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Dilemmas of Robust Peace Operations

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Peace operations have become more robust in recent years. While the trend is apparent in UN and non-UN operations, the departure is both less pronounced and more striking in the former. It has not been linear, nor without controversy, but the Security Council has asked UN missions to use force for a range of purposes beyond self-defense, including the protection of civilians and maintenance of public security.

Reflection on the challenges and dilemmas thrown up by this new practice has occurred in the UN Secretariat, blue-ribbon panels, and national capitals, but not in a sustained way at the intergovernmental level.[1] Practitioners lack an agreed doctrine for robust peace operations—an interpretive guide to help manage the dilemmas they regularly face in the field. Lacking institutionalized guidance, they improvise. Creative improvisation has been a hallmark of peacekeeping from its earliest days, and adaptability is often the key to success of an operation. But ad hoc responses can produce incoherence and inconsistency within a mission, as well as uncertain expectations among the parties to a conflict, local population, and the multiple participants in complex operations. The traditional principles of peacekeeping—consent, impartiality, and the use of force only in self-defense—were developed in part to manage those expectations. They emerged from practice in order to guide future practice. Given the scope and variety of contemporary peace operations, the time is ripe for renewed multinational attention to their conceptual and doctrinal foundations.

This chapter begins with brief descriptions of four crises that illustrate the trend toward a more robust approach. I then turn to two pervasive functions of contemporary peace operations—protecting civilians and providing public security—which raise a number of dilemmas that implicate the guiding principles. Next is a review of the evolution of thinking in the UN about the basic principles and the development of doctrine elsewhere. The proliferation of approaches and attendant risk of inconsistency underline the need for common understandings at the multinational level. I suggest four areas that warrant special attention in any effort to develop those common understandings as part of an integrated approach to the complexities of modern peace operations.

The Trend Toward Robust Peace Operations

The period 2000–2005 is book-ended by four crises. The crises differ, both in nature and in magnitude, but threads run through all of them to suggest they are part of a more general pattern associated with modern peace operations.

Sierra Leone, 2000

The first was in Sierra Leone in 2000. The UN Mission in Sierra Leone (UNAMSIL) had a Chapter VII mandate to use force to protect civilians and, after the Economic Community of West African States Cease-Fire Monitoring Group (ECOMOG) withdrew, to provide security at designated locations for specified purposes, "within [the mission's] capabilities and areas of deployment."[2] As UNAMSIL contingents began to deploy to diamond producing areas in early May 2000, the Revolutionary

United Front (RUF) tested the force first by denying freedom of movement and then by taking hostages. Determined not to withdraw, as the UN had done in Rwanda in 1994, the Secretary-General called for a further expansion of UNAMSIL and the deployment of a rapid reaction force. The United Kingdom dispatched 800 paratroopers (though not as a rapid reaction force) and a substantial naval presence offshore. This, along with UNAMSIL and government counterattacks against the RUF, staved off a rebel assault on Freetown and deterred further provocations. It also bought time until well-trained and well-equipped troops from Jordan and India could arrive. Some of the UN hostages were released through negotiations, but in July a 222-strong Indian unit plus others remained surrounded. UNAMSIL successfully launched a robust military operation to restore their freedom of movement.

In August the Security Council ratcheted up the pressure by authorizing UNAMSIL "to deter and, where necessary, decisively counter the threat of the RUF by responding robustly to any hostile actions or threat of imminent and direct use of force."[3] Not all the troop-contributing countries supported this shift and indeed the decision of India and Jordan to withdraw later in the year was due in part to differences over interpretation of the mandate.[4] Other troop contributors responded to the Secretary-General's call for "a very strong military presence with the necessary force multipliers,"[5] and by March 2001 UNAMSIL was the UN's largest peace operation, with an authorized strength of 17,500, a deterrent capability, and a dominant presence throughout the country. British marines remained offshore to add to the deterrent. This, combined with active political engagement with the RUF (after its leader Foday Sankoh was arrested) and gradual improvement in the capability of the Sierra Leone army, resulted in voluntary disarmament by and successful elections in April 2002.

The UN's Department of Peacekeeping Operations Best Practices Unit drew positive lessons from UNAMSIL's shift to a more robust posture, but also highlighted the difficulties in getting there, including uncertainty about the mandate, confusion about rules of engagement, and command and control problems.[6] As the mandate was augmented, consultations between troop contributors and the Security Council were less than ideal, which caused particular problems in view of the fact that no developed countries were willing to provide troops to the mission directly. A Security Council mission to Sierra Leone acknowledged that UNAMSIL's mandate was imprecise and that differences of interpretation had still not been resolved by October 2000.[7]

East Timor, 2000

Meanwhile, a smaller-scale crisis was occurring in East Timor. To bring an end to the violence sparked by the Timorese vote on independence in August 1999, the Security Council authorized the deployment of the International Force for East Timor (INTERFET) to restore peace and security. Its functions were taken over by the UN Transitional Administration in East Timor (UNTAET) in February 2000, which had a sweeping Chapter VII mandate to administer the territory.

Despite the authority to use "all necessary means" to fulfill its mandate, the 8,000 well-armed soldiers of UNTAET initially operated under restrictive rules of engagement (ROEs).[8] The mission was soon tested by militias infiltrating from across the land border with West Timor, leading in one case to the displacement of up to 3,000 East Timorese. A large militia group ambushed a New Zealand contingent on 24 July, killing one soldier; a Nepalese soldier was killed in a well-planned attack on 10 August; and three UN staff members were murdered in Atambua, West Timor, on 6 September. UNTAET sought a revision of its ROEs, citing language in Security Council Resolution 1319 (2000) that called on it to "respond robustly to the militia threat." The UN Department of Peacekeeping Operations (DPKO) approved an "amplified" concept of self-defense, which became the basis for coercive action without warning if necessary. In a number of operations, elements of the UNTAET force were deployed in the southwestern sector

to disarm militias and restore security. There were significant militia casualties in operations through the remainder of 2000, and the groups had largely ceased their organized military campaign by early 2001.

