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Fighting for Peace
The Tricky Business of Using Greater Force in UN Peace Operations

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The authority granted by the United Nations Charter to use force to protect international peace and security has long lain dormant. The end of the Cold War, the genocides in Rwanda and Srebrenica and the 'Brahimi report' put discussions on the need for greater use of force on the UN's agenda in the early 2000s. Much has changed since, but in general the increased political willingness by UN member states to authorise the use of force has developed well ahead of their risk tolerance and matching capabilities. The recent experience of the Force Intervention Brigade in the UN's mission in the Democratic Republic of the Congo is the latest occasion to trigger useful debate about the consequences of the UN mission mandates' progressive authorization of use of force and their increasingly robust application. Unfortunately, much of this debate takes greater use of force for granted, and focuses on the required political and capability improvements for improved effectiveness. Yet, there are three major risks associated with greater use of force as well. First, as the use of force will likely be selective and temporary, it risks reducing the UN's impartiality – with problematic consequences for its status as 'neutral broker'. Second, while the use of force can be a vital component of conflict resolution strategies, it also risks militarization if it is not accompanied by better political strategies and 'civilian capacities', such as stronger policing, intelligence and mediation. Third, greater use of force risks undermining missions' statebuilding tasks where force is applied on behalf of a state that is unwilling or unable to meet the internationally agreed standards of a sovereign government. A thoughtful debate on these issues needs to go hand in hand with any discussion of capability improvements.

1. Introduction: shades of blue[1]

The United Nations (UN) was established to 'maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace' [Article 1 UN Charter].[2] While

[1] This policy brief originated as a discussion paper for an expert-meeting of the United Nations High-Level Independent Panel on Peace Operations that took place on 18 February 2015 in Amsterdam, The Netherlands.

[2] The UN Charter can be found here (consulted 02/03/15).

this clearly prioritises peaceful means of resolving conflicts, the UN Charter also recognises that the use of force may be necessary by UN Member States 'to maintain or restore international peace and security' [Article 42 UN Charter].

In the 67 years that the UN has been deploying peace operations, missions have run the gamut: from lightly armed troops intended to monitor interstate cease fires and peace agreements with no mandate to use force, to heavily equipped troops mandated to use force offensively in complex crises that engage multiple actors. The disputes in which the UN has deployed peace missions have gradually shifted from interstate wars to multifaceted conflicts with multiple state and non-state participants.

In the latter type of conflict, central governments are institutionally weak and often do not control large swathes of their territories, giving free room to all manner of transnational influences and groups.[3] Opposition groups frequently fragment and form shifting coalitions, pursuing multiple, or even conflicting, objectives. Demonstrating little interest in finding negotiated solutions to their differences, such groups are rarely amenable to traditional conflict resolution techniques. Combatants are able to obtain support from multiple sources, both state and non-state, and evade efforts to bring them to the negotiating table.[4] Even when a settlement has been negotiated between most of the parties, it often remains a paper reality and conflicts frequently recur.[5]

In consequence, and despite an increase in the number of negotiated settlements in the 1990s and 2000s, for much of the last 15 years peacekeepers have regularly been deployed in environments where there is no peace to keep. This, in fact, reflects a 'new normal'. The 2000 review of UN peacekeeping (the 'Brahimi report') already insightfully pointed out that 'United Nations operations … do not deploy into post-conflict situations so much as they deploy to create such situations. That is, they work to divert the unfinished conflict, and the personal, political or other agendas that drove it, from the military to the political arena, and to make that diversion permanent.'[6] In short, UN peace operations often are deployed in violent, tense and non-consensual situations (or at least where the consent of parties other than the government is not forthcoming).

The UN has been struggling to come to terms with the implications of this situation for how it should organise and act to ensure its efforts to help bring about peace are as effective as possible. One recent strategy has been the progressive authorisation by UN mission mandates of the use of force by UN peacekeepers and the increasingly robust application of those mandates through UN mission rules of engagement. This development originated with the genocidal massacres in the presence of UN peacekeepers in Rwanda (1994) and Srebrenica (1995) and must be considered in the context of the broader development of multidimensional peace operations – with their associated focus on statebuilding – becoming the norm for the UN since approximately the early 2000s.

Greater use of force by UN missions does, however, raise challenges of its own. This brief seeks to shed greater light on them. Section 2 provides a brief overview of the trends and challenges that the UN has faced with regard to the use of force, with a focus on recent experiments with UN-mandated

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3   Van Crefeld, M. (1991), *The Transformation of War*, Free Press: New York; Smith, R. (2012), *The Utility of Force: The Art of War in the Modern World*, Penguin Books: London; Briscoe, I. (2014), 'Conflict, Security and Emerging Threats', in: *Clingendael Strategic Monitor*, Clingendael: The Hague.

