

Issue Brief

The UN Intervention Brigade in the Democratic Republic of the Congo

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Following the UN Security Council's approval of a regional Intervention Brigade to be deployed to the Democratic Republic of the Congo to "neutralize and disarm" rebel groups in the country, this brief examines the origins of the brigade, the context of its deployment, and the issues it raises.

In addition to desk research, the brief draws on the operational experience of the authors, interviews with leading experts in the field, and senior UN officials involved in the formulation of the brigade's mandate and in preparations for its deployment.

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Executive Summary

After nearly fourteen years of peacekeeping in the Democratic Republic of the Congo (DRC), the United Nations established a new, more aggressive kind of force for the conflict-stricken nation in March 2013: the Intervention Brigade. Situated within the existing United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO), this offensive combat force is designed to break the persistent cycles of violence in DRC and protect civilians by carrying out targeted operations to neutralize rebel forces.

While this new initiative could improve the UN's efforts to protect civilians, particularly by deterring rebel attacks through a show of force, it also raises a number of risks and challenges for MONUSCO, the DRC, and the region as a whole.

MONUSCO's peacekeepers are already authorized to use military force to restore peace and security under their Chapter VII mandate, with rules of engagement that allow them to conduct offensive operations in the protection of civilians. The extent of these operations is, however, contested among troop contributors, and the formation of the Intervention Brigade highlights the reluctance of some to implement the mandate to its fullest extent. The brigade's deployment makes the UN a party in the conflict, which many member states fear taints the UN's neutrality with future consequences for peacekeeping operations worldwide.

Making the UN a party in the fight increases the risks to the civilian components of MONUSCO, who may become targets of rebel reprisals to Intervention Brigade operations. MONUSCO's core troops must be perceived as effective in order to deter such attacks and display a willingness to counter rebel incursions with decisive action and the use of force beyond self-defense. This may also increase the risks to the population in the DRC, which may experience casualties from the fighting.

The Intervention Brigade may succeed in clearing rebel groups and deterring violence for the duration of its one-year deployment. But the current weakness of the Congolese armed forces when it comes to supporting MONUSCO and any gains made by the brigade must be addressed, as they are an unreliable ally yet critical to sustainable solutions to the conflict.

In addition, the brigade must form a part of a wider strategy for bringing peace to the DRC, creating political space for the new *Peace, Security and Cooperation Framework for the Democratic Republic of the Congo and the Region*. Military intervention unsupported by a political process could, in fact, discourage parties from engaging in negotiations.

Finally, this broader strategy must be driven by national actors with the support of regional powers. The conflict in the DRC cannot be addressed solely within its borders. The pervasive backing of rebel groups by Congo's neighbors requires that solutions to the conflict have regional support. The Intervention Brigade was conceived and agreed to in the subregion by the International Conference on the Great Lakes Region and endorsed at the regional level by the African Union (AU), but the political process must have a similar consensus.

In order for the Intervention Brigade to contribute to a lasting peace in the DRC, its operations should be planned and implemented with these factors in mind.

Introduction

In November 2012, the M23 rebel group in the Democratic Republic of the Congo (DRC) captured the city of Goma despite the presence of 1,500 troops from the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo and 7,000 Congolese army soldiers based in the city.¹ The seizure and human rights violations that followed were the latest in a familiar pattern in the DRC; the largest UN peacekeeping mission had once again been unsuccessful in deterring a rebel advance and, in this case, in fulfilling its commitment to defend Goma. Faced with international disapprobation and a pressing need to take decisive action in the DRC, in March 2013 the UN secretary-general adopted a radical proposition to address the rebel threat: the United Nations would deploy an Intervention Brigade to fight back and conduct offensive military operations against the rebels.

The brigade was announced as the first-ever United Nations "offensive" combat force² intended to neutralize and disarm the rebel groups. The force was originally conceived by the International Conference of the Great Lakes Region (ICGLR) with the support of the African Union (AU) and South African Development Community (SADC).

The region's powerful actors were troubled by the continued instability rebel groups in the DRC presented at their borders, and the ICGLR agreed and began preparations for the deployment of a Neutral Intervention Force. Anxious to regain the initiative after Goma and to avoid a parallel force deployment in the DRC, the United Nations adopted the proposal and incorporated it into MONUSCO. The Intervention Brigade began deploying troops in May 2013 and is expected to be fully operational by September.

The DRC has long been a testing ground for evolving United Nations peacekeeping operations. It was in DRC that a peacekeeping operation received one of the first Chapter VII mandates; MONUSCO is the largest current operation in terms of personnel and cost; the mission functions in one of the most complex operating environments; and it recently became the first mission approved to receive unmanned aerial vehicles for surveillance purposes. The authorization of the brigade marks another step change in its operations as its activities will fall under a peace enforcement remit alongside the peacekeeping activities of the existing MONUSCO.

The United Nations presence in the DRC has suffered frequently from accusations of inaction and an inability to protect the population from attacks by rebel groups.³ Yet, since 2008, the mandate of MONUSCO has deemed the protection of civilians to be the mission's primary responsibility, and its Chapter VII mandate authorizes the use of force to fulfill this responsibility.

This issue brief examines the formation of the Intervention Brigade and some of the challenges it raises. It presents five main arguments. First, while the existing MONUSCO troops already have the mandate to conduct offensive military operations, divergent interpretations of this mandate and a lack of strategic guidelines on the use of force have resulted in the creation of this new brigade. Second, strengthened military operations will increase the threat of retaliation against existing

1 Nick Long, "UN Defends Performance in Eastern DRC," *Voice of America*, November 22, 2012, available at <http://m.voanews.com/a/1550868.html>.