Democratic Republic of Congo, 2004–2005
As the temporary French-led, EU-blessed intervention in Bunia was coming to an end following the crisis there in the summer of 2003 (Operation Artemis), the Security Council adopted Resolution 1493 (2003), which gave the UN Organization Mission in the Democratic Republic of Congo (MONUC) two separate Chapter VII mandates: one for the Democratic Republic of Congo (DRC) as a whole, and one for Ituri and the Kivus, in the east. The former included the authority "to take all necessary measures within the limits of its capabilities and areas of deployment" to protect civilians and humanitarian workers. The latter included the right to use "all necessary means to fulfill its mandate in the Ituri

district and, as it deems it within its capabilities, in North and South Kivu." Thus from July 2003, MONUC had Chapter VII authority for its entire mandate, full enforcement power in Ituri, and limited enforcement power "within its capabilities" for the protection of civilians and in the Kivus.

The mission faced a serious crisis in May–June 2004 when Laurent Nkunda marched on the town of Bukavu in support of Jules Mutebutsi, a suspended commander of the DRC armed forces. The city fell and more than 100 people died, provoking violent reactions in Kinshasa and elsewhere. The UN's Department of Peacekeeping Operations Best Practices report on the Bukavu crisis faulted MONUC on various grounds, some of which related to the guiding principles of peacekeeping: the senior leadership appeared "to confuse impartiality with neutrality and was reluctant to confront individuals or groups who were clearly working to undermine the transition process"; there were sharply divided opinions—and

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Pakistani peacekeepers with MONUC keep watch over a Rwandan rebel camp
they and government soldiers destroyed in South Kivu, July 2005, in their latest operation
to pressure Rwandan gunmen to lay down their guns and return home peacefully

mixed public signals—about using force to disarm Mutebutsi and stop the advance of Nkunda; and there was confusion among different MONUC contingents about the rules of engagement. The result was a serious loss of credibility for MONUC and a damaging setback for the fragile peace process.[9]

The Bukavu crisis ultimately led to a new mandate for MONUC, embodied in Resolution 1565 (2004), more MONUC troops to Ituri and the Kivus, and the establishment of an eastern divisional headquarters. The more robust approach signaled by these developments was put to the test in Ituri in early 2005. In response to serious violence against civilians in late January, MONUC launched several security operations and itself came under direct attack, resulting in the death of nine peacekeepers. The UN reacted with armed personnel carriers and attack helicopters, killing 50 to 60 militia members in an intense exchange of fire.[10] Soon thereafter, 15,600 Ituri militias laid down their arms, leaving behind a diffuse group of about 1,500.

Haiti, 2005

The UN Stabilization Mission in Haiti (MINUSTAH) was established in mid-2004 with a partial Chapter VII mandate. Its functions included the authority, "in support of the Transitional Government," to ensure a secure environment and to assist with the restoration of public order in Haiti. This deft diplomatic drafting was the product of compromise within the Security Council. It seemed to invite a robust approach, but only in support of existing institutions—specifically, the Haitian National Police (HNP), which was of questionable competence and legitimacy. There were differences of opinion within the mission and the Security Council about how forcefully to act against the armed gangs that controlled the poorer districts of Port-au-Prince. Amid accusations that MINUSTAH was too passive, the Security Council signaled its approval of a more robust approach in the report of a mission all fifteen members took to Haiti in April. This was reinforced by Resolution 1608, adopted on 22 June 2005, which authorized an increase in the mission's strength and addition of a "rapid reaction force."

MINUSTAH had engaged in security operations earlier, but the tide against armed gangs turned in late June and early July of 2005, when joint operations by the military and formed police units culminated in the death of gang leader "Dread" Wilme, who had been dominating Cité Soleil. This was followed by the establishment of a permanent security presence in Bel Air, intensive mobile patrolling, cordon and search operations, and a warning that anyone seen carrying a weapon would be shot. The result was a relative return to normalcy in Bel Air, with signs of renewed economic life and the UN able to carry out civilian functions. Later in 2005, attention turned again to Cité Militaire, where similar military tactics were employed. As the year end approached, robust action was also being contemplated for Cité Soleil, though embedded in civilian-led confidence-building measures aimed at winning the support of gang members and trust of the broader population within the district.

Common Threads

Three threads run through these quite different crises. First, in all four cases the Security Council provided a Chapter VII mandate and some enforcement authority, but with enough ambiguity to leave room for differing interpretations as to when force should be used and for what purposes. Second, when crises erupted (as in Sierra Leone and the DRC) or long-standing problems boiled over (as in East Timor and Haiti), there were arguments within the missions, the UN Secretariat, and/or the Security Council about how to respond. Third, in all cases the UN operations started with a less forceful approach (either due to a lack of capacity or will) and then escalated as the crises expanded.

Contemporary Challenges

The threads are not confined to the four cases. Similar situations have arisen in UN and non-UN

operations in Kosovo, Afghanistan, Burundi, Côte d'Ivoire, and Darfur. And they are likely to arise again as long as peace operations continue to be tasked with performing two functions: protecting civilians and providing public security. These mandates create conceptual and operational challenges for peacekeeping, with not only military but also political, humanitarian, human rights, and normative implications.

Protection of Civilians

Since late 1999, no less than ten peace operations—both UN and non-UN—have been authorized under Chapter VII "to protect civilians under the imminent threat of physical violence," often qualified by the words, "within capabilities and areas of deployment."[11] This builds on practice that began in the early post–Cold War operations and gained momentum after the tragedies of Rwanda and Srebrenica. While the term "protection of civilians" was not used for the earlier operations,

the mandate was implicit.[12] Today, it is standard language in every Security Council resolution that authorizes an operation where civilian lives are likely to be in danger.

