, to exert centralized power over the country's armed forces from Kinshasa. Even more startling is the fact that MONUSCO peacekeepers trained and supported FARDC units that later contributed to, or allowed, civilian massacres.

### **C. METRIC 2**

The second metric tested in this hypothesis was the contribution of MONUSCO peacekeepers to the internally displaced population. The thesis found that MONUSCO contributed to specific incidents of displacement. Most noticeably this occurred under the auspices of Operations Umoja Wetu, Kimia II, and Amani Leo, a series of joint military activities MONUSCO undertook beginning in January 2009 that were implemented alongside FARDC. Reports published by Human Rights Watch showed individual

incidents of displacement resulting from the military operations number in the hundreds and thousands while studies conducted on the larger IDP population across the Kivu regions show that as many as 1.2 million persons were removed from their homes since 2009 as a result of the MONUSCO-FARDC joint operations.

In addition to isolated incidents of displacement, MONUSCO struggled to implement strategic changes that addressed the IDP crisis. When such adjustments to strategy were introduced, such as the policy of *conditionality* or the establishment of Joint Protection Teams, the planning and framework for these developments overlooked operational factors that hampered the PKO's efficacy. For instance, the impunity afforded to high-ranking FARDC officers was not fully realized before the conditionality policy went into effect. Nor were the difficulties of vetting and screening commanders that MONUSCO peacekeepers later supported in combat operations. Both factors undermined the potential success of the conditionality policy as peacekeepers were then either forced to continue working with corrupt officers, or ignore them altogether. MONUSCO peacekeepers, in trying to address corruption within the Congolese military structure as a method for curbing IDP violence, took on a problem that might have been too large and systemic for the PKO. The limited success suggests that MONUSCO is under-resourced; or, perhaps more realistically, the POC mandate is too ambitious.

Similar to the conditionality policy, Joint Protection Teams were meant to curb violence and displacement in extremely volatile areas. In theory, they would quickly respond to threats and protect civilians from outbursts of violence. In practice, the teams were not as agile and fast-moving as intended. This was partially due to the lack of available resources and experts, and partially due to the severity of the dense jungle and sporadic, but lethal, combat in the DRC's most violent regions. The struggles faced by JPTs posit further evidence that the scope of the mandate overlooked the harshness of the environment and operational limitations of MONUSCO in the eastern Congo. The mission did not curb the number of IDPs, and, in some cases, it contributed directly to its increase.

#### **D. METRIC 3**

The third metric tested in the thesis was whether MONUSCO prevented instances of sexual violence. This thesis does not submit new data to the existing body of literature about sexual violence in the DRC as so much as been written about the subject; however, it does articulate the elements of SGBV in the eastern Congo that contradict acceptable standards of civilian protection, an area of study that is less established. First, the preceding chapter presented evidence that demonstrates levels of sexual violence disproportionate to sex crimes perpetrated in other conflict zones.<sup>193</sup> This fact alone would be enough to demonstrate an egregious shortcoming in efforts to install civilian protection.

However, the problem of rape and sexual assault was outlined as one of the most acute POC challenges in the Congo. In 2010, the Security Council prioritized a list of items that MONUSCO should undertake to ensure civilian protection. Listed in order of importance, the third priority explicitly states that peacekeepers should “ensure the protection of international humanitarian law and human rights abuses, including all forms of sexual and gender-based violence protecting civilians.”<sup>194</sup> The same clause goes on to affirm the rule of law and assert that security forces must be brought to justice if they are found in violation of the DRC’s zero-tolerance policy for SGBV. Given the attention paid to the matter by both the Security Council and the central government in Kinshasa, there can be little doubt that MONUSCO has not fulfilled its mandate in regard to protecting civilians from sexual violence.

The discrepancy between the incidents of sexual violence reported by MONUSCO and the number of cases recorded by other organizations, including the UN Population Fund, is significant and suggests the PKO is not equipped to manage the current crisis or prevent future assaults. In 2009, when the UNFPA concluded that 17,000 rapes took place in the eastern DRC under the surveillance of peacekeepers, MONUSCO reported only 2,000 cases. If the operation does not conduct sufficient evaluation and

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<sup>193</sup> Vinck et al., a team of epidemiologists at the UC Berkeley Human Rights Center, present the most conclusive evidence, but other authors, including Maedl support this claim.

