

# 'Fighting Peacekeepers'

## 'Use of Force and UN Peacekeeping Operations'

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*'In order to keep the peace,  
one has to enforce it  
sometimes'*<sup>1</sup>

### Introduction

United Nations Peacekeeping Operations have fundamentally changed in the past decade and will continue to do so, to incorporate many elements, military and civilian, working together to restore peace in the aftermath of civil wars. This increased complexity of the peacekeeping environment has

resulted in more complex mandates and a new name: multi-dimensional peacekeeping.

Since the end of the Cold War, such complex and risky mandates have been the rule rather than the exception: United Nations operations have been given relief escort duties where the security situation has proved too dangerous to continue humanitarian operations without a high risk for humanitarian personnel; they have been given mandates to protect civilian victims of conflict where potential victims were at greatest risk, and mandates to control heavy weapons in possession of local parties when those weapons were being used to threaten the mission and the local population alike.

In two extreme situations,<sup>2</sup> United Nations operations were given executive law enforcement and administrative authority where local authority did not exist or was unable to function.

This article analyses some of the challenges for peacekeepers in the grey zone between peacekeeping and peace-enforcing. It also includes a few observations on the participation of developed countries to UN peacekeeping operations in Africa and on the UN Strategic Reserve.

Peace enforcement, in appearance and execution not much different

from war, is usually conducted by a multinational force and commanded by a lead-nation. Examples include Korea (1950), carried out by a group of States on the invitation of the State



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<sup>2</sup> United Nations Transitional Administration East Timor (UNTAET), SCR 1272 (1999) and United Nations Mission In Kosovo (UNMIK), SCR 1244 (1999).

<sup>3</sup> Operation Desert Storm (first Gulf war; Coalition forces led by USA), SCR 661 and 678 (1990).

**A C-5 being loaded  
for an airlift to deliver cargo  
to troops in the desert during  
Operation Desert Storm**

(Photo U.S. Air Force; source NIMH)

concerned, and Kuwait<sup>3</sup> (1990), authorized by the Security Council. Peacekeeping, traditionally lead by the UN, is increasingly also conducted by regional organisations, usually based on a Security Council resolution. This article will focus on UN led peacekeeping operations: currently there are 16 operations with over 80.000 peacekeepers deployed.

**An update on UN  
peacekeeping**

With the end of the Cold War, the Security Council looked to UN peace-



keeping as the instrument of choice for international conflict management. UN peacekeeping successfully transformed itself into a mechanism for not only observing cease-fire agreements, but for implementing comprehensive peace agreements. In Namibia, El Salvador and Mozambique, UN peacekeeping was quite successful and it achieved qualified success in Cambodia as well. In these more complex and dangerous missions, peacekeepers were regularly authorized to use force in the context of their mandate.

The humanitarian mission in Northern Iraq<sup>4</sup> was the first mission authorized to use force, not as a measure of peace-enforcement but to guarantee the protection of the population and the delivery of assistance. Traditional UN peacekeeping operations have shifted in the course of an evolving conflict from Chapter VI to Chapter VII, such as the case of Somalia.<sup>5</sup> Other missions have been transformed into hybrid operations including both peacekeeping and peace-enforcement elements.

These changes in mandates transformed the peacekeeping missions into

**The Dutch Army in Korea, 1951**

(Photo W.W. Dussel; source NIMH)

something closer to peace-enforcement.

From then on, most new peacekeeping missions were directly authorized to use force for the fulfillment of their mandate. Following the events in Rwanda and Srebrenica, the Brahimi report<sup>6</sup> repeated that message by stating:

*Once deployed, United Nations peacekeepers must be able to carry out their mandate professionally and successfully. This means that United Nations military units must be capable of defending themselves, other mission components and the mission's mandate. Rules of Engagement should be suffi-*

<sup>4</sup> SCR 688 (1991).