This mandate for protection of civilians is part of a normative shift reflected in general statements by the Security Council[13] and the Secretary-General.[14] The Brahimi panel argued that "UN peacekeepers who witness violence against civilians should be presumed to be authorized to stop it, within their means, in support of basic UN principles."[15] The normative shift is also reflected in the report of International Commission on Intervention and State Sovereignty, which introduced the "responsibility to protect" principle,[16] later picked up by the High-level Panel in its report,[17] and by the Secretary-General in his.[18] The reference to a "responsibility to protect" at the 2005 World Summit[19] was an important step in this evolution, marking the first time it was endorsed in a universal

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Box 1.1 The 2005 World Summit and Peace Operations

The 2005 World Summit adopted (and in some cases adapted) a number of recommendations made by the Secretary-General's High-level Panel on Threats, Challenges, and Change and by the Secretary-General himself in his report *In Larger Freedom,* which was designed to build on previous reforms of peacekeeping. Among the main conclusions of the summit were:

• Recognition of the "vital role" played by peacekeeping in helping parties to end conflict.
• The need to mount operations with adequate capacity to counter hostilities and fulfill effectively their mandates.
• Endorsement of the creation of an initial standing policy capacity to provide coherent, effective, and responsive startup

capability for the policing component of UN peacekeeping missions.
• Support for the European Union and other regional entities' efforts to develop capacities for rapid deployment and standby arrangements.
• Support for the development and implementation of a ten-year plan for capacity building with the African Union.
• A call on regional organizations with capacity for the prevention of armed conflict or peacekeeping to consider placing these capacities in the framework of the UN Standby Arrangements System.
• A reaffirmation of the commitment to the protection of children in situations of armed conflict.

The summit did not adopt in whole the High-level Panel's recommendation

that the UN establish a strategic reserve for peacekeeping—an idea designed to address the recurrent problem of the need to bolster the defensive and offensive capacity of peacekeeping forces in the face of hostility. The design of a strategic reserve is similar to that of "over-the-horizon" reserve forces commonly used in national deployments. However, the summit did urge further development of "enhanced rapidly deployable capacities to reinforce peacekeeping operations in times of crisis."

The summit also adopted a carefully but strongly worded "responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity."

Source: UN General Assembly, Resolution 60/1, *2005 World Summit Outcome,* NY: 20 September 2005.

forum. While there is no consensus on the practical applications of the concept, the protection of civilians in peace operations is a way of putting the principle into practice, a step toward giving meaning and content to an inchoate norm.

Yet there is a large gap between the mandate given to peace operations and formal knowledge about how to execute it. In a careful study, Victoria Holt found that even fully developed national peace operation doctrines lack clear guidelines on how to go about protecting civilians.[20] Inevitably, responses are improvised. Thus senior officials of the African Union Mission in Burundi (AMIB) wrote rules of engagement that gave their troops authority to protect civilians, even though that was not in the mandate.[21] MONUC failed to protect civilians during the Bukavu crisis, after having raised expectations that it would do so by announcing formation of a new Kivus brigade.[22] It subsequently did better in Ituri, but to this day MONUC's areas of operation are so large that it cannot protect civilians wherever it is deployed. The same is true for the UN Mission in Sudan (UNMIS), and the African Mission in Sudan (AMIS), despite its force of almost 7,000, is struggling to protect civilians in Darfur.[23] The UN Operation in Côte d'Ivoire (UNOCI) and Operation Licorne can intervene in small-scale crises, but would have difficulty doing so in the face of systematic attempts at slaughter in ethnically divided areas. Even the large NATO military and UN police operations in Kosovo have been inconsistent in carrying out their protection mandate—most notably during the riots of March 2004.

These improvised responses highlight a number of dilemmas. First, a mandate without adequate capacity can generate expectations that will not be fulfilled. The qualifying words "within the limits of the mission's capabilities" are aimed at lowering expectations, but is it reasonable to suppose that all concerned—including vulnerable populations—will read the fine print? Removing civilian protection language from resolutions altogether is no solution, because the mere presence of a peace operation generates expectations. After Rwanda and Srebrenica, peacekeepers cannot simply stand by as civilians are massacred, claiming that action to protect them is not in the mandate. On the other hand, if peacekeepers are to be held responsible for every death they fail to prevent, the number of countries willing to contribute troops or police may decline dramatically.

A second dilemma is that the qualified mandate could draw people to where peacekeepers are deployed in order to fall under the protection umbrella. This can quickly overwhelm the capacity of a mission, and expose it to manipulation by those who want either to see the operation fail or to invite robust action from the peacekeepers in the hope that it will to work to their advantage. A third dilemma arises when protective action in one location leads to reprisals against civilians elsewhere, a deeply disturbing pattern that is playing out in the DRC. A fourth dilemma relates to timing and scale. Should peacekeepers act pre-emptively to protect civilians, or is the use of force always a last resort? Taking on the spoilers only after they have done their worst is no help to civilians who die while all other measures are first exhausted. On the other hand, pre-emptive action can provoke a reaction, and there are limits to how far most peace operations can escalate. Even the international coalition in Iraq and the NATO-led operation in Kosovo have struggled to seize and keep the initiative throughout their areas of operation. Is it reasonable to expect MONUC to do so in the DRC, UNOCI and Operation Licorne in Côte d'Ivoire, AMIS and UNMIS in Sudan, or even MINUSTAH in relation to the lesser security threats it faces in Haiti?

