



**Testimony of Ms. Erin A. Weir
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on the
“New Challenges for International Peacekeeping Operations”
House Foreign Affairs Committee
July 29, 2009 at 10:00 a.m., 2172 RHOB**

Chairman Berman, Ranking Member Ros-Lehtinen and Members of the Committee: Thank you for this opportunity to testify today before the House Foreign Affairs Committee about UN Peacekeeping, and the challenge of keeping people safe in times of conflict and crisis.

I am here representing Refugees International. We are an independent, Washington DC based organization that advocates to end refugee crises.

In the past two years I have assessed peacekeeping efforts in Sudan, Chad, the Democratic Republic of Congo, and Somalia. I have talked to people who have been displaced from their homes, to humanitarian actors, to host-governments and to peacekeepers themselves. I know first hand what a crucial role peacekeeping can play in the delivery of aid, the maintenance of stability, and the protection of civilians in some of the most dangerous places in the world. I have also seen with my own eyes the limitations of peacekeeping, and the consequences of a confusing mandate or an under resourced-mission.

UN peacekeeping has become more important, and more controversial than ever. After the massive failures of international governments to protect civilians from systematic violence throughout the 1990's, and with the brutal conditions created by modern conflict, the international community has begun to recognize its responsibility to better protect civilians from genocide, ethnic cleansing, war crimes and other crimes against humanity.

In order to meet this responsibility, governments increasingly look to UN peacekeepers. Peacekeeping mandates have steadily become more complex and difficult to achieve, but the ability of the UN system, and the political will of member states to adequately staff and equip those missions, have not evolved with expectations.

The mandate of the UN Peacekeeping mission in the Democratic Republic of Congo, known by the acronym MONUC, includes 45 discreet tasks and responsibilities, not the least of which is the protection of civilians in the hilly, densely forested, nearly inaccessible provinces of North and South Kivu in the east of the country. Meanwhile, the 3,000 troops and additional equipment that were promised to the mission in December of 2008 have still not been deployed.

At this moment there are roughly 116,000 military, police and civilian peacekeepers deployed around the world. It sounds like a large number, until you consider the fact that they are tasked with everything from support of ceasefires and peace processes, to the reform of security institutions and the physical protection of civilians made vulnerable by conflict. The US currently has roughly 60,000 troops and civilian staff, and an additional 23,500 non-U.S. coalition forces in Afghanistan alone to perform a very similar role.

Nevertheless, some progress has been made. The UN is taking steps to improve the efficiency and accountability of its procurement and deployment systems, as well as the quality of guidance and training that it delivers to peacekeepers to make missions more effective. Outside of the UN system, regional organizations such as the European Union and the African Union are developing new tools to complement UN peacekeeping, particularly where peace enforcement is necessary. The U.S. has a key role to play to support these developments and reforms, and can do more to support concrete action that protects people from harm.

Background

UN peacekeeping is not what it used to be. Early peacekeeping missions were deployed with the consent of both parties to the conflict in order to monitor and enforce existing peace agreements. These peacekeepers represented a “thin blue line” between two groups who had agreed to their presence. The mandates were simple and the danger and political controversy surrounding the missions were very low.

Following the end of the Cold War in the 1990s UN peacekeepers began to be deployed in new and more challenging places, such as Somalia in 1992 and Liberia in 1993. The nature of conflict was changing, and intra-state conflicts, often with multiple internal armed groups, usually meant that one or more of the armed actors did not consent to the involvement of peacekeepers. The potential for peacekeepers to become targets of violence dramatically increased. Their neutrality was also increasingly compromised by calls from concerned governments and humanitarian actors for them to engage in the protection of civilians, which often demands that peacekeepers take action that will put them at odds with armed groups involved in the conflict.

Over time it became clear that UN forces designed to fulfill traditional peacekeeping roles were drastically under-equipped, and politically and operationally unprepared to take on the more robust peacekeeping demanded by complex protection mandates and the more aggressive military action that is often necessary to fulfill protection demands.

Protection of Civilians

The many traumatic experiences of the 1990s – the genocide in Rwanda, crimes against humanity in the former Yugoslavia, and the systematic use of rape as a weapon of war in what is now the Democratic Republic of Congo—resulted in the push for UN peacekeepers to take on a much more active role in the protection of civilians.