4   For a more in-depth analysis of these issues: Van Veen, E. (2014) *Upgrading Peacekeeping to Counter Transnational Conflict Drivers: Five Essential Actions*, CRU Policy Brief, Clingendael: The Hague; Briscoe (2014), *op.cit.*

5   World Bank (2011), *World Development Report 2011: Conflict, Security, and Development*, Washington DC.

6   United Nations, General Assembly/Security Council, A/55/305–S/2000/809, 21 August 2000, para 20, p. 4.

'coalitions of the willing' and the UN Stabilization Mission in the Democratic Republic of Congo's (MONUSCO) Force Intervention Brigade (FIB). Section 3 analyses implications of the greater use of force, in particular the need to secure political engagement of troop contributing countries (TCCs) up front, the potential risk of perceived partiality, the need to embed kinetic activity more thoroughly within political strategies, and growing tensions between missions' stabilisation efforts and their statebuilding support tasks. Finally, Section 4 distils key questions for consideration by the UN High-Level Independent Panel in its deliberations on the use of force by UN missions.

2. Trends and challenges in the use of force by UN peacekeeping missions

Despite the authority granted to the United Nations by its Charter to use force to protect international peace and security, the organisation only rarely authorised the use of force in its first 45 years: in Korea in 1950 and in Southern Rhodesia in 1968. With the end of the Cold War, however, authorisations of the use of force by peacekeeping missions have become more frequent and the rules of engagement have become more robust. The UN has now mandated the use of force for a variety of reasons (apart from protecting the peacekeepers, UN property or other UN personnel), including: protection of civilians (POC), disarmament of combatants, electoral security, counter-terrorism, counter-insurgency, protection of humanitarian assistance, and law enforcement (Box 1).

Although the political willingness to authorise force in the name of the United Nations has increased over time, the UN's capacity to implement use of force mandates has lagged behind. The Brahimi review found that UN military units have not always been '…capable of defending themselves, other mission components and the mission's mandate' (para 49, p. 9). To achieve these objectives, the review recommended a series of actions designed to: strengthen peacekeeping doctrine and strategy; craft clear, credible and achievable mandates; improve information-gathering and strategic analysis; deploy peacekeeping resources rapidly and effectively; and strengthen Headquarters resources and structure for planning and supporting peacekeeping. While many of these recommendations were technical, many also required obtaining political support from UN Member States. For example, mandates are often vaguely phrased because of the political compromises that are necessary to reach agreement on the mandate in the first place. Mandates sometimes change over time as greater political unanimity on the way forward is achieved.

The necessary political and technical support has been found to make changes in many of the problem areas identified by the Brahimi report. Factors that have influenced these changes include the end of the Cold War (which simultaneously increased the need for peacekeeping and opened the political space to innovate), the UN's failure to protect civilians in Rwanda and Srebrenica in the mid-1990s, and the more recent growing global concern with terrorism. Today, the UN is also on a firmer technical footing to enable it to implement the use of force mandates.[7] What is more, recent years have seen instances of the UN's robust use of force to execute its mandates. In 2011, UN and French forces supported troops loyal to the elected president of Côte d'Ivoire in forcing the surrender of defeated president Laurent Gbagbo, arguing that 'they were taking out heavy weapons that had been used against both the UN and civilians'.[8] The UN also went on the offensive against armed groups in Eastern Democratic Republic of Congo (DRC) on several occasions in 2012.

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7   United Nations (2014), *Evaluation of the implementation and results of protection of civilian mandates in United Nations peacekeeping operations*, A/68/787, United Nations Office of Internal Oversight Services: New York; United Nations (2008), *United Nations Peacekeeping Operations: Principles and Guidelines*, Departments of Peacekeeping Operations and Field Support: New York.

8   Smith, D., 'Laurent Gbagbo's humiliating fall', *The Guardian*, 11 April 2011 (online: consulted 13/2/15).

Box 1: Examples of use of force as applied in UN peace operation mandates

Protection of humanitarian assistance
MINUSCA (UN Multidimensional Integrated Stabilization Mission in the Central African Republic) (*Chapter VII*): 'To contribute, including through effective civil-military coordination and in close coordination with humanitarian actors, to the creation of a secure environment for the immediate, full, safe and unhindered, civilian-led delivery of humanitarian assistance, in accordance with UN guiding humanitarian principles and relevant provisions of international law, and for the voluntary safe, dignified and sustainable return of internally displaced persons and refugees in close coordination with humanitarian actors…'

Electoral security
UNOCI (UN Mission in Côte d'Ivoire) (*Chapter VII*): 'To support, within its existing authorities, capabilities and its areas of deployment, the national authorities in stabilizing the security situation in the country, with a special attention to providing support for the provision of security through the October 2015 presidential election…'

Law enforcement
UNMIT (UN Integrated Mission in Timor-Leste): 'To ensure, through the presence of United Nations police, the restoration and maintenance of public security in Timor-Leste through the provision of support to the Timorese national police (PNTL), as outlined in the Secretary-General's report, *which includes interim law enforcement and public security until PNTL is reconstituted…*'

Protection of civilians
MINUSCA (*Chapter VII*): '*To protect*, without prejudice to the primary responsibility of the Central African Republic authorities, the civilian population from threat of physical violence, within its capabilities and areas of deployment, including through active patrolling…'
MINUSMA (UN Multidimensional Integrated Stabilization Mission in Mali) (*Chapter VII*): '*To protect*, without prejudice to the responsibility of the transitional authorities of Mali, civilians under imminent threat of physical violence, within its capacities and areas of deployment…'

Sources:
http://www.un.org/en/peacekeeping/missions/minusma/documents/mali%20 _2100_E_.pdf, http://www.un.org/en/peacekeeping/missions/minusca/mandate.shtml, http://www.un.org/en/peacekeeping/missions/unoci/mandate.shtml and http://www.un.org/ga/search/view_doc.asp?symbol=S/RES/1704%282006%29

Finally, Dutch attack helicopters have actively pursued militants in Northern Mali since 2014. Nonetheless, the UN continues to face significant problems in executing such mandates.