All of the above highlight a deeper dilemma: the protection of civilians is a goal of both order and justice. While military action can create order quickly, achieving justice takes longer and requires a more comprehensive approach.[24] Viewing protection of civilians as a public order task may produce quick results, but can undermine more long-term, multidimensional efforts to achieve justice. On the other hand, waiting for those efforts to bear fruit while civilians die

Table 1.1 Formed Police Units, as of December 2005					
	UNMIK	UNMIL	UNOCI	MONUC	MINUSTAH	Total
Bangladesh	—	—	125	250	—	375
China	—	—	—	—	125	125
India	—	—	—	250	—	250
Jordan	—	120	250	—	290	660
Nepal	—	250	—	—	125	375
Nigeria	—	125	—	—	125	250
Pakistan	115	—	—	—	250	365
Poland	115	—	—	—	—	115
Romania	115	—	—	—	—	115
Senegal	—	—	—	250	85	335
Ukraine	140	—	—	—	—	140
Total	585	495	375	750	1,000	3,345

Source: DPI (DPKO website).

can fatally undermine the legitimacy of a mission and jeopardize the local and international support it needs to succeed.

Public Security Gap

A second challenge for contemporary peace operations that has raised difficult questions about roles, responsibilities, and expectations is the so-called public security gap.[25] The gap arises when there is a need to perform public order functions that fall between providing a secure environment (a typical military function) and crime control, civil disturbances, and general lawlessness (typically viewed as civilian police functions). It occurs when local security forces are incapable of maintaining law and order, the military component of a peace operation is unwilling to do so, and multinational civilian police forces are unable to do so, either because they are deployed in insufficient numbers or because the magnitude of the challenge exceeds police capabilities. The issue is sharpest in "executive policing" operations, like Kosovo and East Timor, but it arises wherever the peacekeepers are expected to help provide public security.

Specialized forces have been used to fill the gap in a number of places. Variously called "formed police units," "integrated police units,"

"constabularies," "police with military status," "gendarmerie-type forces," "multinational specialized units" and "special police units," these forces are designed for crowd and riot control, high-end law enforcement, combating organized crime, and protecting key locations and VIPs. In Haiti in the early 1990s, the public security gap was filled by military police and special units who engaged in joint patrols with Haitian security forces. These 920 international police monitors from twenty-six countries carried sidearms, had arrest powers, and could use deadly force to prevent violence.[26] They were replaced by 870 UN civilian police who were also armed, including a 150-person Argentinian SWAT team. The first multinational specialized unit (MSU) was deployed in Bosnia in 1998, as part of the NATO-led force, after a riot in Brcko demonstrated the limitations of the military for crowd control.[27] The lesson was applied in Kosovo, where both an MSU under Kosovo Force (KFOR) command and a special police unit (SPU) under UN Interim Administration Mission in Kosovo (UNMIK) authority were deployed with mandates that included the handling of civil disturbances and threats to public order. Gendarmerie-type units were deployed in East Timor, and today there are formed

police units in the UN missions in Haiti, the DRC, Kosovo, Côte d'Ivoire, and Liberia.

Reliance on these units has not been without controversy, pointing to a tension among contributing states about the respective roles of military, police, and constabulary forces. In Bosnia, the MSU's list of functions (public order and safety, intelligence-gathering, crowd control, protection of returnees, security during elections, fighting organized crime, and stopping smuggling) was a "veritable smorgasbord of all the issues SFOR and IPTF were struggling with."[28] In Kosovo, the similar mandates of the MSU and SPU revealed a lack of clarity about the gap they were meant to fill, and the inadequacies of the response to the riots in March 2004 were partly a result of poor coordination among the military and police.[29] In Haiti, MINUSTAH military and police units have been engaging in joint security operations in the slums of Port-au-Prince, but poor coordination and misunderstandings about functions prompted the Security Council to call for a new sector headquarters for the express purpose of ensuring more efficient and better integrated operations.[30] MONUC's authorized strength was enhanced by five formed police units (625 officers) in 2005 partly to assist the national police in providing crowd control, but their main function will be to protect UN facilities and sites during the electoral period.

This history highlights some of the dilemmas associated with the public security gap. First, security cannot be divided neatly between "military" and "police" functions in peace operations. Debate continues between those who argue the military is not trained, equipped, or otherwise suited for postconflict policing, and those who argue it is an essential part of the military's security responsibilities.[31] Constabulary forces may help to fill the vacuum, but they are not a panacea because numbers are limited and the ability to deploy quickly is constrained, although some initiatives are under way to enhance global capacity.[32] Moreover, there is no standard formed police unit. Formed police are trained, structured, and deployed to meet the domestic

AP Photo/Kent Gilbert

Jordanian troops with MINUSTAH provide security in Cité Soleil, Port-au-Prince, February 2005

security needs of their countries.[33] They cannot simply be transplanted to a peace operation and expected to perform any task deemed to fall in the "public security gap."

The second dilemma arises where the gap can only be filled by a mix of military, constabulary, and individual police forces. Coordination is exceptionally difficult. The three types of forces often arrive with different operating styles, rules of engagement, and attitudes about the use of force. And it is precisely in the operations where the use of force is most likely that coordination is most difficult.

A third dilemma follows from the second. If military and formed police units engage in joint operations, should they be under a military chain of command? This would seem to make sense from an operational point of view, at least in high-intensity operations. But if the police units are seen as paramilitary, this can be problematic in societies where such forces have been part of the problem rather than solution. Moreover, the ability of international civilian police to do and teach "community policing" may be compromised if their formed counterparts are engaged in coercive action under a military chain of command.

The above dilemmas highlight the normative dimension of public security and its connection to the broader goal of rule of law promotion—an increasingly important but under-resourced aspect of modern peace operations. To assume law and order responsibilities, either directly in an executive policing mandate or indirectly through support of local forces, is to assume one of the most basic state functions. Effective policing is based on a social contract between state authorities and the population, which requires a degree of respect and understanding, if not trust. Foreign forces are not part of this social contract, but nevertheless transmit values in how they go about their work. Community policing is such a value, as is respect for human rights. In postconflict environments, the police are often the most visible manifestation of a transformed society—they are the face of both order and justice.[34] Thus greater clarity about the roles of military, police, and constabularies not only will contribute to public order, but can also contribute to the restoration of justice.