<sup>5</sup> United Nations Operation in Somalia (UNOSOM I) was established as a humanitarian relief operation by SCR 751 (1992). The Security Council welcomed the United States offer to help create a secure environment for the delivery of humanitarian aid in Somalia and authorized, under Chapter VII, the use of 'all necessary means' to do so.

President George Bush responded to the resolution with a decision to initiate *Operation Restore Hope*, under which the United States would assume the unified command UNITAF/Restore Hope SCR 794(1992). Following a transition period, UNOSOM II was established under Chapter VII, SCR 814 (1993).

<sup>6</sup> United Nations A/55/305-S/2000/809, 21 August 2000, Comprehensive review of the whole question of peacekeeping operations in all their aspects (Brahimi report).

*ciently robust and not force United Nations contingents to cede the initiative to their attackers.*<sup>7</sup>

It is especially the more complicated and dangerous environments, where consent is sometimes limited to two of the parties to the conflict. Mandates these days include routinely an operational paragraph on the protection of civilians under imminent threat of physical violence.<sup>8</sup>

A slightly different paragraph but aiming at the same results, was included in the UNPROFOR mandate.<sup>9</sup>

### **The volatile environment today**

What can be expected in today's operational environment? Political developments may have improved the security situation, but a country remains very unstable as armed groups, organised militia and criminal elements are present throughout it. Exact figures are not always available regarding the strength of the various armed groups that may include large number of child soldiers and paramilitary personnel.

#### **Criminal gangs**

Armed elements and criminal gangs may have been moving in and out of the country and neighboring countries. Such armed groups generally have weak command and control mechanisms and poor communication systems. In Haiti, Cité Soleil, an inaccessible slum area of 100.000 inhabitants with roadblocks and barricades manned by armed gangs, is presenting serious challenges to peacekeepers.

Poverty, high unemployment and small arms compound the insecurity. Institutions of justice may have suffered a breakdown as a result of the conflict and the disregard for the rule of law. It may also have suffered from corrupt practices and political interference.

Frequently, irregular militias and smaller factions do not respect the

ceasefires, disagree with the major parties or act independently. In the case of minor resistance, consisting of isolated acts of violence and banditry, peacekeepers must deal with the situation on the basis of 'self-defense', backed by clear and robust Rules of Engagement.

#### **Intelligence**



**SFOR in Bosnia-Herzegovina, February 1998**  
(Photo Media-centrum KL; source NIMH)

It is precisely in these volatile circumstances that field intelligence assets are needed: to find out where the spoilers are and what their intent is. 'Intelligence' long time has been a word hard to accept in the peaceful UN world. Still it is a sensitive issue, as openness is the name of the game.

But in fact, information gathering never has been the problem in UN peacekeeping: our military observers are top-class HUMINT people. It is the analysis, evaluation and distribution phase where we continue to experience difficulties.

Poor intelligence means you will not have the right forces with the right equipment at the right time and the right place. This has too often resulted in casualties – peacekeepers lives – or the lives of innocent civilians, as we have seen in Rwanda, Somalia and Srebrenica.

The cornerstone in improving this capability is the establishment of what we now call the Joint Mission Analysis Cell, an integrated structure, incorporating representatives, military

and civilian, from key elements of the mission.

The task of the JMAC is to handle information, conduct and present analysis and provide advice at a level that will ensure that decisions are made with awareness of all available and relevant factors. It provides in-

depth current and longer term analysis of all issues affecting the mission. As such, the JMAC is at the heart of any operation and it requires highly trained intelligence professionals.

#### **The UN as the target**

After the disaster in Baghdad – the attack that killed 22 UN staff – the

<sup>7</sup> Brahimi report (op.cit. footnote 8).

<sup>8</sup> SC Res 1542, 30 April 2005, Haiti [...] to protect civilians under imminent threat of physical violence, within its capabilities and areas of deployment; SC Res 1565, 2004, democratic republic of Congo... to ensure the protection of civilians, including humanitarian personnel, under imminent threat of physical violence [...].