Many current UN peacekeeping missions, particularly those in Africa, have the mandate to protect civilians, and this has become a spotlight issue in terms of appraising the UN's effective use of force. It is therefore instructive to examine how UN missions respond in situations where the use of force is necessary to execute these POC mandates effectively, as this can offer insights into the use of force by UN peacekeeping missions more generally.

A 2014 evaluation of the implementation of protection of civilian mandates by the UN's Office of Internal Oversight Services (OIOS), covering nine missions with some 97 percent

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Box 2: Constraints on use of force by UN peacekeeping operations

- Differences among members of the Security Council on the use of force
- Differences among troop contributing countries (TCCs) on the use of force
- Translation of mandate into the concept of operations and the rules of engagement
- Latitude of mission leadership to interpret mandate
- *De facto* dual line of command regulating use of force by missions
- Inadequate intelligence, force enablers and force multipliers
- Difficulties in processing information, leading to failures in early warning
- Reluctance to engage government partners that are complicit in harming civilians
- Poor understanding of the responsibility of UN missions to engage when host governments cannot or will not protect civilians

Source: Security Council Report, *Security Council Action Under Chapter VII: Myths and Realities*, 2008 no. 1 (23 June 2008); OIOS evaluation 2014; author's interviews 2015.

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of UN uniformed personnel, concluded that, 'Peacekeeping missions with protection of civilian mandates focus on prevention and mitigation activities and force is almost never used to protect civilians under attack.'[9] UN peacekeepers also rarely use a show of force to deter attackers. Where force is used to protect civilians, it is most likely to be used when peacekeepers are defending UN property or personnel. Otherwise, 'the response from missions was generally passive' (para 23-25, p. 11). The main factors identified by the OIOS report are summarised in Box 2.

Recently, there have been two main approaches to strengthening the UN's effective use of force. The first – coalitions of the willing operating under UN mandates – has been evolving over the past two decades. The second – creating a unit within the UN peacekeeping mission with an explicitly offensive mandate – has been used only once but some UN Member States believe it shows promise.[10]

- *Coalitions of the willing*: Coalitions of the willing that received UN mandates have been fielded in, for example, Afghanistan (ISAF), Central African

Republic (MINUSCA, EUFOR-RCA), Iraq (MNFJ-I), Mali (AFISMA), Somalia (AMISOM), Sudan-Darfur (AMIS), and Timor-Leste (INTERFET). Most of these coalitions have been led by regional bodies such as the North Atlantic Treaty Organization (NATO), the African Union (AU) or the European Union, although a few, such as INTERFET, have been led by individual countries. While some coalitions of the willing have paved the way for the deployment of UN peacekeeping missions (AMIS and UNAMIID, INTERFET and UNTAET, AFISMA and MINUSMA, for example) this is not universally the case. The UN has generally declined to re-hat coalitions of the willing as UN peacekeepers in cases where the environment was judged to be too kinetically intense (e.g., AMISOM). In these cases, the hope presumably is that the UN-mandated intervention will at some point create an environment in which UN peacekeeping can work effectively, that is, by reducing the need to use force to enforce a mandate. However, if these conditions do not materialise as expected, the burden of peace enforcement remains on a smaller subset of countries. While some coalitions have the resources to engage in this manner, the increasingly popular model of African peace support operations definitely does not. The refusal of the UN to re-hat AMISOM has caused considerable concern in both African Union and European Union circles,

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9   United Nations (2014), *op.cit.*

10 Sheeran, S. and S. Case (2014), *The Intervention Brigade: Legal Issues for the UN in the Democratic Republic of the Congo*, International Peace Institute: New York, p. 1.

the latter having provided substantial financial support to AMISOM since 2007.

– *The MONUSCO Intervention Brigade*: A variation of the coalition of the willing concept has been piloted in Eastern DRC. As Goma was occupied by the M23 rebel force in November 2012, the DRC army fled and MONUSCO troops essentially stood by as M23 advanced, limiting themselves to protecting UN assets and patrolling the streets. Regional governments, working through the International Conference on the Great Lakes Region (ICGLR), had already decided to develop the capacity for a more robust response but required international financial and technical support to deploy. The fall of Goma to M23 provided the catalyst to the United Nations to seek to partner with the ICGLR governments to develop the capacity to act offensively. The UN Security Council accordingly passed UN Resolution (UNRES) 2098 in March 2014, which mandated the approximately 3,500 troop Force Intervention Brigade (FIB) to 'carry out targeted offensive operations in a robust, highly mobile and versatile manner' with the objective of neutralising armed groups. A more proactive MONUSCO force commander was also appointed. While UNRES 2098 clearly indicated that the FIB was not to be considered a precedent for future UN missions, its success in obtaining the surrender of M23 has inevitably produced interest in the possibility of reproducing this model elsewhere.[11]