The Search for Conceptual Clarity

The traditional principles of peacekeeping—consent, impartiality, and the use of force only in self-defense—emerged from the first UN Emergency Force (UNEF I) in 1956 and understandings about those principles have been evolving ever since. Throughout the Cold War era and with few exceptions, a sharp line was drawn between Chapter VI peacekeeping and Chapter VII enforcement action. The changed nature of the missions at the end of the Cold War led to a blurring of the line between "peacekeeping" and "enforcement action," highlighted by Secretary-General Boutros-Ghali's *Agenda for Peace* of 1992, wherein he proposed "peace enforcement units" to occupy a halfway house between the two.[35] But failures in Bosnia, Somalia, and Rwanda prompted the Secretary-General to backtrack in his 1995 *Supplement to an Agenda for Peace,* in which he insisted that "peacekeeping and the use of force (other than in self-defense)" were alternative techniques and not adjacent points on a continuum.[36] In other words, there is no halfway house between peacekeeping and enforcement, and the two should not be mixed.

The sharp line the supplement tried to draw was blurred again by the Brahimi Report, which was inspired by UN reports on the fall of Srebrenica and the genocide in Rwanda, as well as an Organization of African Unity (OAU) report on Rwanda. The Brahimi Report affirms the "bedrock principles of peacekeeping," but then qualifies all three: consent is often unreliable and subject to manipulation by the parties; impartiality does not mean neutrality, but rather "adherence to the principles of the Charter and to the objectives of a mandate that is rooted in those Charter principles"; and UN operations must be prepared to deal effectively with "spoilers," with forces able to pose a credible deterrent and "to project credible force."[37] The blurring of the line was forthrightly acknowledged by the High-level Panel in 2004 when it

stated that the distinction between Chapter VI peacekeeping and Chapter VII peace enforcement is "misleading" and that the usual practice is to give both types of operation a Chapter VII mandate, on the understanding that even the most benign environment can turn sour.[38] The 2005 World Summit outcome document says little about the use of force by peacekeepers, other than to reaffirm that missions should have "adequate capacity to counter hostilities and fulfill effectively their mandates"[39]—a hint at robustness, but without elaboration.

Thus the UN does not have a peacekeeping doctrine beyond what is reflected in training modules, standard directives, generic standard operating procedures (SOPs), a "master list" of rules of engagement, and publications like the 2003 *Handbook on United Nations Multidimensional Peacekeeping.* An important initiative is currently under way in the UN Department of Peacekeeping Operations to launch a "guidance and policy management system" for the conduct of operations. This represents a serious effort to provide operational guidance to practitioners by assembling the various lessons learned and relevant DPKO documents into a more coherent whole. It is not an effort to formulate or declare new doctrine, but rather to build on existing principles in offering flexible and continually evolving guidance on how to train and prepare for missions and how to carry out mandated tasks. While this is an important exercise, it can only go so far without greater consensus at the intergovernmental level about the conceptual foundations of modern peace operations.

The development of multinational doctrine is difficult but not impossible, as the case of NATO demonstrates.[40] No other regional organization has gone as far, but the African Union and Economic Community of West African States (ECOWAS) have begun addressing doctrinal issues in the context of the standby forces each is establishing.[41] At the national level, most NATO countries have developed doctrines for peace operations, some of which have gone through several iterations in the post–Cold War era.[42] Many of the leading troop contributors from the developing world refer to peacekeeping in their military doctrines. There is also diffusion of peacekeeping training centers where basic concepts and techniques are taught.

Doctrinal developments at the national level inevitably affect multinational missions, often in a positive way. But the proliferation of approaches can be problematic. Clashes between national approaches and those of the organization under which they operate, or among national approaches within a mission, can lead to an incoherent and ineffective peace operation. Without common or at least congruent understandings about the basic principles, mandates will be interpreted, directives and SOPs developed, rules of engagement drafted, decisions made, and action taken either in a conceptual void[43] or based on assumptions that find their way into peace operations through the back door (i.e., through influential contributors to an operation or strong-willed individuals within a mission).

Recent experience suggests that the time is ripe for renewed multinational reflection on the fundamentals of peace operations. The question is not so much whether the core principles of consent, impartiality, and the minimum use of force are still relevant, but whether practitioners need a more fully developed interpretive guide to ensure that those principles are applied effectively. Four areas in particular would benefit from greater conceptual clarity: the management of expectations, the meaning of consent and impartiality, the use of force, and the broader normative context in which peace operations occur.

First, the deployment of a peace operation creates expectations at many levels. The mandating authority (e.g., the UN Security Council) expects the mandate to be fulfilled, the contributors to an operation expect the resources and political backing to fulfill it, the parties to a peace agreement expect reassurance that the other parties will not cheat, and innocent civilians expect their physical well-being to be protected. Shared understandings about the nature, objectives, and underlying principles of an operation help manage those expectations—of ensuring that the parties know what steps the peacekeepers

Members of a Chinese formed police unit prepare for their mission in Haiti
at a training camp on the outskirts of Beijing, China, September 2004

will take to ensure compliance with the mandate, and that civilians know what the operation will and will not do to protect them. The effective management of expectations requires specificity in a mandate, as well as consistency and transparency in its execution. If force is used, it must be for understandable reasons; if force is not used, the reasons should be equally understandable. This requires good public information and effective communication with the parties and the broader population about the mission's aims and operational activities.

As important, the contributors to a peace operation—military, police and civilian organizations—must know what they are getting into. This requires overcoming the knowledge deficit that plagues many missions, so troop and other contributors do not find themselves in situations they did not expect. If they are likely to take casualties, that should be understood from the outset. If the troops or police are likely to inflict casualties, that also must be well understood—especially in chaotic environments, where the line between combatants and civilians is often hard to draw. Moreover, the actions of one component of a peace operation impact the others: military action can inhibit or enable progress on the civilian front, the imperatives of political or humanitarian action may dictate a certain military posture, and so on. Shared understandings can help ensure harmony of effort among the various components.