<sup>194</sup> S/RES/1956 (2010) 12(c).

recognize the extent of sexual assault in the eastern Congo it is unlikely to prepare adequate mechanisms for curbing the growth rates of the sex crimes that are infused with warfare in the DRC. Moreover, the inaccurate reporting serves to discredit peacekeepers in the field and delegitimize their efforts to stabilize the country by ignoring grave and indecent human rights abuses. Therefore, not only does the discrepancy point to a failure in achieving the specific priority laid out in Clause 12(a) of Resolution 1925, but it also undermines the broader stability goals of the peacekeeping operation.

Finally, the thesis also addresses the unsettling fact that mass rapes might have been orchestrated, perpetrated, or sanctioned by senior militia commanders. In terms of orchestrating or sanctioning sexual violence, Christian Ritscher, the prosecutor who indicted senior FDLR leaders Ignace Murwanashyaka, Straton Musoni and Callixte Mbarushimana, submitted legal evidence to a German court that demonstrates the men approved gang rape as a weapon of war.<sup>195</sup> The claim suggests that sexual violence was not just approved, but organized and encouraged from the highest echelons of the FDLR politico-military chain of command. The Secretary-General also confirmed that militias in the eastern regions of the country used rape as a weapon during warfare, specifically citing war crimes committed by the FDLR and LRA during 2010.<sup>196</sup> More recently, the UN Joint Human Rights Office concluded that FARDC officers involved in Operation Hatua Yamana had a hand in perpetrating group rapes against as many as 47 women in Fizi between December 2010 and January 2011.

This last finding clearly demonstrates that sexual violence took place during the same period of time and in the same region that peacekeepers were deployed to prevent its occurrence. It also suggests that a military trained by MONUSCO and operating in coordination with the PKO committed egregious acts of sexual violence while in proximity to MONUSCO officials. Clearly, the PKO, though well intentioned, did not succeed in upholding this element of its mandate.

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<sup>195</sup> “Rwanda: Ignace Murwanashyaka and Straton Musoni tried,” *BBC News*, 4 May 2011.

<sup>196</sup> S/2011/20, paras. 45–49.

## E. RECOMMENDATIONS

This thesis shows that adequate civilian protection mechanisms have not been implemented in the MONUSCO peacekeeping operation. A confluence of factors contributed to the failure to establish POC, including a lapse of preventative action from peacekeepers, definitional problems surrounding what is actually meant by *civilian protection*, and operational strategies undertaken by the PKO. In order to clarify recommendations, it is useful to consider problems of POC *implementation* separate from problems of POC *design*.

Problems with implementation include major operational difficulties faced by MONUSCO peacekeepers in the field, MONUSCO response times, and, to a lesser extent, the trial of international war criminals for crimes committed in the DRC. The most systemic implementation failures observed in the PKO resulted from joint operations between MONUSCO peacekeepers and FARDC soldiers in Operations Hatua Yamana, Kimia II, and Amani Leo. In these instances, peacekeepers overlooked atrocities perpetrated against civilians in regions that were supposedly monitored and protected by the PKO. They also provided support for FARDC units that committed human rights crimes and contributed to internal displacement.

An additional impediment to implementation was the response time of MONUSCO personnel who reacted to crises and triggers of conflict. In instances of widespread assaults against non-combatants, such as the Christmas Day Massacres, peacekeeping forces did not deploy to prevent or interrupt attacks despite being warned of the imminent violence. Joint Protection Teams, introduced to rapidly mitigate conflict and stymie outbreaks of conflict in remote eastern provinces took considerable time to respond to attacks against civilians.

In response to these implementation failures, this thesis recommends improving response times and increasing the number of peacekeepers and JPTs that are available for rapid deployment. The Human Rights Watch, an important advocacy group in the DRC, found that financial restrictions and a lack of donor support prevented replication of Joint

Protection Teams in the country's most hostile regions.<sup>197</sup> However, JPTs remain one of the most agile units in the MONUSCO operation, and the program should be expanded. Peacekeepers and associated personnel working in JPTs, especially technical experts, must be able to deploy within hours, not days, in order to prevent attacks rather than merely record civilian tragedies after they have occurred. Increasing the number of JPTs will improve their access to the population by permitting JPT placement at field bases throughout the eastern DRC.