<sup>9</sup> SC Res 836, 1993, Republic of Bosnia and Herzegovina, para 5: [...] to deter attacks against the safe areas, to monitor the cease-fire, to promote the withdrawal of military or paramilitary units other than those of the Government of Bosnia and Herzegovina and to occupy some key points on the ground... Para 9: [...] in carrying out the mandate defined in para 5 above, acting in self-defence, to take the necessary measures, including the use of force, in reply to bombardments against the safe areas by any of the parties or to armed incursion into them or in the event of any deliberate obstruction in or around those areas to the freedom of movement of UNPROFOR or of protected humanitarian convoys.

ambush on Bangladeshi peacekeepers in March 2005 that killed nine, and other tragic incidents, we are forced to acknowledge that the UN sometimes has become a target of violence, challenging the long-held perception that we were protected by our flag and by our status as an impartial actor.

This new security reality provided a compelling rationale for security reform. The General Assembly therefore approved in December 2004 the establishment of a new Department of Safety and Security.

It is designed to ensure that we are organized to provide reliable threat and risk analysis, fundamental to security, especially in volatile, constantly changing circumstances.

## **Rules of Engagement**

The Security Council resolution for a new peacekeeping operation is no less than a compromise of the deliberations of the fifteen members of the Council. The mandate therefore leaves much room for interpretation by DPKO mission planners when developing an initial concept of operations.

Secondly, a concept of operations will leave the necessary operational space for planners at Force Headquarters level, adjusting plans to situations as they occur. Despite the necessary room for interpretation, clarity is needed when it comes to the authority to use force.

Not only will this clarity protect individuals against excessive use of force, it also protects peacekeepers from prosecution when force is used within the parameters of the Rules of Engagement.

Rules of Engagement must be based on the mandate, the operational circumstances and by Troop Contributing Countries accepted legal norms. The Rules allows peacekeepers to use up to deadly force, to defend oneself and other UN or international person-

nel against a hostile act or a hostile intent.

Moreover, it accepts the use of force, under circumstances, deadly force, to protect United Nations installations and areas or goods designated by the Force Commander, against a hostile act. Rules would normally also allow up to and including deadly force against any person and/or group that limits or intends to limit freedom of movement. Finally, United Nations peacekeepers who witness violence against civilians are authorized to stop it, using deadly force if necessary.

### **Application of the Rules**

These rules may seem relatively easy, but when it comes to application in the field, soldiers may be confused. What constitutes a hostile act? How to recognize hostile intent? Even with clear cut definitions, simple answers are not always possible in given situations. A hostile act is defined as:

*An attack or other use of force, intended to cause death, bodily harm or destruction.*<sup>10</sup>

On first sight this may seem quite clear, but how will the individual soldier make his split-second decisions when an action is likely to demonstrate hostile intent. Hostile intent is defined as:

*The threat of imminent use of force, which is demonstrated through an action which appears to be preparatory to a hostile act.*

The soldier will be backed by the remainder of the definition, namely:

*only a reasonable belief in the hostile intent is required, before the use of force is authorized.*

Whether or not hostile intent is being demonstrated must be judged by the on-scene commander, on the basis of one or a combination of factors, including: the capability and preparedness of the threat, the available evidence which indicates an intention to attack and the historical precedent

within the mission's Area of Responsibility.

### **Scenario training**

Applying these rules in a correct way is one of the most daunting tasks for the commander and his unit and may determine the success or failure of a mission. Every incident involving peacekeepers and excessive use of force may quickly run counter to the aimed outcome of a peacekeeping operation.

It cannot be emphasized enough that applying the rules means learning the rules first. Unfortunately, only recently a newspaper interview held with a 19 year old peacekeeper revealed an almost incredible perception of that soldier on the use of force in self-defense.<sup>11</sup>

The soldier indicated that he was told to wait until a shot was fired at him and then could respond. Moreover, if a hand grenade was about to be thrown at him, he was supposed to aim at the grenade, not at the opponent.