2 United Nations Security Council, "Resolution 2098 (2013) Enables 'Offensive' Combat Force to 'Neutralize and Disarm' Congolese Rebels, Foreign Armed Groups," UN Doc. SC/10964, March 28, 2013.

3 United Nations Security Council Resolution 1856 (December 22, 2008), UN Doc. S/RES/1856, available at www.un.org/ga/search/view_doc.asp?symbol=S/RES/1856%282008%29.

MONUSCO military and civilian personnel. Third, building the capacity of the Congolese armed forces and ensuring that MONUSCO can act as a credible military deterrent to consolidate any gains made by the Intervention Brigade will be critical to the long-term success of the mission. Fourth, the regional nature of the Intervention Brigade is a strength, for the most part, and the brigade will require continued regional support so that it can be part of a sustainable regional solution. Finally, the Intervention Brigade's actions need to be part of a coherent political strategy in support of the ongoing negotiations with the M23 and the larger *Peace, Security and Cooperation Framework for the Democratic Republic of the Congo and the Region*.

Peacekeeping Amid Cycles of Violence

The task facing UN peacekeepers in the DRC is a daunting one. The conflict has been one of the bloodiest in the world since World War II: an estimated 5.4 million people died from war-related causes from 1998–2007.⁴ And the number of casualties continues to rise. The violence has not only been bloody, it has been brutal, characterized by sexual atrocities, leading the UN to name the DRC “the rape capital of the world.”⁵ The combatants have shown a vicious disregard for established standards or laws of armed conflict, recruiting child soldiers and employing sexual violence as a tactic of war. Attacks frequently result in high numbers of casualties and deliberately target the vulnerable and innocent.

The conflict is concentrated on the eastern border of the DRC. The country's powerful neighbors, Rwanda and Uganda, have provided overt and tacit support for rebel groups, and the region is overshadowed by specters of the 1994 genocide in Rwanda, including reprisals,

counter-reprisals, and deep ethnic divisions. This is compounded by land-tenure disputes, large numbers of refugees and returnees from neighboring countries, and a struggle for the natural resources of the Congo.⁶

The perpetrators of violence form constantly shifting and internecine alliances, merging in different locations or under the new leadership of individuals, only to fracture into new and rebranded groups as events dictate. The result is a current tally of more than two dozen rebel groups and numerous fiefdoms and dominions. These include the Mouvement du 23 mars (M23), which emerged in April 2012 as the latest manifestation of a former group, the Congrès national pour la défense du peuple (CNDP, National Congress for the Defense of the People).⁷

From a peacekeeping perspective, the already complex area of operations is hampered by poor infrastructure, limited road movement, and a reliance on scarce aviation assets to access the remote areas of responsibility. Since Security Council Resolution 1925 extended MONUSCO's mandate in 2010, the majority of the 20,000 peacekeeping troops have been located in the east of the DRC, stretching through Province Orientale, North Kivu, South Kivu, Maniema, and Katanga—provinces that border South Sudan, Uganda, Rwanda, Burundi, Tanzania, and Zambia over a distance of nearly 1,500 miles.

Faced with this complex operating environment spread across an area the size of Western Europe, the UN has repeatedly attempted to break what Secretary-General Ban Ki-moon described as the “cycles of violence”⁸ in the country and protect civilians from attack. Nearly fourteen years after the deployment of the first peacekeepers to the Democratic Republic of the Congo, the United Nations mission is still struggling to find a peace to keep in eastern DRC, and rebel groups continue to carry out attacks on the

4 Benjamin Coghlan, Pascal Ngoy, et al., “Mortality in the Democratic Republic of Congo: An Ongoing Crisis,” International Rescue Committee, 2007, available at www.rescue.org/sites/default/files/migrated/resources/2007/2006-7_congomortalitysurvey.pdf.

5 “UN Official calls DR Congo ‘Rape Capital of the World,’” *BBC News*, April 28, 2010, available at <http://news.bbc.co.uk/2/hi/8650112.stm>.

6 Séverine Autesserre, “The Trouble with Congo: How Local Disputes Fuel Regional Conflict,” *Foreign Affairs* 87, No. 3 (May / June 2008), available at www.foreignaffairs.com/articles/63401/s%C3%83%C2%A9verine-autesserre/the-trouble-with-congo.

7 Jason Stearns, “From CNDP to M23: The Evolution of an Armed Movement in Eastern Congo,” Rift Valley Institute, Usalama Project, 2012, available at <http://inec.usip.org/resource/cndp-m23-evolution-armed-movement-eastern-congo>.

8 United Nations Security Council, *Special Report of the Secretary-General on the Democratic Republic of the Congo and the Great Lakes Region*, UN Doc. S/2013/119, February 27, 2013, available at <http://reliefweb.int/sites/reliefweb.int/files/resources/Special%20Report%20of%20the%20Secretary-General%20on%20the%20Democratic.pdf>.



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population.⁹ The mandate of MONUSCO is authorized under Chapter VII of the UN Charter to use all necessary means to protect civilians.¹⁰ The mission's failure—and that of its predecessor, the UN Mission in the Democratic Republic of the Congo (MONUC)—to provide effective physical protection and to prevent and respond effectively to large-scale attacks on civilians demands a revised approach to threats facing the region.

A Step Change: The Intervention Brigade

In response to this challenge, the UN Security Council announced on March 28, 2013, that it would adopt a regional initiative to deploy an intervention brigade to the DRC to carry out offensive operations in order to neutralize and disarm the rebel groups.¹¹ The Security Council positioned the deployment as the first-ever combat force and a step change in peacekeeping operations. While it is not the first authorization of lethal force, it does represent a shift from peacekeeping to peace enforcement operations in the region.