This brief review of the use of force by UN peacekeeping missions suggests that mandates and rules of engagement are often 'robust' but the UN faces significant constraints in terms of mandate implementation. In part, this is because the UN's TCCs fall short in their acceptance of the risks that come with the greater use of force, including the risk of needing to pursue

the use of force to its logical conclusion, namely war fighting. Additionally, UN missions often lack many of the necessary capabilities to intervene forcefully in the conflicts that they are mandated to address, including robust police and intelligence capabilities.[12] Finally, inadequate attention is paid to how the use of force operates within a political strategy, driven in part by limits placed on UN responses by TCCs and the degree to which the use of force can primarily service the political or security interests of a certain Member State or coalition of Member States.[13]

A classic example is AMISOM, which was slow to deploy, lacks critical assets and has multiple lines of command and control.[14] Despite receiving non-lethal logistical support from the AU assessed budget, it has experienced procurement delays and not received appropriate equipment. Faced with an asymmetric warfare situation, the Sierra Leone contingent, for example, did not have counter-IED devices, helicopters or equipment to allow it to operate effectively at night.[15] AMISOM has also had to find donors willing and able to provide lethal support and train troops in peacekeeping. AMISOM TCCs have been heavily dependent on the European Union to be able to pay their troops. Many of the national contingents have responded to national political agendas, rather than to the AMISOM command. And within the AMISOM command, there are reportedly different views on the conduct of the mission depending on whether one sits in Addis Ababa, Nairobi or Mogadishu.[16]

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11 See for instance: Cammaert, P. (2013), *The UN Intervention Brigade in the Democratic Republic of the Congo*, Issue Brief, International Peace Institute: New York.

12 As noted in Box 1, many tasks mandated with a use of force authorisation, for example law enforcement or – to a lesser extent – electoral security, are more typically responsibilities entrusted to civilian security forces.

13 For a good analysis on this issue in relation to MONUSCO's FIB: Cammaert (2013), *op.cit.*

14 Williams, P. (2013), 'Fighting for Peace in Somalia: AMISOM's Seven Strategic Challenges', in: *Journal of International Peacekeeping* 17:3-4, pp. 222-247.

15 Albrecht, P. and C. Haenlein (2015), 'Sierra Leone's Post-Conflict Peacekeepers', in: *The RUSI Journal*, Vol. 160, Issue 1.

16 Authors' interviews 2013-2014 in Nairobi and Addis Ababa with relevant officials and experts.

It is on such issues that much of the discussion on the use of force has largely focused so far: how can UN peace support missions be made more fit for purpose in terms of robustness, political engagement, risk-acceptance and physical capability to intervene effectively?[17]

3. Deeper implications of greater use of force by UN missions

In addition to this largely operational conundrum there are, however, deeper implications to consider in respect of (greater) use of force that are of a more strategic, or even ethical, nature. These include misgivings about the UN's impartiality (in part due to TCC wariness to be more consistent and transparent in the application of the use of force), militarisation of the UN's engagement strategies, and tensions between the use of force and UN statebuilding support tasks. In a global environment characterised by concerns of terrorism, fragmenting conflicts and apparent early successes of the greater use of force, the current trend of the UN to more regularly authorise the use of force is not likely to be reversed. Given this climate, the aforementioned issues need to be debated to avoid a scenario in which the UN wins the proverbial battle, but loses the war. Each of these three issues is briefly analysed below.

Dubious impartiality?
There is a more fundamental challenge and a more practical challenge to the UN's impartiality in conflict resolution, and each is amplified by the (greater) use of force.[18] The fundamental challenge is longstanding and results from the fact that the United

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17 Hutton, L. (2014), *Prolonging the agony of UNMISS: The implementation challenges of a new mandate during a civil war*, CRU Report, Clingendael: The Hague.

18 The three basic principles of UN peacekeeping are: 1) consent of the parties; 2) impartiality; 3) non-use of force except in self-defence and defence of the mandate. See: Bellamy, J. and P. Williams (2010), *Understanding Peacekeeping*, 2nd edition, Polity: Boston.

Nations is an organisation of states, and peacekeeping was initially employed to help resolve inter-state wars where either peace agreements or ceasefire agreements were in place. Impartiality reflected the expectation that the conflicting states would be treated equally in this context.

However, today, UN peace operations are deployed in complex conflicts that are largely intra-state, transnational or international. There may be no peace agreement or some of the parties to the conflict may not have signed existing agreements. Segments of combatant groups that are at odds with the terms of the agreement may form new groups (often in a bid to obtain more of the spoils of peace). In short, states are sometimes no more than one of the many fighting parties. And yet, peace operations can still only realistically be deployed if national governments agree to allow them to operate on their territories.