Scenario training is most commonly used and has proven to be extremely effective. Mind-set and willingness to understand the importance of the rules is key to a measured response against threats. Moral and ethical dilemmas go usually hand in hand with scenario-driven 'shoot – no shoot' examples.

## **Use of force in the Democratic Republic of Congo**

### **From Cordon and Search to 'Robust Plus' actions**

The Democratic Republic of Congo has roughly the size of Western Euro-

<sup>10</sup> Guidelines for the Development of Rules of Engagement for UN Peacekeeping Operations, Department of Peacekeeping Operations, May 2002.

<sup>11</sup> 'Hands tied by diplomacy, UN forces watch bloodshed in Congo'. S. Raghavan in Knight Ridder Newspapers, July 2, 2003.



**vn-refugee camp in Congo, 2003** (Photo ECHO, F. Goemans; source NIMH)

pe. MONUC<sup>12</sup> is with 16.500 peacekeepers from over 50 contributing countries the largest UN operation today. The challenges faced by the soldiers on the ground are manifold, illustrated by an ambush on a patrol in which nine Bangladeshi peacekeepers were killed in early 2005.

Though thousands of militia members have been disarmed so far, the situation on the ground remains volatile and unpredictable. Increasingly, MONUC is developing pre-emptive tactics to stay ahead of militia and spoilers. Key is actionable intelligence and the capacity to evaluate and analyse the information.

Helicopters have also proven to be a successful tool when it comes to deterrence. Demonstrations and low flying missions have given a clear sig-

nal to parties that the peacekeeping force is serious about its role in restoring peace and security.

#### **Necessity and proportionality**

In peacekeeping operations, necessity and proportionality are key principles when force is applied. It implies that using attack helicopters as a weapon is a means of last resort, as it inevitably could come with certain risks of collateral damage and alienation of the civilian population.

*Where one party to a peace agreement clearly and incontrovertibly is violating its terms, continued equal treatment of all parties by the United Nations can in the best case result in ineffectiveness and in the worst may amount to complicity with evil. No failure did more to damage the standing and credibili-*

*ty of United Nations peacekeeping in the 1990s than its reluctance to distinguish victim from aggressor [...].*<sup>13</sup>

Rwandan Hutu rebels, known as the Democratic Forces for the Liberation of Rwanda (FDLR), have operated in Eastern Congo since many took part in the 1994 genocide in Rwanda, during which 800.000 Tutsis and moderate Hutus were killed. After a decade of preying on Congolese civilians and following a series of massacres in eastern Congo last year, they are under increasing pressure to fulfill a promise made in March last year to disarm and go home.

<sup>12</sup> Mission des Nations Unies en République démocratique du Congo.

<sup>13</sup> Ibid footnote 7.

*Monuc, de vredesmacht van de Verenigde Naties in Oost-Congo, is bezig 'een vuist' te maken in de explosieve oostelijke regio's Ituri en Noord- en Zuid-Kivu. 'In het verleden kon dat niet.' [...] Maar sinds kort tekent zich een kentering af in de aanpak van de VN-missie in Oost-Congo. Begin deze maand liet de vredesmacht voor het eerst in vijf jaar haar tanden zien in een confrontatie met een van de meest bloeddorstige militieën, de FNI. Er vielen meer dan vijftig Congolese doden. 'Van die klap [...] zijn de militieën buitengewoon geschrokken. Sindsdien hebben we voortdurende klapjes uitgedeeld.'*

*Interview met P. C. Cammaert in NRC Handelsblad, 1-4-2005*

MONUC's Eastern Division has launched a series of operations to pressure gunmen to lay down their weapons and return home peacefully. During these operations rebel-headquarters are searched for weapons and huts are subsequently torched in an attempt to deny renewed use of the bases by returning rebels.

In these actions attack helicopters routinely back-up advancing ground troops and provide close air support if need be. The Congolese villagers have been happy to see the arrival of the peacekeepers. At the same time there is concern that the Rwandan rebels may react by stepping up operations against the UN by targeting civilians.