The strategy of deploying a military force to offensively engage with the rebel groups in eastern DRC was conceived and agreed to by African regional powers in the International Conference on the Great Lakes Region (ICGLR) in July 2012. Regional heavyweights such as Uganda, supported by South Africa, sought to address what it saw as the twin failures of the government of the DRC and MONUSCO to clear eastern Congo of rebel groups, some associated with residual conflicts in the region, such as the Democratic Forces for the Liberation of Rwanda (FDLR) and National Union

for the Total Independence of Angola (UNITA). Neighboring governments felt that this melting pot of insurgency presented a significant threat to regional stability.¹² The brigade was planned as a Neutral Intervention Force of approximately 3,500 soldiers (mostly from the Southern African Development Community, or SADC) that would conduct offensive operations to protect civilians and neutralize and disarm rebel groups, as agreed by the ICGLR.¹³

However, it was not feasible for the deployment to be led by the ICGLR countries alone. The cost of deployment was estimated at around \$100 million,¹⁴ the regional body had no deployment experience on this scale, and observers believe that it is still some way off from being able to deploy an intervention force of this level in the region.¹⁵ Nevertheless, in the search for solutions following the fall of Goma in November 2012, the Neutral Intervention Force was attractive to the United Nations as it was proposed and agreed to by the region, and SADC countries, and Tanzania had already committed troops to it. The crisis in Goma precipitated what the new *Peace, Security and Cooperation Framework for the Democratic Republic of the Congo and the Region*, called a “window of opportunity,” which accompanied an increasing recognition that the current path of action was untenable.¹⁶

The regional political consensus and agreement in principle to the Neutral Intervention Force therefore prompted the UN to consider new means of breaking the cycles of violence. Previous failures by peacekeeping troops to prevent civilian attacks compounded a requirement to review UN operations in the country and created an opportunity to consider new, radical options.¹⁷ Even

9 For an overview of UN peacekeeping missions in the DRC see Séverine Autesserre, *The Trouble with the Congo: Local Violence and the Failure of International Peacebuilding* (New York: Cambridge University Press, 2010). For a comprehensive overview of MONUC and MONUSCO operations, see Arthur Boutellis, “From Crisis to Reform: Peacekeeping Strategies for the Protection of Civilians in the Democratic Republic of the Congo,” *Stability: International Journal of Security and Development* (forthcoming 2013).

10 UN Security Council Resolution 2053 (June 27, 2012), UN Doc. S/RES/2053.

11 UN Security Council, “Intervention Brigade’ Authorized as Security Council Grants Mandate Renewal,” UN Doc. SC/10964, March 28, 2013, available at www.un.org/News/Press/docs/2013/sc10964.doc.htm.

12 Oscar Nkala, “Uganda Pleads for UN Support for Deployment of 4000 Strong Neutral Force in Eastern DR Congo,” *The Daily Journalist*, October 17, 2012, available at <http://thedailyjournalist.com/world/uganda-pleads-for-un-support-for-deployment-of-4000-strong-neutral-force-in-eastern-dr-congo/>.

13 Ibid.

14 “SADC Pledges 4,000-strong Force for Eastern Congo,” *The Zimbabwe Mail*, December 9, 2012.

15 Personal interview with senior United Nations official, New York, May 3, 2013 and International Crisis Group, “Eastern Congo: Why Stabilization Failed,” Africa Report No. 91, October 4, 2012, available at www.crisisgroup.org/en/regions/africa/central-africa/dr-congo/b091-eastern-congo-why-stabilisation-failed.aspx.

16 *Peace, Security and Cooperation Framework for the Democratic Republic of the Congo and the Region*, February 24, 2013, available at www.peaceau.org/uploads/scanned-on-24022013-125543.pdf.

17 Personal interview with a senior UN official, New York, May 3, 2013.

Rwanda's President Kagame was suggesting, "let's structure this differently and see if we can get different results."¹⁸ By seizing this opportunity, the UN was able to propose a step change from peacekeeping to peace enforcement operations.

The mandate of the Intervention Brigade, authorized by Resolution 2098 in March 2013, is to "carry out targeted offensive operations in a robust, highly mobile and versatile manner" for the period of one year, to "neutralize [armed] groups."¹⁹ The UN is clear that this is a peace enforcement, not a peacekeeping, mission²⁰ comprised of troops who have the political will and capability to fight. UN operations in the DRC are thus pushing the boundaries of accepted peacekeeping doctrine. The MONUSCO force commander is Brazilian General Carlos Alberto dos Santos Cruz, a former force commander in the UN Stabilization Mission in Haiti (MINUSTAH) who was called back from retirement. The Intervention Brigade commander is Tanzanian Brigadier General James Mwakibolwa. The brigade will total 3,069 troops, with South Africa, Tanzania, and Malawi each contributing an infantry battalion of 850 soldiers. The remainder of the troops will comprise an artillery company, a special forces company, and a reconnaissance company.²¹ The hope that these troops will be willing and ready to engage in offensive combat operations to neutralize the rebel groups is shared by many in the region, with one representative from the ICGLR²² commenting that troops from other regions have demonstrated less motivation to fight and are less disposed to see an end to the conflict than the troops expected from the continent.²³

Repeating the past patterns of failure in the DRC will not bring an end to the region's multifaceted crisis. This recent initiative could contribute to restoring the territorial integrity of eastern Congo, demonstrate a show of force to deter rebel attacks on civilians, and unite regional powers in stemming

arms flows and funding to rebel groups. Those in favor of the Intervention Brigade argue that the brigade's deterrent effect combined with the forceful repulsion of rebel attacks may compel armed groups to the negotiating table and ultimately provide a secure environment for the broader *Peace, Security and Cooperation Framework for the Democratic Republic of the Congo and the Region* to be built.