In some cases (MONUSCO or MINUSMA, for example), mandates require collaboration between national security bodies and UN peacekeeping forces in order to meet certain mandate objectives, such as the protection of civilians. As a result there is an inherent unevenness in the way in which the parties to the conflict are dealt with from the outset. A consequence in terms of the use of force is that it remains highly unlikely that missions will ever use force against host security organisations engaged in the conflict, even if these commit atrocities or jeopardise the mandate. The logical deduction, namely the application of force is against non-state armed groups only, such as the M23 or MNLA Tuareg rebels, naturally creates the impression – if not the reality – of partiality. This suggests that the UN faces a challenge to clarify, as much as possible, under what circumstances and on the basis of what criteria exactly, it will use force. In short, greater strategic consistency and transparency would seem to add to the credibility of the UN's use of force. This could both increase its efficacy as a deterrent, and work to retain some neutrality.

The problem of partiality may only intensify in the future if the current belief that regional actors are best suited to address regional

problems becomes more entrenched. In addition to questions relating to the sustainability of AU missions in particular, regional actors have their own political agendas that play out through peace operations.

For example, while the FIB was successful in supporting the Armed Forces of the Democratic Republic of the Congo (FARDC) against M23, it appears that the political agendas of two of the three FIB TCCs (Tanzania and South Africa) strongly reduced its effectiveness against other armed groups, such as the Democratic Forces for the Liberation of Rwanda (FDLR).[19] The M23 was considered particularly threatening to the DRC government's control over Eastern DRC and a means of introducing foreign influence into the region. Other armed groups present less of an existential regime challenge and are more difficult to engage in combat, given their preference for guerrilla tactics. Thus, the FIB appears to have its limitations as a means of protecting civilians and undermining the capacity of armed groups to continue their armed struggles.

AMISOM has faced similar problems. Writing about the Sierra Leone contingent in AMISOM, Albrecht and Haenlein have noted: '… the lack of a national agenda in Somalia on the part of Sierra Leone was seen as a key strength. Among the Somalis, Sierra Leone was considered a more neutral player than Djibouti and especially Ethiopia, and Kenya – regional actors with their own strategic interests in Somalia's stability (or instability).' There may be a similar problem

with coalitions of the willing more broadly, as the Multinational Force-Iraq indicates.

The more practical challenge to UN impartiality is the wariness among TCCs to allow their troops to actually use force in support of mandate implementation. This tends to result in limited and selective use of force that can amplify perceptions of partiality.[20] The UN Security Council increasingly agreeing on robust mandates, rules of engagement being written to allow UN peacekeepers to take a proactive stance, and missions being appropriately equipped, have not been accompanied by greater risk tolerance among TCCs or a willingness to put their troops in harm's way. Conversely, some of the UN Member States that are willing to engage in a more kinetic environment generally prefer not to be part of UN peacekeeping missions. In addition, the standing and relation of the acting Force Commander (FC) with key mission TCC, and the FC's individual stance, are critical variables in assessing the likelihood as to whether force will actually be used. The latter point suggests that a premium should be put on the quality of the appointment process of Force Commanders, recognising that this alone will not overcome TCC reluctance to engage.

The result might be that force is selectively applied on the basis of partisan criteria: presumably mostly where the geopolitical interests of the permanent members of the UN Security Council do not clash, dominant regional interests are supportive and host state interests are also served. This also means that it is applied in limited fashion: in specific tactical engagements that are relatively risk-free, but certainly not in more protracted campaigns. These variations risk pulling the UN's position as a neutral arbiter, guardian and mediator into a gray area.

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19 Fabricius, P. (2014), *Is the Force Intervention Brigade neutral?* , Institute for Security Studies Today: Pretoria (online: consulted 12/2/15); also: Cammaert (2013), *op.cit.* The fall of Goma in December 2012 was caused in part by the DRC armed forces fleeing the town and in part by the UN subsequently taking the position that MONUSCO could not use force to stop the M23 advance because the DRC armed forces had fled. It was argued that MONUSCO could only act to protect civilians in support of the Congolese armed forces, although the mandate made it perfectly possible to do so on the mission's own account (OIOS Evaluation, A/68/787, p. 15).

20 This is not limited to the field. Perceptions on the selective use of force also generate intense debates amongst countries in respect of the future of peace operations. See for example: Van der Lijn, J. and X. Avezov (2015), *The Future Peace Operations Landscape: Voices from Stakeholders around the Globe*, SIPRI: Stockholm.

For example, the UN legal counsel has determined that having a mandate that explicitly sanctions offensive use of force, including deadly force, in order to 'neutralise' armed groups renders the entire MONUSCO mission a party to the conflict. As party to the conflict, the entire mission (military and civilian) is vulnerable to attack, as protection under international law – previously enjoyed by military members of MONUSCO – was voided by Resolution 2098 and the follow-on Resolution 2147 (2014). This problem potentially extends beyond the FIB, however, as, following the offensive actions undertaken in 2012, the International Committee of the Red Cross (ICRC) had termed MONUSCO a party to the conflict.[21] This then raises the question of whether the United Nations, and more specifically its main TCCs, are willing to adopt mandates that provide for offensive actions with the implications for mission protection.[22]

Put briefly, there appears to be too much strategic and operational variability in UN operations at the moment to make the use of force transparent and viable in the long term. The selective and limited way in which force is used appears inconsistent, making it more difficult to maintain a perception of impartiality. All of this is not to say that force should not be used, but it does suggest that UN missions are mostly able to apply force for selected 'surgical' interventions, where risks of troop casualties are low, and/or to address specific excesses or threats. In turn, this suggests the use of force must be part of, and decided on the basis of, a very clear political strategy on what its use is supposed to achieve in the broader context of the

mandate,[23] appreciating the risk that its use could be the first step along a long road of escalation.