As U.S. Ambassador to the United Nations Susan Rice recently said, “We have just drawn down the curtain on the bloodiest century in human history. That is why the United States is determined to work ... to ensure that the 21st century takes a far lesser toll on civilians—on innocents who should be sheltered by the rule of law and the rules of war. I believe deeply that atrocities are not inevitable.”ⁱⁱ

Today mission mandates routinely include authorization for peacekeepers to take measures to protect civilians under imminent threat of violence. Some mandates even prioritize protection of civilians above all other objectives, such as the current mandate for the UN Mission in DR Congo (MONUC) and in Chad and the Central African Republic (MINURCAT). Yet in spite of the overarching international focus on civilian protection, there is no clear definition or doctrine to tell military peacekeepers what protection is or how to make a protection mandate work.

This sort of guidance is crucial if we ever hope to make peacekeeping missions as effective as they have the potential to be. This is particularly true of physical protection, as the necessary response depends very much on the nature of the threat that civilians are facing. While military peacekeepers may be relatively well prepared to protect civilians against organized rebel or military attacks, civilians are also the victim of random, un-coordinated attacks by individual members of armed groups, and by other bandits and criminals who capitalize on the overall lack of rule of law that is often a defining feature of countries affected by armed conflict.

In eastern DRC in October of last year a colleague and I were present when civilians fell victim to all three of these threats at once. Rebels advanced, attacking villages and towns in coordinated military style offensives.

Simultaneously, individual members of the Congolese National military abandoned their posts and began looting the population, and the total security vacuum that allows for the constant, low level banditry and rampant sexual violence in Congo was amplified by the chaos.

MONUC forces, who were woefully underequipped to deal with any one of these civilian protection threats, were asked to implement three very different kinds of protection at one time. Refugees International was vocal in pointing out that the failure here fell squarely on the UN Security Council, which had issued a highly complex and incoherent mandate, without clarifying priorities or providing sufficient material or political support to get it done. If peacekeeping missions are to provide effective protection of civilians, it is imperative that mission mandates are crafted with an understanding of the fact that different types of threat require different capabilities and tools, and that those capabilities are put at the disposal of the missions.

Sometimes this sort of threat analysis will show that UN peacekeeping is not the answer to the problem at hand, and that some other political or military approach may be necessary. This is very often the case with the controversial norm, known as the Responsibility to Protect.

The Responsibility to Protect

The Responsibility to Protect (R2P) norm is a central part of the wider effort to keep civilians safe. After the genocide in Rwanda, and the failure of the international community to intervene to prevent an unfolding mass atrocity, individual diplomats and leaders of human rights and humanitarian organizations began to elaborate on the idea that there is a particular international duty to intervene in order to prevent, protect against, and rebuild communities in the wake of genocide, war crimes, ethnic cleansing or crimes against humanity. In 2001 the International Commission on Intervention and State Sovereignty (ICISS) formally elaborated this concept, which they named “the responsibility to protect.”

The Commission raised important questions about sovereignty and the role of the state with regards to the protection of people within its borders. In its 2001 report, the ICISS asserted that “state sovereignty implies responsibility, and the primary responsibility for the protection of its people lies with the state itself.” It further stated that “where a population is suffering serious harm, as a result of internal war, insurgency, repression or state failure, and the state in question is unwilling or unable to halt or avert it, the principle of non-intervention yields to the international responsibility to protect.”ⁱⁱⁱ

All 192 UN member states endorsed the R2P norm in the 2005 World Summit outcome document, which asserted both the right and the responsibility of the international community to intervene, with or without the consent of the host government, in cases where genocide, war crimes, ethnic cleansing, and/or crimes against humanity can be reasonably expected or are being committed. This is defined in terms of both peaceful and forceful forms of intervention:

The international community, through the United Nations, also has the responsibility to use appropriate diplomatic, humanitarian and other peaceful means, in accordance with Chapters VI and VIII of the Charter, to help protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity. In this context, we are prepared to take collective action, in a timely and decisive manner, through the Security Council, in accordance with the Charter, including Chapter VII, on a case-by-case basis and in cooperation with relevant regional organizations as appropriate, should peaceful means be inadequate and national authorities manifestly fail to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity. We stress the need for the General Assembly to continue consideration of the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity and its implications, bearing in mind the principles of the Charter and international law. We also intend to commit ourselves, as necessary and appropriate, to helping States build capacity to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity and to assisting those which are under stress before crises and conflicts break out.^{iv}

The bulk of the debate has since focused on the international responsibility to intervene militarily to protect civilians as a measure of last resort.