Fulfilling the Mandate

Resolution 2098 not only authorized the formation of the Intervention Brigade, it extended MONUSCO's mandate until March 31, 2014, acting under Chapter VII of the *Charter of the United Nations*. This, along with the existing rules of engagement, authorizes MONUSCO "to take all necessary measures" to perform its primary mission to protect civilians. The unanimous adoption of the mandate concealed underlying divergent views on the nature and practice of peacekeeping. The regular MONUSCO forces have robust rules of engagement authorizing them to use force beyond self-defense in order to protect the population under imminent threat of physical violence. However, the creation of the Intervention Brigade highlights the different interpretations of this mandate among member states and troop contributors and the lack of clear definitions of the language of peacekeeping.

POLITICAL DIVERGENCE ON MANDATES AND RULES OF ENGAGEMENT

The Security Council debate preceding the adoption of the mandate highlighted many member states' fears that the Intervention Brigade represents a precedent for peacekeeping operations and a shift toward counterinsurgency-style operations by the United Nations.²⁴ The lack of strategic clarity on the nature and implementation of peacekeeping,

18 "Interview with President Paul Kagame by Komla Dumor," *BBC World Service*, May 19, 2013, available at http://soundcloud.com/bbc-world-service/rwandan-president-on-the?ocid=socialflow_twitter_africa.

19 UN Security Council Resolution 2098 (March 28, 2013), UN Doc. S/RES/2098.

20 Personal interview with a senior UN official, New York, May 3, 2013.

21 "3,069-strong UN brigade to intervene in DRC," *Mail & Guardian*, April 13, 2013, available at <http://mg.co.za/article/2013-04-13-drc-sa-to-contribute-to-3nbsp069-strong-un-brigade>.

22 Interview with a representative from the ICGLR via e-mail, May 27, 2013.

23 Possibly as a result of events in Bangui, where thirteen South African troops were killed and more than twenty-four were wounded by Seleka rebels in the Central African Republic on March 24, 2013, South Africa has been slow to deploy its troops to the DRC. Further information on this is available at www.worldpoliticsreview.com/articles/12852/diplomatic-fallout-u-n-s-intervention-brigade-raises-cost-of-interference-in-drc.

24 Personal interview with a representative of a troop-contributing country to MONUSCO, New York, May 22, 2013.

“robust” peacekeeping, and peace enforcement operations has led to shades of interpretation. The creation of the Intervention Brigade is the latest development in the evolution of peacekeeping operations, which, since their first deployment, have had to respond to increasingly complex operating environments. While originally conceived to keep the peace between warring, usually interstate, actors and with the agreement of all parties, today’s peacekeeping operations are required to deploy to regions of ongoing intrastate conflict, where spoilers actively seek to disrupt peace efforts and where the peacekeeping mission rarely has the consent of all warring parties. These developments require the formulation of clear doctrine that is relevant to today’s peacekeeping operations and can manage expectations.

Resolution 2098 clearly states that the Intervention Brigade is not a precedent for the future of peacekeeping operations. Nevertheless, its formation has challenged many of the principles of peacekeeping, including impartiality, the consent of parties in the conflict, and the non-use of force except in self-defense. Critics of the brigade fear that by departing from these principles, the nature of United Nations operations will be changed, and it runs the risk of causing TCCs to become more reluctant to contribute troops to future UN missions if they are opposed to using force beyond self-defense. If strong proponents of UN peacekeeping principles such as Pakistan and India, two of the largest troop contributors to peacekeeping missions, display any unwillingness to commit troops in the future, DPKO may face significant troop deficits. DPKO insists this is not a “revolution” in peacekeeping operations but rather an evolution in its response to increasingly multidimensional operating environments. However, communicating this to member states and their capitals will form part of a wider doctrinal debate about the future of UN peacekeeping.

THE NEED FOR A CLEAR DOCTRINE

Many of the countries that provide troops to MONUSCO have underscored that the peacekeepers must not become a party in the conflict and must maintain the principles of

neutrality and impartiality on which peacekeeping was founded. In short, they are not deployed to fight wars. Speaking shortly after the fall of Goma, in December 2012 a MONUSCO spokesperson said “Our mandate is protection of civilians. It’s not fighting armed groups, unless they’re threatening the population.”²⁵

The Department of Peacekeeping Operations has emphasized that the Intervention Brigade differs from the existing peacekeeping operations (including MONUSCO) in precisely this willingness of contributing countries to fight. Proactive operations will be conducted using a greater degree of aggression and lethality than current missions, with new rules of engagement and an offensive concept of operations (CONOPS). DPKO has also conceded that this engagement will inevitably incur collateral civilian casualties for which the UN will be held accountable and that UN troops will be at greater risk of fatalities.

After the announcement of the Intervention Brigade’s deployment, the M23 attempted to intimidate the troop-contributing countries (TCCs) by writing two letters warning against deploying troops to the DRC and threatening a “massacre” of troops by M23 fighters if TCCs went ahead with the deployment.²⁶ Many TCC capitals have little political appetite for casualties sustained in UN missions. The Security Council acknowledges this but believes its authority to deploy the Intervention Brigade is enshrined in the UN Charter. However, it remains to be seen if all troop contributors have made the same shift in mindset. This philosophical disagreement between TCCs on the spirit and meaning of a Chapter VII mandate results in divergent interpretations of the extent to which force can be employed by UN peacekeepers. The tension, in the operational context of the DRC, has led to mandates being interpreted as both ceilings and floors. Some more conservative commanders—often under orders from their respective capitals—have interpreted the mandate as a ceiling above which they are not authorized to use force, while others have regarded the mandate as a floor for their operations and have used their capabilities to implement a broader spectrum of force, including

25 Robyn Dixon, “UN Force in Congo, MONUSCO, Criticized as Ineffective,” *Los Angeles Times*, December 22, 2012, available at <http://articles.latimes.com/2012/dec/22/world/la-fg-un-congo-20121223>.