Militarisation of conflict resolution strategies?

The second implication of (greater) use of force for the overall effective discharge of UN mandates is that it can lead to the militarisation of the UN's approach to conflict resolution. It is well known that most present-day conflicts (i.e., intrastate with significant transnational dimensions, fragmentation of fighting groups and multiple political-criminal purposes), cannot be resolved militarily, although military force may play an important part in their resolution.[24] The Brahimi report already noted, 'When complex peace operations do go into the field, it is the task of the operation's peacekeepers to maintain a secure local environment for peacebuilding, and the peacebuilders' task to support the political, social and economic changes that create a secure environment that is self-sustaining' (para 28, p. 5). In other words, military intervention may be a necessary prelude or component, but must be embedded in a comprehensive conflict resolution strategy, in which non-military considerations are dominant (political, social and economic).

Recognising that UN peace operations were, from the outset, largely military operations and that the political component of PSOs has been added more recently, the presence of military forces engaged in offensive initiatives ensures that political and operational focus continues to lie on military operations. From a political perspective, concerns centre on

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21 Sheeran and Case (2014), *op.cit.*, p. 8.

22 Since 1999 the UN has taken the position that peacekeepers are party to a conflict only when actively engaged in combat. Non-combatant mission members are considered as not to be parties to the conflict. This position is not universally accepted. United Nations, Secretary-General's Bulletin: *Observance by United Nations Forces of International Humanitarian Law*, UN Doc. ST/SGB/1999/13, August 6, 1999, s. 1.1, cited in Sheeran and Case (2014), *op.cit.*

23 On the challenge of using force for political purposes in Afghanistan: Simpson, E. (2012), *War from the Ground Up: Twenty-first Century Combat as Politics*. Oxford University Press: Oxford; also: Cammaert, P. (2013), *op.cit.*

24 Consider, for example, the cases of Syria and Libya: Van Veen, E. and I. Abdo (2014), *Between Brutality and Fragmentation: Options for Addressing the Syrian civil war*, CRU Report, Clingendael: The Hague; Smits. R. et al. (2013), *Revolution and its discontents: State, factions and violence in the new Libya*, CRU Report, Clingendael: The Hague.

the risk of casualties and the associated need for force protection as well as on the risk of escalation and the need to maintain popular support back home. From an operational perspective, concerns centre on planning, logistics and the wellbeing of troops. This can create a situation in which military operations consume all available bandwidth, crowding out the need to spend scarce time on designing, implementing and reviewing a political strategy that could make a difference. In addition, if greater use of force implies growing UN military assets for offensive operations, care needs to be taken that this, however much it may be useful, does not reduce resources available for softer conflict resolution approaches and tools (something the UN has been working on over the past decade through, for example, professionalising its mediation capabilities and deploying peace and development advisers under the joint 'Programme on Building National Capacities for Conflict Prevention' from the UN's Development Programme (UN DP) and the UN's Department for Political Affairs (UN DPA). Effective political strategies combine and integrate soft and hard elements.

UN-mandated coalitions of the willing are, as primarily military missions not under the UN's direct command, especially at risk of not being adequately integrated into political and diplomatic efforts to resolve conflicts and may overestimate the role that the use of force can play in their resolution. The different political agendas at work in Somalia, for example, demonstrate that despite the existence of agreed international roadmaps such as the Somali Compact, key actors continue to pursue their (conflicting) security agendas. The heavily military profile of coalitions of the willing can also create difficulties when it comes to stabilisation, where policing and civilian components have an important role to play. This was a problem in Afghanistan and is currently a significant problem in Somalia.

As an alternative example, while not yet UN-mandated,[25] the AU-mandated Multinational Joint Task Force (MNJTF) created at the end of January 2015 to counter Boko Haram, will supposedly launch military operations against Boko Haram now that its activities have become too threatening for Cameroon and Chad to ignore. However, this continues and strengthens the Nigerian pursuit of a largely military resolution to the security challenge Boko Haram poses, which has utterly failed until the present according to many sources.[26] The dilemma here is clear: there is a patent need for a hard military response to prevent both further territorial gains by the group and further atrocities, and yet this is likely to absorb significant – if not all – available AU and UN capacity that might also be put in the service of working up a longer-term regional political strategy that addresses the underlying socio-economic factors enabling Boko Haram's rise.[27]

In addition, a focus on military capability for greater use of force might be to the detriment of creating more effective and larger policing and intelligence capabilities that missions require to make a more sustainable difference. As transnational influences dominate many present-day conflicts, their resolution requires much greater insight into both regional and domestic power relations, smuggling routes, criminal incentives and the like. In addition, the use of force military style can significantly reduce domestic support and increase collateral damage. In particular, when more precise, individually

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25 The UN Secretary-General expressed his support for the MNJTF here (consulted 13/2/15). In addition, a number of sources assume the AU will seek a UN mandate to ensure enhanced legitimacy and to be able to cover the cost of the initiative. For example here and here (both consulted 13/2/15).