*'We hebben aan de mangoboom geschud en het fruit komt nu naar beneden,' zegt Cammaert. 'We moeten nog wat harder schudden om ook de hardnekkige mango's uit de boom te krijgen.' Een van de manieren is om de leiders op te pakken.*

*Interview met P. C. Cammaert in NRC Handelsblad, 1-4-2005*

### **Do not wait for 'smoking guns' when a machete is the weapon of choice**

MONUC is authorized to use up to deadly force to protect civilians under imminent threat. But how imminent is imminent? Should it be instant and overwhelming or do we need to wait for a smoking gun? The answer will have to be given by commanders on

the ground as the situation develops, in line with the overall mission strategy and the mandate, worked out in operation plans and in line with the Rules of Engagement.

If intelligence reveals plans and credible evidence that militia is mounting an attack on civilians two miles down the road, the commander will maintain that the threat is imminent: within hours, even minutes, the killing and hacking may start. No time should be lost at that stage and the militia

should be engaged, if necessary by using deadly force.

#### **A new awareness**

Rebel-controlled radio stations, broadcasting inciting language and ordering violence should be stopped as well. This may eventually include the use of force, proportionate and necessary. When information reveals the location of weapon caches, commanders are supposed to act and not wait until the weapons are distributed and used against the population.

Although nowadays approach may deviate from UN operations a decade ago, the mandates and rules have not changed that much. The authority to act is in the resolution and the permission to use force is in the ROE.

What is new, is the awareness at both political and military levels that peacekeepers no longer can stand idle when civilians are threatened. Soldiers and their commanders increasingly realize that it is better to fight and die than survive and revive images of slaughtered and burned mothers and children.

#### **MONUC-peacekeepers in Congo**

(Source NIMH)



*Cammaert is ervoor om het programma 'op te rekken'. Dat is een voorbeeld van wat hij 'de kunst van de vredeshandhaving' noemt: 'schakelen tussen spijkerhard optreden en gas terug nemen'. 'We hebben de milities voortdurend opgejaagd. We hebben hun aanvoerlijnen afgesneden. We hebben ze duidelijk gemaakt dat het spel voorbij is. Nu proberen we hun vertrouwen te winnen.'*

*Interview met P. C. Cammaert in NRC Handelsblad, 1-4-2005*

### **Child soldiers**

While it is standard practice for UN peacekeepers to defend themselves against hostile act or hostile intent, complications are to be expected when peacekeepers are confronted with threats from child soldiers. Peacekeepers should realize that armed children could be more volatile and unpredictable than adults.

They are poorly trained often forcefully recruited and some may be under the influence of alcohol or drugs. When child soldiers use force, peacekeepers will be authorized to act in self-defense. As is the case with all engagements, the response should be proportionate to the threat.

At the same time peacekeepers will have to cope with the personal trauma and public reverberations from child casualties.

Failure to act adequately and appropriately may also result in extreme reactions both in the mission area as well from public opinion. Adequate scenario-driven training of troops for encounters with armed children could save lives on all sides.

### **Turning another page: absence in Africa**

In Congo, Côte d'Ivoire, Burundi and Liberia, peacekeepers are turning another page in UN's peacekeeping history. It's a farewell to western boots on the ground. Increasingly, developed countries are turning their

#### **MONUC-peacekeepers in Congo**

(Photo ORINFOR; source NIMH)

back on peacekeeping in Africa. With the exemption of a few western countries like Ireland and Sweden, countries are trying to camouflage their absence by pointing to their financial contributions and commitments in UN mandated missions elsewhere, led by a Coalition or a Regional Organization.

In the meantime, EU and NATO are scrambling to offer logistic support to the African Union (AU) mission in Darfur, however few of their combat boots will see African mud. The dilemma of absence is partly an issue of solidarity: the UN Charter demands a collective response – and not just by a few – to threats against international peace and security. 'Collective' however should also be seen as an equal share in taking risks on the ground.