26 Deodatus Balile, “Tanzania Will Not Back Down From DRC Intervention,” *All Africa*, April 23, 2013, available at <http://allafrica.com/stories/201304240112.html>.

offensive military operations. They argue that the absence of peace in many of the areas of the DRC in which peacekeepers operate demands a willingness to confront violent elements, with the support of clear strategic guidance on the operational and tactical use of force.

THE BEST TOOL FOR THE TASK?

Given the size of the area of operations and number of rebel groups, just over 3,000 UN troops may not be what the existing mission requires to fulfill its mandate of protecting civilians and neutralizing armed groups.²⁷ Rebel groups in DRC remain a threat to stability in the region and to civilians who are frequently targeted in their attacks, but there has been no recent comprehensive review by the UN of the mission shortcomings that have led to failures in preventing attacks.²⁸ In addition, modern military engagements are not won by strength of numbers alone; a thorough mission analysis may reveal that engineering units, greater surveillance capability, snipers, or special reconnaissance troops may be more efficient force multipliers than infantry troops. In-depth analysis should include past mission failures and successes to identify the gaps in capability, as well as a thorough ground evaluation that includes physical and human terrain mapping. Without articulating the problems, it cannot be assumed that an intervention brigade is the solution.

In January 2013, a letter from the UN secretary-general noted that consultations with the major troop contributors to MONUSCO had identified the need for more attack and utility helicopters, night-vision capabilities, and additional information capabilities to enhance situational awareness and permit timely decision making.²⁹ Also identified were more surveillance assets and greater riverine capabilities to enhance coverage on lakes and rivers in the Kivus. However, a systematic, critical analysis of incidents since 2007 in the eastern part of the DRC culminating in the

November 2012 rebel takeover of Goma has not been carried out, despite a request by the UN Security Council.³⁰ This would provide a valuable framework to develop force requirements to prevent a recurrence of such incidents.

There is evidence that an aggressive show of force by the UN can reduce the threat of rebel groups, at least for a limited time. For example, the deployment of a European Union force led by French troops under Operation Artemis in 2003 drove back rebels in the Bunia district of Ituri. Further, between 2005 and 2007, MONUC Eastern Division offensive operations were a successful deterrent against rebel forces in the Ituri district and had success in North and South Kivu provinces against the FDLR, the Interahamwe, the Lord's Resistance Army, and the Allied Democratic Forces-National Army for the Liberation of Uganda (ADF-Nalu). The shift in approach from "reaction" to "pursuit" successfully deterred spoilers from engaging in conflict and nudged them toward the political process, which enabled the DRC's first legitimate government to take office in January 2007.³¹ The Security Council hopes that the Intervention Brigade can achieve similar results.

Increased Risk

More military engagements will bring increased risk to those in the vicinity, and there is potential for the population in areas of operations to become casualties or displaced by the fighting. In May 2013, fourteen primarily humanitarian international nongovernmental organizations working in eastern DRC appealed to the special representative of the secretary-general, then Roger Meece, to ensure that planning for operations prioritizes the mitigation of harm to civilians and that protection-related activities and comprehensive contingency plans are in place. Practical measures must account for not only first-order effects during fighting but also the aftermath of operations, including

27 According to "Don't Be a Negative Force," *Africa Confidential* 54, No.7 (March 29, 2013), there are over 1,300 M23 fighters in the Rutshuru territory in North Kivu Province and the M23 is one of over two dozen rebel groups.

28 Since the fall of Goma there has been no Military Capability Study to review MONUSCO's response or a Technical Assessment Mission.

29 UN Security Council, "Letter Dated 27 December 2012 from the Secretary-General addressed to the President of the Security Council," UN Doc. S/2013/43, January 22, 2013, available at www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2013_43.pdf.

30 United Nations Security Council Resolution 2076 (November 20, 2012), UN. Doc S/RES/2076, available at [www.un.org/ga/search/view_doc.asp?symbol=S/RES/2076\(2012\)&referer=http://www.un.org/en/sc/documents/resolutions/2012.shtml&Lang=E](http://www.un.org/ga/search/view_doc.asp?symbol=S/RES/2076(2012)&referer=http://www.un.org/en/sc/documents/resolutions/2012.shtml&Lang=E).

31 Reynaert, "MONUC / MONUSCO and Civilian Protection in the Kivus."

unexploded ordnance, material losses, and impact on community dynamics.³²

Since offensive military operations undertaken by the Intervention Brigade make the UN a party in the conflict that is subject to international humanitarian law, it could be argued that because the brigade falls under the command of the MONUSCO force commander, the force as a whole becomes a party to the conflict.³³ In order to guard against legitimizing reprisal attacks against the regular MONUSCO force and its civilian components by rebel groups, the Intervention Brigade will be required to distinguish itself from the regular MONUSCO troops. However, rebel groups cannot be relied upon to respect this distinction.³⁴ Previous periods of offensive operations by MONUSCO have brought threats of reprisals: when MONUSCO used attack helicopters in Rutshuru in North Kivu province in July 2012, the M23 responded by threatening to treat the peacekeepers as hostile forces. Other peacekeeping operations have also experienced threats against their civilian components in the wake of high tempo military operations. For example, the secretary-general strongly condemned the increasing attacks against UN peacekeeping staff in Darfur in March 2009, which included carjackings, harassment, and armed attacks on civilian staff members as well as peacekeeping troops.³⁵

Humanitarian organizations are committed to ensuring they can provide assistance to those in need on all sides of the conflict and highlight the vital importance of maintaining their independence and impartiality. However, offensive operations by the Intervention Brigade could increase the risk to their personnel if spoilers, unable or unwilling to distinguish between military and civilian international components, target vulnerable “softer” targets than the Intervention

Brigade troops and if NGOs are perceived to be aligned to a party in the conflict.