A significant finding of this thesis related to POC *design* is that a universal definition for *civilian protection* does not exist. No singular standard has been delineated by either the Security Council or a legal apparatus within a suitable international governing body, namely the UN. In the absence of such a definition, various governments, state militaries, and NGOs have individually interpreted the meaning of civilian protection. This problem was predicted by Finnemore when she asserted that the UN was largely responsible as an international legal body for defining humanitarian protection standards in the 21<sup>st</sup> century. The unwillingness of the institution to determine such standards has resulted in one of the most significant impediments to MONUSCO—and other PKOs—in terms of POC design.

The lack of a singular understanding has resulted in confusion when implementing protocols for civilian protection. Most noticeably, this problem appears when Security Council resolutions require peacekeeping operations to undertake POC initiatives in their mandates. However, the problem also emerges in multilateral PSOs and even unilateral state-building projects. The dilemma is even further exacerbated by the fact that PKOs often adopt differing POC definitions for different operations. That is, POC in the context of the DRC differs from the mandates that call for POC in Haiti (MINUSTAH) and Sudan (UNMIS). Therefore, the most obvious and urgent recommendation is for the adoption of an internationally agreed upon definition of civilian protection.

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<sup>197</sup> Simpson, *Always on the Run*, 9.

Both the United Nations Department of Peacekeeping Operations and the Security Council should consider universal requirements for a POC definition as these two bodies are likely to be the most significant institutional drivers for establishing a common terminology. They also have the most operational insight into what elements and actors should be included in a definition. These might detail provisions that specifically protect women or uphold rights for minority populations. Marginalized groups, which are often the easiest civilian targets during conflict, might garner specific attention. In the DRC, displaced persons constitute one such group, but minority groups vary widely and it will be useful to adopt an open-ended definition of vulnerable populations in conflict scenarios.

Additionally, a singular POC definition must cohere the divergent approaches to civilian protection that exist between military agencies and humanitarian organizations. As this thesis shows, the gap between these communities leads to problems in coordination and misunderstandings in field operations. Task-oriented, securitized military components to POC are improved by their civilian counterparts that often offer broad protection mechanisms. Similarly, humanitarian approaches to POC inherently rely on security provided by military institutions. As Finnemore and other scholars have demonstrated, the normative evolution of civilian protection from rudimentary conceptions of human rights to international doctrines such as the Responsibility to Protect, have narrowed the gap between the military and humanitarian worlds. This iterative process has occurred over decades, and is yet to establish a definitive framework with implementable practices. A POC definition must utilize common language and practices shared by both communities in order to establish such an implementable framework.

Finally, the UN and other bodies could adopt a list of operational measures that should be achieved in order to ensure civilian protection. Items from this list would be selected when they are pertinent to the specific conflict in which peacekeepers deploy. Sexual violence is a good example of an issue that might not have as much relevance in other PKOs as it does in the DRC. Civilian casualties and IDPs are frequent phenomena that result from conflict, and also drive it; therefore, they might remain important



indicators in a range of future operations. Urban guerilla warfare is an indicator that has little to no saliency in the DRC but was integral to MINUSTAH operations in Haiti. Regardless of the potential to overlook criteria or create an imperfect definition, any codified legal and political instrument represents a more unified and constructive approach to protecting civilians.

This thesis contributes to the discourse surrounding civilian protection by positing three metrics for evaluating POC implementation in United Nations peacekeeping operations. It then analyzes the ability of the MONUSCO mission to address these three criteria and draws several lessons from the case study. To date, the MONUSCO operation has failed to adequately establish POC standards and the international community lacks acceptable POC mechanisms and designs. Nevertheless, positive gains have been made, and a compilation of lessons gathered from MONUSCO and similar PKOs will strengthen the discourse about protection. As the issue recurs in both Security Council resolutions and international media, global organizations and state militaries will take a more active role in bolstering POC activities, making it all the more imperative to clarify POC terminology and outline operational practices for humanitarian and military communities.

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