26 For example: *The Guardian*, 03/12/15 (online, consulted 13/2/15); International Crisis Group (2014), *Curbing Violence in Nigeria (II): The Boko Haram Insurgency*, Africa report no. 216, ICG: Brussels.

27 See also: Van Damme, T. (2015), *From Neglect to Hyperactivity: The Regional Force against Boko Haram*, CRU opinion, Clingendael: The Hague (online: consulted 23/02/15).

targeted operations are involved, police-style interventions have greater potential to be more population friendly, and if done well may reduce the risk of creating additional grievances. For example, the criminal and nepotistic networks in Mali that consist of state officials, tribal leaders and security personnel suggest that the UN's arrest of some linchpin and high-profile individuals might be necessary to disrupt the infrastructure and incentives that (indirectly) enable continued conflict.[28] That would require strong evidence-gathering (intelligence and investigatory police capacities), a thorough political-risk assessment, and a surgical intervention capability (largely of a policing nature).

There is no obvious solution to this implication other than the need to ensure that any UN initiative which seeks to create greater capabilities to use force should not focus solely on military means. It should go in tandem with an initiative to augment the UN's resources to design, implement and review political conflict resolution strategies and subsume use of force activities within these strategies, and under civilian leadership. In part, ensuring that every mission has a dedicated, well-staffed strategy unit, an intelligence unit and a regional envoy might be one way to accomplish this.[29]

Tensions with UN statebuilding support tasks?

Currently, UN missions are typically charged with three sets of tasks. First among these is the creation of a safe environment, which enables the implementation of other tasks. This generally takes the form of stabilisation measures, protecting civilians, providing humanitarian assistance and supporting the return of displaced persons to a life with prospects. Second, they are assigned peacebuilding-oriented tasks, such as supporting national dialogue and reconciliation, and monitoring human rights. Finally, missions have statebuilding support

tasks that are exemplified by a focus on issues such as organising transparent and fair elections, building administrative capacity and institutions, restoring the rule of law and reforming the security sector.

Tensions naturally exist between these different tasks. Such tensions result, in particular, from the difference between peacebuilding, which focuses processes that seek to strengthen the rights, relations and social bridging capital between different social groups on the basis of equality and inclusivity, and statebuilding, which has a more exclusive focus on state structures that are often governed or dominated by a particular social group or elite cohort. The tension is particularly profound when the state's historical pattern of governance was a root cause of conflict, especially if one considers that the post-conflict period tends to feature more continuity than change in how the state is staffed and run.[30]

Arguably, the combination of the dependency and the necessity of UN missions to focus on the host state and the increase in multi-dimensional peacekeeping operations with stronger statebuilding support mandates over the past decade, has amplified these tensions. The UN Mission in South Sudan (UNMISS) might be a prime example as, through its overt focus on support for the government of South Sudan, it not only was taken by surprise by the civil war that erupted at the end of 2013, but might also have unwittingly contributed to it.[31]

It can be projected that greater use of force – often on behalf of the state or at least against its opponents, as argued above – will further exacerbate this tension if the state is not willing to reconstitute itself according to internationally established principles.[32] For example, it is undeniable that the domestic

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28 For instance: Briscoe, I. (2014), *Crime after Jihad: Armed Groups, the State and Illicit Business in post-conflict Mali*, CRU report, Clingendael: The Hague.

29 For further detail: Van Veen (2014), *op.cit.*

30 Valters, C., E. van Veen and L. Denny (2015), *Security Progress in Post-Conflict Contexts: Between Liberal Peacebuilding and Elite Interests* (forthcoming).

31 Hutton (2014), *op.cit.*

32 Such as, for example, those expressed in the UN Charter or the New Deal for Engagement in Fragile State.

politics of the DRC have blocked a number of worthwhile UN initiatives that were based on existing agreements with the government.[33] When the UN subsequently applies force through MONUSCO's FIB it not only becomes a party to the conflict, but also can easily be perceived as serving the government's agenda. This, in turn, can seriously affect the UN's credibility in the eyes of the people they are intended to protect, undermine the UN's defence of the principles on which it was created, and reduce its ability to act as an even-handed broker. These problems exist whether force is carried out by a UN mission or a coalition of the willing under a UN mandate, although the damage to UN credibility may be greatest for UN missions. Abuses by AMISOM forces, for example, have tended to be seen as problems that AMISOM must solve, rather than the United Nations, even though AMISOM is operating under a UN mandate and receives support through the assessed budget.[34]

The challenge is that expanding mandates endow missions with more tasks, such as electoral security and executive policing. This creates growing tension between mission stabilisation efforts and mission peacebuilding and statebuilding efforts. Implementation of these tasks under a Chapter VII mandate raises the likelihood that the mission at some point will need to resort to the use of force to implement one part of its mandate. And yet this may also make it more difficult to discharge other parts of the mission's mandate. In short, the question arises how the (overly) ambitious sets of tasks that more and more missions are tasked with can be implemented if the

greater use of force furthers implementation of one set of tasks at the expense of another.