The deployment of the Intervention Brigade presents a range of thorny legal and procedural questions for the United Nations that are still being discussed as the troops deploy. International laws of armed conflict demand proportionality and the use of minimal force, so the brigade may find itself custodian to numerous defectors and surrendering rebel groups creating a large population of captured persons. The treatment and housing of these persons by the UN will be challenging, not least in ensuring fair treatment, repatriation, and transfer to the local authorities. Lessons from other conflict theaters demonstrate the need for assurances to guard against human rights abuses, and current UN practices for the circumstances of detention in non-international armed conflict will require revision and updating.³⁶

After the Intervention Brigade

SECURITY SECTOR REFORM

Should the Intervention Brigade or the regular MONUSCO forces be successful in securing ground or clearing rebel-held territory, Congolese security forces will be left to consolidate any gains and guard against reprisals. The Security Council has noted that “armed groups tend to regroup and return after the operations to commit violent reprisal acts against civilians,”³⁷ as was brutally demonstrated when operations against the Lord’s Resistance Army in the DRC resulted in reprisal attacks against the local population and human rights abuses increased in the area of operations.³⁸ Preparing safeguards against such action relies on building the capacity of the Armed

32 Confidential Joint-NGO note on the Intervention Brigade, to Roger Meece, special representative of the secretary-general for the Democratic Republic of the Congo, May 7, 2013.

33 Bruce Oswald, “The Security Council and the Intervention Brigade: Some Legal Issues,” *American Society of International Law* 17, No. 15 (June 6, 2013), available at www.asil.org/insights130606.cfm.

34 *Ibid.*, “If it is accepted that the Brigade is a party to the conflict, the question that then arises is whether the MONUSCO as a whole is also a party to the conflict.... In either case, it would be important to consider how the opposing parties to the conflict are expected to distinguish between members of the Brigade and members of MONUSCO.”

35 “Darfur Rife with Violence Against Peacekeepers, Civilians, UN says,” *UN News Centre*, March 18, 2009, available at www.un.org/apps/news/story.asp?NewsID=30229&Cr=darfur&Cr1=#.UZZqtXJ3RkA.

36 Oswald, “The Security Council and the Intervention Brigade.”

37 United Nations Security Council, *Special Report of the Secretary-General on the Democratic Republic of the Congo and the Great Lakes Region*.

38 “DR Congo: Massive Increase in Attacks on Civilians,” Human Rights Watch, July 2, 2009, available at www.hrw.org/news/2009/07/02/dr-congo-massive-increase-attacks-civilians.

Forces of the Democratic Republic of the Congo (FARDC)—already part of MONUSCO’s mandate—starting with the FARDC Rapid Reaction Force.

Building the capacity of the Congolese armed forces is a long-term and challenging task: the army is poorly paid, badly equipped, and in need of extensive reform, despite limited national will to do so.³⁹ Low pay and poor discipline have led members of the armed forces to extort payment of illegal checkpoint “taxes” from the population in areas under their control and to impose forced labor in exchange for protection.⁴⁰ In addition, Congolese forces have fled when rebel groups have attacked their locations and have themselves been responsible for large numbers of human rights violations.

As the secretary-general has noted, “the lack of progress towards building well-trained and well-equipped armed forces constitutes a major threat to the stability of the Democratic Republic of the Congo,”⁴¹ and the high number of atrocities committed by the FARDC presents wider challenges for partnership. Nevertheless, the longer-term requirement to build the capacity of an indigenous security force remains important. As Resolution 2098 stated, the Intervention Brigade’s exit strategy partly depends on preparations for a Congolese Rapid Reaction Force “able to take over responsibility for achieving the objective of the Intervention Brigade.”⁴² With some units composed of little more than a collection of former rebels themselves, the FARDC will struggle to militarily defeat the well-armed and well-resourced rebel groups, placing greater importance on the success of the political process. Consolidating any gains and securing ground in the DRC is not only the responsibility of the Congolese armed forces, however; it will require the political support of the Congolese government and the sustained support of the international community.⁴³

MONUSCO’S CREDIBILITY

Building FARDC capacity is a long-term objective, but in the short-to-medium term the regular MONUSCO troops will be required to backstop Intervention Brigade operations. To date, rebel groups have become emboldened by the ease with which they have bypassed MONUSCO troops, and reversing this trend is necessary for the reputation and effectiveness of UN peacekeeping missions. To act as a deterrent to rebel attacks, MONUSCO must be viewed as a credible military force, willing to carry out offensive operations to counter the threat of violence.

This will not only require national political backing for robust interpretation of the Chapter VII mandate and the preemptive use of force, it will also require adequate resources and intelligence support. This task will be supported by the deployment of surveillance drones to improve situational awareness and to provide additional early-warning capability, but the Intervention Brigade is likely to draw resources away from the regular MONUSCO troops. The brigade is intended to be highly mobile, not fixed in one location, and able to respond rapidly to threats across the area of responsibility. But the lack of road infrastructure and heavy rainfall, which makes many routes impassable, creates a dependence on helicopters for mobility. The brigade has been directed to “rely on the Mission’s air and other support assets to carry out its tasks, including an additional two attack helicopters and four utility helicopters,”⁴⁴ but sharing MONUSCO’s assets could limit its ability to carry out existing mission requirements in remote areas. The history of peacekeeping in the DRC shows that the Intervention Brigade will be tested by the rebel groups, likely early in their deployment. While the brigade’s response is likely to be robust, regular MONUSCO troops must also be prepared to counter attacks with decisiveness.