Second, there is a need for clarity about the meaning of consent and impartiality. These principles have stood the test of time, but how they play out in practice is far from self-evident. If there is consent to an operation, it is often qualified in one of three ways: either it is (1) unreliable, (2) brought about under outside pressure, rendering it something less than a pure act of volition, or (3) open-ended. No peace agreement implemented over an extended period can provide for every contingency, so even genuine consent, in effect, is a gesture of faith that unforeseen problems can be worked out on a consensual basis. Underlying all these qualifications is the basic

question: Whose consent matters? Is it only or primarily the parties to the conflict, or is the consent and cooperation of the broader population as important? Often local spoilers are supported by foreign backers; in many circumstances, their "consent" to end that support is critical to the success of a mission.

Impartiality, meanwhile, was defined in the Brahimi Report to mean adherence to the principles of the Charter and objectives of a mandate, a conception that is found in many national peace operation doctrines. It assumes a clear enough mandate that all concerned know what impartiality in its execution entails, which relates back to the need for transparency and good communication. More broadly, consent and impartiality connect to the notion of legitimacy. In modern operations, consent is an important source of legitimacy, but may not be the only source. A principled mandate from an authoritative institution executed impartially can also bestow legitimacy.

Third, in its 2005 report, the UN's Special Committee on Peacekeeping Operations added to its standard endorsement of the principle "non-use of force except in self-defense" a reference to "defense of a mandate," and it identified the need for "an appropriately strong military and civilian police presence . . . in order to deter spoilers and establish the credibility of the United Nations."[44] The 2005 World Summit outcome report states peacekeepers should have "adequate capacity to counter hostilities and fulfill effectively their mandates."[45] Debate and dilemmas arise when the main protagonists to a conflict formally consent to an international security presence and yet lesser armed groups oppose that presence or threaten aspects of its mandate. The dilemmas are especially acute when it is hard to tell whether these lesser groups are acting as proxies for the main protagonists. This suggests that there is not necessarily an inverse relationship between the use of force on the one hand and consent and impartiality on the other. The judicious use of force can enhance the credibility of a mission and create conditions that will both induce overall consent and reinforce the perception of impartiality. There is no formula

for determining how much force is appropriate and indeed one of the fault lines of debate is what constitutes "proportionate" force. The Brahimi Report raised this issue squarely in venturing that "rules of engagement should not limit contingents to stroke-for-stroke responses but should allow ripostes sufficient to silence a source of deadly fire."[46] This raises the further question of whether the peacekeepers can ever shoot first. Did the generalized threat presented by the militias in East Timor in the year 2000 justify the preemptive use of force against them? Can force be used against illegal armed groups in eastern DRC today because they pose a constant threat to civilians, or must the peacekeepers wait until a particular incident has occurred before reacting?

A consensus is emerging that appropriate force should be measured in relation to objectives sought rather than absolute terms. The objectives may be achievable with a robust *presence*, obviating the need to actually use force as long as there is a credible threat that it will be used if necessary.[47] However, there are limits on the credibility of that threat based on the capacity of a peace operation to escalate and its ability to gauge how far the cycle of escalation is likely to go. The danger of ratcheting up as crises get worse is that a mission's limit may be reached and the deterrent effect lost. The UN's proposal for a strategic reserve is designed to address this problem—an "over-the-horizon" arrangement available at short notice when a crisis escalates beyond the capacity of peacekeeping forces on the ground.[48] Conversely, the threat of overwhelming military force may not be credible if the security threat is of a lower order, such as street disturbances during an election period. This suggests that a flexible presence with a range of capabilities, involving military, constabulary, and police assets, can be more credible than massive military firepower that is not likely to be used.

In many operations, how robustly external forces act turns on the stage of development of national forces. In Haiti and eastern DRC, the question is not simply how much force MINUSTAH and MONUC should be using, but whether they should be leading, supporting,

or operating alongside the Haitian National Police and Armed Forces of the DRC respectively. In the normal course, national forces assume primary responsibility for security (internal and external) as soon as they have the capacity—and legitimacy—to do so. Until then, sensitive decisions must be made about how the peacekeepers should associate with those forces.

Fourth, peace operations do not occur in a normative vacuum, nor do decisions about the protection of civilians and maintenance of public order. If nothing else, expectations are affected by these normative considerations. The basic norms that guide UN peace operations are those embodied in the Charter. Sovereignty and nonintervention are among those principles, as are self-determination and respect for human rights. The constitutive acts of various regional and subregional organizations contain the same mix of norms.[49] Concepts like the "responsibility to protect," human security, and the rule of law are starting to infuse peace operations practice. They are controversial and expose deep divisions in understandings about the nature of the enterprise. Is it fundamentally an instrument parties to a conflict use to help resolve their differences on the basis of consent? Or, is it a more proactive enterprise, in which external actors help to rebuild war-torn states on the basis of international norms and standards?[50] That there is no global consensus on how to answer those questions is not an excuse for ignoring the normative dimensions of any peace operation. Decisions about whether and how to protect civilians or provide public security, or engage in any of the myriad other tasks peacekeepers are charged with, involve not only operational but also normative choices. And acting on those decisions shapes the normative climate in which similar choices are confronted in the future.

Conclusion

Excessive guidance can smother creative improvisation in a peace operation, but ad hoc responses to recurring challenges leave too much room for internal argument, inconsistency, and unmet expectations. The complexity of modern operations, the multiplicity of actors, and the range of partners involved dictate the need for a comprehensive, multidisciplinary strategy. While robust action is often necessary, a purely military approach is never adequate in contemporary peace missions, which by definition are not about winning a war or defeating an enemy but facilitating a peace process. Military action, if and when necessary, must be in the service of a broader political strategy. That strategy should in turn be guided by common understandings, not only about the objectives of the mission but also the principles that underlie decisions about how to achieve those objectives. The principles have evolved and will continue to evolve in light of experience. Sustained multinational reflection on that evolution is necessary if this valuable instrument for the maintenance of international peace and security is to respond effectively to contemporary challenges.