The absence results in a lack of quality-impulse in UN operations. While

our top-ten troop contributors are experienced fighters for the most part, the dynamics of multi-dimensional situations require a right mix of troops and force enablers and highly trained professionals (management, technology and languages skills are key) at sector, divisional and force Headquarters.

These staff officers should be capable of communicating effectively with all actors, and work shoulder to shoulder with highly qualified civilian staff, adapting plans when the situation on the ground changes. They must be able decision-makers, understanding the ramifications when things take a turn for the worse. Both dilemmas are troublesome for all missions and should be solved by developed countries, bringing in troops, force enablers and staff.

### **UN Strategic Reserve**

#### **A major obstacle**

Currently the only way to react to an emerging crisis in a mission area is through an ad-hoc decision on a new mandate with an expanded force, or to request external assistance from the international community. The political and force generation process required to deploy additional units





**Riots among the Albanese population, KFOR and UNMIK, Gracanica, Kosovo, March 17, 2004** (Source NIMH)

can take too much time to allow a reaction in the critical early stages of a crisis.

As a result of this delayed reaction crises often deteriorate, risking mission collapse and requiring an even larger or more capable force to deal with them.

The lack of a reliable reserve or reaction capability for responding to crises remains a major obstacle to the effectiveness of UN peacekeeping operations. In order to fill this gap, DPKO has developed the concept of a Strategic Reserve (SR), a mission-specific, pre-planned and rapidly deployable 'over the horizon force'.

The SR would be held in a contributing country with prior agreement to deploy to certain, specific UN missions. It would be deployed on the recommendation of the Secretary-General and under Security Council authority for a specific task or duration.

The SR must be equipped, trained and prepared to deploy into Chapter VII environments. Once deployed, the reserve would be placed under UN command and control and rules of engagement.

#### Potential tasks

Potential tasks could include: respond to crises situations beyond capacity of existing mission resources, deter new or evolving hostile elements in a mission area, reinforce sectors in case of increasing hostility, intensify tactical activities in one or more sectors, increase visibility of force, replace or reinforce the committed operational reserve, protect key facilities or establish a new sector.

The SR would be comprised of a number of task forces of about 1.250 soldiers on short notice to move. Each task force, with the nucleus of a mobile infantry battalion with adequate combat and service support elements, would have a composition which provides the capability to react to different scenarios in a hostile environment.

Duration of deployment is expected to be no more than six months. DPKO currently explores the modalities of such an initiative with Member States, and has formed a working group which will address a broad spectrum of concerns and will be utilized to further work out the details of the initiative.

## Conclusions

### Costly lessons

Costly peacekeeping lessons have been learned during the last decade. In particular on the use of force, peacekeepers have come to realize that the main purpose of them being in that war-torn country, well armed and equipped, is to provide stability and to protect civilians under imminent threat of violence.

If preparedness or willingness to use force is absent, the troops should not be there in the first place. Efforts are made at various levels to guarantee preparedness of troops. It includes visits to contributing countries, pre-deployment training and in-mission training programs.

### Various restraints

Use of force remains an issue entangled with policy, legal and operational restraints. The Rules of Engagement aim to provide clear and unambiguous directions on when and how to use force. Commanders and soldiers do realize that reluctance to use force may result in loss of life of fellow peacekeepers or innocent civilians.

At the same time, commanders are aware that excessive use of force may result in the alienation of the civilian population. It is this fine balance that creates challenges for peacekeepers on a daily basis. Knowing and applying the Rules is key at all levels.

### Changing faces of peacekeeping

The face of peacekeeping has changed as well and will continue to change. From the friendly food distributing blue-beret, to the patrolling blue helmets in the streets of a war-torn city backed-up by a less friendly UN attack helicopter.

All these faces have brought a sense of peace and stability to parts of the world where it is badly needed, a peace worth fighting for.