39 Personal interview with UN official, New York, May 3, 2013.

40 “Commodities of War: Communities Speak Out on the True Cost of Conflict in the DRC,” Oxfam Briefing Paper No. 164, Oxford: Oxfam, November 2012, available at www.oxfam.org/sites/www.oxfam.org/files/bp164-commodities-of-war-drc-protection-201112-en.pdf.

41 United Nations Security Council, *Special Report of the Secretary-General on the Democratic Republic of the Congo and the Great Lakes Region*.

42 UN Security Council Resolution 2098 (March 28, 2013), UN Doc. S/RES/2098, Article 10.

43 Arthur Boutellis, “Can a Post-Election Push for Security Sector Reform Work in the DRC,” *The Global Observatory*, April 26, 2012, available at <http://theglobalobservatory.org/analysis/271-can-a-post-election-security-sector-reform-push-work-in-the-drc.html>.

44 United Nations Security Council, *Special Report of the Secretary-General on the Democratic Republic of the Congo and the Great Lakes Region*.

Regional Destabilization

The UN has stressed the regional nature of the Intervention Brigade and that the DRC's powerful neighbors have committed to a joint solution to the turmoil, which impacts their border and regional security. In particular, Rwanda, which has been linked to supporting and directing rebel forces in the DRC, politically associated itself with the Neutral Intervention Force and accepted it before the UN took on the mantle of leadership. However, the Neutral Intervention Force as conceived by the ICGLR would have been anything but neutral. The history of proxy support, vested national interests, and overlapping ethnic populations still has potential to draw regional powers into conflict in the DRC either through covert support for rebel groups or in actual military engagement as in the Second Congo War. DRC expert Jason Stearns has cautioned that “back in 1998–2003 the Congolese war drew in eight countries and effectively split the region between enemies...and allies...of Kinshasa—we are obviously not back to that sort of escalation, but the Intervention Brigade makes this conflict more regional than at any point in the past decade.”⁴⁵ As many of the rebel groups in the Congo originate from and are funded by powerful external actors, defeating them will require removing their lifelines of weapons, financing, and protection from neighboring countries. Should rebels funded by a neighboring country inflict casualties on African soldiers in the Intervention Brigade, Stearns' warning would be particularly prescient, as the ensuing recriminations would impact regional stability.

Rebel groups in the DRC are aware of the microcosm of regional power struggles being played out in the eastern DRC and of the spoils available to victors in the country. The UN is also cognizant of the importance of targeting all rebel groups equally for fear of accusations of political bias, a view echoed by the East African Legislative

Assembly (EALA), which expressed concerns that the M23 was being “single[d]-out” and prioritized over the FDLR.⁴⁶ The accusation that prioritizing groups is a political act has already been seized upon by the M23 themselves and leveraged in their information campaign.⁴⁷ As one of the group commented, “there are many armed groups in the east. If the brigade focuses on the M23, it means that the international community has taken sides in the conflict and wants to stir it.”⁴⁸

The Intervention Brigade could, however, be instrumental in reducing violence in the DRC by encouraging external regional actors to halt flows of funding and equipment to rebel groups. The Neutral Intervention Force was a regional initiative with regional backing, and commentators have observed that it would be desirable for the force to be perceived as successful so that support for the rebels may dwindle.⁴⁹ Rebels groups' resources could be further constrained by removing their access to the proceeds of mining and mineral extraction in the DRC. A loss of resources would degrade rebel groups' ability to continue the conflict and would make the Intervention Brigade's task of neutralizing and disarming the groups easier.

Toward a Broader Strategy for the DRC

The multifaceted challenges facing the DRC require a military response to be situated in a broader political strategy. This has been developed under the UN-brokered *Peace, Security and Cooperation Framework for the Democratic Republic of the Congo and the Region*, signed by eleven African nations in February 2013 following the fall of Goma and bolstered by the appointment of former president of Ireland, Mary Robinson, as special envoy for the Great Lakes region. The agreement is intended to address “the root causes of conflict and foster trust between neighbours,”⁵⁰ and the formation of the

45 Jason Stearns, “The Politics of the Intervention Brigade, from Pretoria to Kigali,” *Congo Siasa*, April 28, 2013, available at <http://congosiasa.blogspot.com/2013/04/the-politics-of-intervention-brigade.html>.

46 James Karuhanga, “East Africa: Is an Offensive Plausible in DR Congo?,” *All Africa*, April 29, 2013, available at <http://allafrica.com/stories/201304290081.html?viewall=1>.

47 M23 rebel political leader, Bertrand Bisimwa has his own Twitter account that he uses to communicate M23 propaganda at <https://twitter.com/bbisimwa>.

48 Melanie Gouby, “Congo's M23 Rebels Threaten New UN Brigade,” *Associated Press*, April 20, 2013, available at <http://bigstory.ap.org/article/congos-m23-rebels-threaten-new-un-brigade>.

49 Personal interview with a representative from a troop-contributing country to MONUSCO, New York, May 22, 2013.

50 “New UN Envoy Robinson Heads to the Great Lakes Region,” *UN News Centre*, April 26, 2013, available at www.un.org/apps/news/story.asp?NewsID=44770&Cr=great+lakes&Cr1=#.UX_s_HJ3RkA.

brigade coincides with the adoption of the agreement. On her first trip to the region, Mary Robinson emphasized that “the Intervention Brigade must play a role of deterrent rather than a military solution. The real focus is on the framework agreement for a political solution.”⁵¹ In its statement welcoming the authorization of the Intervention Brigade, the ICGLR also clearly situated the brigade within the broader framework agreement and highlighted the parallel development of the national follow-up mechanism for the agreement and the rapid reaction force to be implemented by the DRC government.⁵²