Notes

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1. See United Nations, *Report of the Panel on UN Peace Operations* (Brahimi Report)*,* August 2000. United Nations, *Report of the High-level Panel on Threats, Challenges, and Change: Our Shared Responsibility,* December 2004. The UN Secretariat has been developing training manuals and modules, generic directives and standard operating procedures, model rules of engagement, and other "guidance" documents that reflect the more threatening environment in which peacekeepers operate.

2. S/RES/1289, 7 February 2000.

3. S/RES/1313, 4 August 2000.

4. United Nations Department of Peacekeeping Operations, Best Practices Unit, *Lessons Learned from UN Peacekeeping Experiences in Sierra Leone,* September 2003, p. 41.

5. S/2000/832, 24 August 2000.

6. United Nations, Department of Peacekeeping Operations, Best Practices Unit, *Lessons Learned from United Nations Peacekeeping Experiences in Sierra Leone,* September 2003. A DPKO assessment mission to Sierra Leone in the midst of the crisis came to similar conclusions. United Nations, *Fifth Report of the Secretary-General on the UN Mission in Sierra Leone,* S/2000/455, 31 July 2000. The problems were exacerbated by a damaging public rift among the senior leadership. Trevor Findlay, *The Use of Force in UN Peace Operations* (Oxford: Oxford University Press, 2002), p. 308.

7. United Nations, *Report of the Security Council Mission to Sierra Leone,* S/2000/992, 16 October 2000.

8. Dale Stephens, *The Use of Force in Peacekeeping Operations: The East Timor Experience* (Melbourne: Asia-Pacific Centre for Military Law, 2005), pp. 51–52. Stephens was the legal adviser to the UNTAET force commander.

9. United Nations, Department of Peacekeeping Operations, Best Practices Unit, *MONUC and the Bukavu Crisis,* March 2005.

10. S/2005/167, 15 March 2005, paras. 11–19.

11. For UN operations, see Security Council Resolution 1270 on Sierra Leone (1999); Resolution 1291 on the Democratic Republic of Congo (2000); Resolution 1509 on Liberia (2003); Resolution 1528 on Côte d'Ivoire (2004); Resolution 1542 on Haiti (2004); Resolution 1545 on Burundi (2004); and Resolution 1590 on Sudan (2005). For non-UN operations, see Security Council Resolution 1464 on both the French-led Operation Licorne and ECOWAS in Côte d'Ivoire (2003); and Resolution 1564 on the African Union in Darfur. A compilation of the precise language in these resolutions can be found in Victoria Holt, *The Responsibility to Protect: Considering the Operational Capacity for Civilian Protection* (revised), discussion paper (Washington, D.C.: Henry Stimson Center, January 2005).

12. For example, UNPROFOR, then IFOR and SFOR in Bosnia (Resolutions 836, 1031, and 1088); UNITAF and then UNOSOM II in Somalia (Resolutions 794 and 814); Operation Turquoise in Rwanda (Resolutions 925 and 929); KFOR in Kosovo (Resolution 1244); INTERFET and then UNTAET in East Timor (Resolutions 1264 and 1272).

13. See Security Council Resolutions 1265 (1999) and 1296 (2000); S/PRST/2002/41, 20 December 2002; and S/PRST/2003/27, 15 December 2003.

14. See, for example, *Report of the Secretary-General to the Security Council on the Protection of Civilians in Armed Conflict:* S/1999/957, 8 September 1999. This report provides a detailed overview of tasks relating to protection of civilians that UN peacekeeping operations had engaged in, some of which required a "coercive or enforcement role" though not always on the basis of clear mandates. The Secretary-General alludes to the possibility of military action to separate armed elements from civilians in refugee and IDP camps, and to create "temporary security zones and safe corridors for the protection of civilians." Paras. 35 and 39. Subsequent SG reports on protection of civilians shy away from that kind of language. See, for example, S/2002/1300 (26 November 2002) and S/2004/131 (28 May 2004).

15. *Brahimi Report,* para. 62. The *Handbook on United Nations Multidimensional Peacekeeping Operations* backs away from that position by stating, "in specific circumstances, the mandate of a peacekeeping operation *may include* the need to protect a vulnerable civilian population from imminent attack," implying the obligations should not be presumed. United Nations, Department of Peacekeeping Operations, Best Practices Unit, *Handbook on United Nations Multidimensional Peacekeeping Operations,* 2003, pp. 7–8.

16. International Commission on Intervention and State Sovereignty, *The Responsibility to Protect,* December 2001.

17. United Nations, *Report of the High-Level Panel,* para. 199–203.

18. United Nations, *In Larger Freedom: Towards Development, Security, and Human Rights for All,* Report of the Secretary-General, A/59/2005, 21 March 2005, para. 132.

19. UN General Assembly Resolution: *2005 World Summit Outcome.* A/RES/60/1, 20 September 2005, para. 138.

20. Holt, *The Responsibility to Protect.* It is not clear why this is the case. It may simply be because the practice is too new. Or it could be because protection of civilians is so sensitive that national political authorities prefer to deal with the issue at the highest level on a case-by-case basis, rather than developing a more standardized approach.

21. Kristina Powell, *Opportunities and Challenges for Delivering on the Responsibility to Protect the African Union's Emerging Peace and Security Regime,* Monograph no. 119 (Ottawa Canada, The North-South Institute, May 2005), p. 35.

22. United Nations, Department of Peacekeeping Operations, Best Practices Unit, *MONUC and the Bukavu Crisis 2004,* March 2005, p. 12.

23. "Darfur's Despair," *The Economist,* 15 October 2005, p. 47.