4. Key trade-offs to consider in respect of the use of force

As the foregoing analysis suggests, international consensus has shifted over time on where the UN should focus to fulfil its responsibility to promote international peace and security and how it should do so. The Cold War focus on preventing escalation of interstate conflict led to a UN mission posture of minimal force focused on monitoring. The genocides in Rwanda and Srebrenica helped launch the doctrine and practice of the protection of civilians and the increased authorisation (but not necessarily the reality) of the use of force for this purpose. The chronic fragility of many countries has resulted in their inability or unwillingness to address root causes of conflict, while the transnational nature of conflict and the proliferation of its parties have increased. Both of these aspects of current conflict have stimulated a rise in the number of multidimensional UN missions. Against this backdrop, the increased use of force might look like a useful element of 21st century strategies that enable UN missions to better discharge their mandates.

However, the foregoing analysis also suggests that there are four critical considerations for the High-Level Independent Panel on Peace Operations in respect of such use of force:

If capabilities will be acquired to enable missions to use force more frequently and/or more effectively, how can greater realism simultaneously be created about what the use of force can achieve within UN (Member State's) tolerance and capability parameters?

Given the UN's state-focus, TCC wariness of following the 'logic of violence' to its extreme conclusions and the UN's operational structure, it appears that the UN's ambition to effectively respond to threats to international peace with the use of force will remain limited, even in the case

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33 Such as the Goma and Nairobi processes, the 23 March 2009 Agreements or the Addis Ababa Peace, Security and Cooperation Framework for the Democratic Republic of the Congo of 24 February 2013. See for example Kets, E. and H. de Vries (2014) *Limits to supporting security sector interventions in the DRC*, Institute for Security Studies: Pretoria.

34 For example, see Williams, P. (2013), 'The African Union Mission in Somalia and Civilian Protection Challenges', *Stability* 2:2, p. 39 (online: consulted 02/03/15).

of substantial capacity improvements. This suggest that a rather precise discussion is needed on what the use of force by the UN can hope to achieve in complex mission contexts and in what situations it is warranted. UN-mandated coalitions of the willing might, for example, remain the only way to have some degree of UN involvement in kinetic situations of high intensity, in order to create an environment that is more enabling for UN peacekeepers. It may also be useful to dedicate resources to examining how such coalitions of the willing can best connect with UN-led political processes and UN peacekeeping to gain maximum effect.

If capabilities are acquired to enable missions to use force more frequently and/or more effectively, can they include initiatives to strengthen non-military use of force assets, as well as assets that enable better political conflict resolution strategies?

Use of force tends to be thought of mostly in military terms. Yet there is increasing acknowledgement of civilian use of force capabilities and assets as equally vital for its successful application. These prominently include capacities to craft and review the political strategies that need to guide the use of force, intelligence capacities that enable the use of force and policing-type capacity that execute it. The additional practical advantage of considering such assets is that it will enable a broader set of TCCs to contribute to UN missions, including those apparently hesitant about the military aspects of the use of force.

Is it possible to foster greater credibility and transparency in how UN missions will use force to increase its deterrence impact and help restore an image of neutrality?

Use of force by the UN does not serve the purpose of 'winning the war'. It seeks to achieve more selective objectives in the service of mission mandates. As a result, greater credibility of the use of force, limited to circumstances in which the UN can actually project force in terms of both willingness and capability, will increase its deterrence impact. Greater transparency

about the conditions or type of situations in which force would actually be used and against whom would help to promote perceptions of greater even-handedness in the application of the UN's use of force. Reviewing and expanding the Principles and Guidelines for the UN's Peacekeeping Operations from the perspective of the use of force might offer a useful starting point towards this purpose.[35]

How can missions use force in a robust way for the purpose of stabilisation while limiting the potentially negative effects it might have on longer-term peacebuilding and statebuilding processes?

It is increasingly recognised that the complexity of current mission contexts means that the UN's triple aims of stabilisation, peacebuilding and statebuilding are often pursued in parallel, and at times pulled in tension. The use of force, typically necessary for the primary goal of creating a safe environment, may be odds with a mission delivering on its two longer-term aims. This is particularly the case if the UN's use of force (or failure in that regard) does excessive damage to its local reputation, if it undermines the UN's ability to mediate and negotiate effectively, or if the mission is seen to increasingly assume the responsibilities of the state itself rather than preparing national actors to effectively execute their sovereign obligations in line with international principles. In order to strengthen the strategic application of this particular tool, more consideration must be given to the inherent trade-offs which the use of force implies vis-à-vis the mission's immediate aims and its greater goals. Identifying and incorporating into decision-making processes the possible adverse long-term effects of kinetic action taken by the UN should be accompanied by the development of appropriate mitigation strategies to ensure a unity of purpose.

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35 United Nations (2008), *op.cit.* In particular Chapters 2 and 7 seem relevant.

About the Conflict Research Unit

The Netherlands Institute of International Relations 'Clingendael' is a think tank and diplomatic academy on international affairs. The Conflict Research Unit (CRU) is a specialized team within the Institute, conducting applied, policy-oriented research and developing practical tools that assist national and multilateral governmental and non-governmental organizations in their engagement in fragile and conflict-affected situations.

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