The UN has stressed the DRC’s responsibility to build a stable environment, acknowledging that “one underlying reason for the recurring cycles of violence in eastern Democratic Republic of the Congo involving Congolese and foreign armed groups is the government’s limited ability to exert full authority over its territory and to provide basic services and security to the population.”⁵³ Deals brokered during past peace negotiations were reneged upon (which was one source of the current crisis) and half-heartedly implemented. Agreements made in 2008 to integrate the CNDP into political institutions were quietly ignored, and the pact made between the CNDP and the DRC government on March 23, 2009, to integrate the fighters into the national army was not meaningfully implemented.⁵⁴

Even if the Intervention Brigade succeeds in creating space for the political process, it is not clear that the government of DRC is committed to negotiations.⁵⁵ The deployment of the Intervention Brigade may make the government less inclined to negotiate a peaceful settlement with the rebels, in favor of using UN troops to find a military solution. On April 28, 2013, the leader of the M23 blamed the DRC government for the breakdown of peace talks facilitated by the ICGLR, saying “the govern-

ment appeared disinterested in the peace talks after the United Nations announced the imminent arrival of the new Intervention Brigade.”⁵⁶ Military operations in the DRC must seek to support rather than undermine a peaceful resolution to the conflict.

Conclusion

Conflict in the DRC will not be resolved by military means alone. The coherent peacemaking strategy outlined in the framework agreement is required to address the root causes of conflict through mediation efforts, statebuilding, and judicial settlement. These non-military solutions should be pursued to address multifaceted disputes including land ownership, historic ethnic tension, natural resource management, and power disputes.⁵⁷ The Intervention Brigade may be able to complement this political process by acting as a deterrent and by making rebel groups believe they have no alternative but to negotiate—that they will not achieve their aims by violent means. There have been some tentative reports of defections and laying down of arms following the announcement of the Intervention Brigade,⁵⁸ and the show of force by the UN may bring hitherto reluctant parties into the peace process. As the political peace process evolves, spoilers may or may not resort to violence to achieve their aims; in order to present a credible deterrent, the UN must be prepared to counter force with force, including using offensive operations to “neutralize and disarm” the groups.

In the past, UN missions in the DRC have suffered from inflated expectations of their reach and abilities, and the Intervention Brigade risks the same fate. Expectations are high regarding the Intervention Brigade’s ability to expel rebel groups from the area, protect civilians, and bring stability to eastern DRC—not least for those in the subregion who are keen for the intervention force

51 Gouby, “Congo’s M23 Rebels Threaten New UN Brigade.”

52 Executive Secretariat International Conference on the Great Lakes Region, Press Communiqué, March 2013, available at https://icglr.org/IMG/pdf/Press_communiqueMarch_2013.pdf.

53 United Nations Security Council, *Special Report of the Secretary-General on the Democratic Republic of the Congo and the Great Lakes Region*.

54 International Crisis Group, “Eastern Congo: Why Stabilization Failed.”

55 Jason Stearns, “What Next in Kampala,” *Congo Siasa*, May 17, 2013, available at <http://congosiassa.blogspot.com/2013/05/what-next-in-kampala.html>.

56 Peter Clotey, “DRC Rebels Blame Government for Talks ‘Breakdown,’” *Voice of America*, April 28, 2013, available at www.voanews.com/content/drc-rebels-blame-government-for-talks-breakdown/1650457.html.

57 Autesserre, “The Trouble with Congo” and *The Trouble with the Congo*.

58 Jacques Kikuni Kokonyange, “With UN Troops Arriving Congo Insurgents Have a Choice to Make,” *SYFIA International/Worldcrunch*, May 21, 2013, available at <http://worldcrunch.com/world-affairs/with-un-troops-arriving-congo-insurgents-have-a-choice-to-make/turncoat-surrender-militia-rebels-congo/c1s11878/>.

to be the whole solution. A senior MONUSCO official recently expressed the hope that state authority will be restored by neutralizing the armed groups and that the Intervention Brigade will be a key driver in this.⁵⁹ Citizens of the DRC, exhausted by the continued conflict, have expressed the same hope.⁶⁰ Clearly, wherever the UN has a presence, there is an expectation that the population will be protected and the deployment of the Intervention Brigade should be managed to ensure its goals are realistic and achievable given its resources, reach, and strength.

The addition of the Intervention Brigade will present tactical challenges for the MONUSCO force commander, who will now have two tiers of troops under his command: the regular MONUSCO troops who are implicitly tasked with offensive operations and the Intervention Brigade that is explicitly tasked with them. There must be a unity of purpose within the civilian, military, regular, and Intervention Brigade elements of the mission, and strong leadership will be necessary to implement a single mandate with different levels of force posture.

Peacekeeping operations in the DRC continue to be at the forefront of evolving UN doctrine on the limits and utility of military troops to effect peace. Until clear doctrine is formulated by the UN on the nature and meaning of peacekeeping and peace enforcement operations, TCCs will continue to interpret mandates rather than implement them. Well-written rules of engagement and supplementary standard operating procedures should be supported by good training, but the mandate is only as strong as the will of the mission leadership and TCCs to implement it. Nevertheless, the Intervention Brigade must form part of a broader, coherent UN strategy for building peace in the DRC. If it operates as a piecemeal, standalone element, any gains it makes will be short lived.

Whether the Intervention Brigade represents the future of peacekeeping operations will be tested in the challenging theater of the DRC. The war-weary population of the eastern borderlands is once again looking to the United Nations to bring peace and security to the region. After almost fourteen years of struggling to do so, the imperative is stronger than ever.

59 "Gender and Peacekeeping: Perspectives from the Field," IPI panel discussion with a senior MONUSCO official, May 16, 2013.

60 Daniel Howden, "UN Warns DR Congo Rebels It Will Intervene," *The Independent*, May 23, 2013, available at www.independent.co.uk/news/world/africa/un-warns-dr-congo-rebels-it-will-intervene-8630024.html.

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