24. See General Sir Rupert Smith, *The Utility of Force* (London: Allen Lane, 2005), pp. 377–387.

25. See generally, Robert Oakley, Michael J. Dziedzic, and Eliot M. Goldberg, eds., *Policing the New World Disorder* (Washington, D.C.: National Defense University Press, Institute for National Strategic Studies, 1998); Alice Hills, "The Inherent Limits of Military Force in Policing Peace Operations," *International Peacekeeping* 8, no. 3 (Autumn 2001): 79–98; Annika Hansen, *Supporting the Rule of Law in War-Torn Societies: Tasks and Comparative Advantages of Civilian and Military Police Forces,* FFI/RAPPORT no. 2005-02099, November 2005; Renata Dwan, ed., *Executive Policing: Enforcing the Law in Peace Operations,* SIPRI Research Report no. 16, 2002; and Robert Perito, *Where Is the Lone Ranger When We Need Him? America's Search for a Postconflict Stability Force* (Washington, D.C.: US Institute of Peace Press, 2004).

26. Perito, *Where Is the Lone Ranger,* p. 110.

27. Renata Dwan, *Civilian Tasks and Capabilities in EU Peace Operations,* paper commissioned by the Study Group on Europe's Security Capabilities, September 2004.

28. Hansen, *Supporting the Rule of Law,* p. 17.

29. For more on the UNMIK special police unit and KFOR multinational specialized unit, see Chapter 2.

30. S/RES/1608, 2005, para. 2(b).

31. Dwan, *Civilian Tasks and Capabilities,* p. 4. See also Peter Viggo Jakobsen, "Military Forces and Public Security Challenges," in Michael Pugh and Waheguru Pal Singh Sidhu, eds., *The United Nations and Regional Security: The UN and Beyond* (Boulder, Colo.: Lynne Rienner Publishers, 2003), pp. 137–153.

32. The Center of Excellence for Stability Police Units (CoESPU) was established in Vicenza, Italy, in 2005 as part of the Group of Eight's action plan for expanding global capability for peace and support operations. CoESPU is co-located with the recently established EU Gendarme Force headquarters, which is developing concepts of operations and functions for what the EU refers to as "integrated police units."

33. Hansen, "A Civil-Military Cooperation: The Military, Paramilitaries and Civilian Police in Executive Policing," in Renata Dwan, ed., *Executive Policing: Enforcing Law in Peace Operations,* SIPRI Research Report no. 16 (Oxford: Oxford University Press/SIPRI, 2002), at 71.

34. Rama Mani, "Contextualizing Police Reform: Security, the Rule of Law and Post-Conflict Peacebuilding" in *The Cass Series on Peacekeeping: Peacebuilding and Police Reform* (2000, Vol. 7), pp. 9–27.

35. A/47/277–S/24111: 17 June 1992, "An Agenda for Peace: Preventive Diplomacy, Peacemaking and Peace-keeping." Report of the Secretary-General pursuant to the statement adopted by the Summit Meeting of the Security Council on 31 January 1992, para. 44.

36. *Supplement,* paras. 35–36.

37. *Brahimi Report,* "Executive Summary" and paras. 21, 48, 50–51.

38. United Nations, *Report of the High-Level Panel,* paras. 211–213.

39. *2005 World Summit Outcome,* para. 92.

40. NATO, *Peace Support Operations,* Unclassified Document no. AJP-3.4.1, 2002. NATO's peace support operations doctrine was crafted painstakingly over a period of years. NATO members presented over 500 comments and amendments to the fourth draft of AJP-3.4.1. Henning A. Frantzen, *NATO Peace Support Operations 1991–1999: Policies and Doctrines* (New York: Frank Cass/Taylor & Francis, 2005), p. 78. A new NATO peace operations doctrine has been drafted but had not been released as of the time of writing.

41. Current thinking in ECOWAS is reflected in ECOWAS Workshop, *Lessons Learned from ECOWAS Peacekeeping Operations: 1990–2004,* February 2005. East Africa has taken steps to establish a standby brigade for East Africa, and its "policy framework" states that its doctrine shall be consistent

with that of the UN. IGAD Secretariat, *Policy Framework for the Establishment of the Eastern Africa Standby Brigade (EASBRIG),* 11 April 2005.

42. One of the most recent is UK Ministry of Defense, *The Military Contribution to Peace Support Operations,* 2nd ed., Joint Warfare Publication (JWP) 3-50 (Swindon, UK: Ministry of Defense, June 2004).

43. For a prescient comment on the doctrinal void that existed in peace operations in the early 1990s, see John Ruggie, "Wandering in the Void: Charting the UN's New Strategic Role," *Foreign Affairs* 72, no. 5 (Nov.–Dec. 1993): 26–31.

44. United Nations, *Report of the Special Committee on Peacekeeping and Its Working Group at the 2005 Substantive Session,* A/59/19, 1 March 2005, paras. 30, 46.

45. *2005 World Summit Outcome,* para. 92.

46. Brahimi Report, at para. 49.

47. There is a difference between using force to compel an action and using it to deter, and the requirements are hard to gauge when more than one actor needs to be compelled or deterred. See John Ruggie, "The UN and the Collective Use of Force: Whither or Whether," *International Peacekeeping* 3, no. 4 (Winter 1996): 1–20.

48. The 2005 World Summit did not endorse the UN's strategic reserve proposal per se, but it did urge development of "enhance rapidly deployable capacities to reinforce peacekeeping operations in times of crisis." UN General Assembly, Resolution 60/1, *2005 World Summit Outcome,* 20 September 2005.

49. The Constitutive Act of the African Union endorses the principles of sovereignty and nonintervention while granting the AU a right to intervene in a member state "in respect of grave circumstances, namely war crimes, genocide and crimes against humanity" and, since 2003, "a serious threat to legitimate order." See *Constitutive Act of the African Union,* Article 4(h); and *Protocol Relating to the Establishment of the Peace and Security Council,* Article 4(j), as amended in February 2003.

50. Alex Bellamy, Paul Williams, and Stuart Griffin, eds., *Understanding Peacekeeping* (Cambridge, UK: Polity Press, 2004), pp. 11–33.