The U.S. government has embraced R2P in principle, but not always in practice. In the 2008 report published by the Genocide Prevention Taskforce (co-Chaired by former Secretary of State Madeleine K. Albright and former Secretary of Defense William S. Cohen) the authors “acknowledge[d] that the United States’ record in responding to threats of genocide has been mixed. Over the span of time, our top officials have been unable to summon the political will to act in a sustained and consistent manner or take the timely steps needed to prevent genocide and mass atrocities from occurring.”^v

When genocide, ethnic cleansing, war crimes or crimes against humanity are being committed, it is important that world governments respond with quick, concerted diplomatic action, and, if necessary, that the UN Security Council give swift authorization for the deployment of a non-UN peace enforcement operation, with or without the consent of the host government. However, the authorization of non-consensual intervention continues to be politically controversial.

Specifically the permanent members of the UN Security Council are extremely reticent to authorize the deployment of international forces without the consent of the host government, even when the host government is perpetrating violence against its own people. One recent example was the lengthy Security Council debates over the deployment of peacekeepers in Darfur, and the insistence by Security Council members that it was necessary to submit to the many demands and compromises demanded by the Sudanese Government in order to secure its consent for the deployment. This made a farce of the international commitment to R2P given the fact that the Sudanese Government had been implicated in the very crimes that the Security Council was seeking to halt.

The US needs to work with allies, and engage with skeptics, to overcome this difficult political barrier and to improve the acceptance and acceptability of the responsibility to protect.

Building a UN Peacekeeping Mission

Former Secretary General Kofi Annan famously called the UN “the only fire brigade in the world that has to acquire a fire engine after the fire has started.” Even when peacekeeping is the most appropriate protection tool, the UN must always overcome significant challenges to deploy and support each new mission.

UN peacekeeping missions are notoriously slow to deploy, and the quality of the forces and equipment is inconsistent. This is largely due to the fact that the UN has no independent military capacity and depends entirely on the voluntary troop contributions of member states to make up the mission requirements.

Even after appropriate contingents have been identified, each Troop Contributing Country (TCC) then has to negotiate its own agreement with the UN, which dictates what those forces will be used for within the mission. This often limits where particular contingents can be deployed in the field, and the level of danger that they can be exposed to.

Forces acquired in this piecemeal manner have very different training standards and combat capabilities, and the philosophies of their commanding officers often differ greatly. In military terms, the different capabilities, philosophies, training and contractual limitations make robust military action challenging.

In an effort to enhance the overall operational standards of peacekeeping operations the United States is currently involved in international peacekeeping training through the Global Peace Operations Initiative (GPOI) and Africa Contingency Operations Training Assistance (ACOTA) programs. These programs provide millions of dollars each year to develop military peacekeeping capabilities in potential troop contributing countries around the world. The problem is that the trainers use U.S. training modules as opposed to using the standardized modules developed by the UN for this purpose.

A coherent, standardized training program for current and prospective TCCs is essential to overcome some of the discrepancies in capacity between contingents and ensure that all forces have a common understanding of their role.

Furthermore, countries with advanced militaries, such as the U.S., need to go beyond just training and funding peacekeeping operations. These countries need to show a commitment to UN peacekeeping by committing more personnel and advanced support, such as engineers, heavy transport, and medical units. The availability of these resources is crucial to the deployment of new missions, and the early commitment of enabling units helps peacekeeping operations get off the ground quickly. This would set the foundation for more effective operations.

Robust Peacekeeping vs. Peace Enforcement

UN peacekeeping is not an appropriate tool to use when non-consensual intervention is needed. For example, peacekeepers should not be deployed in circumstances where the host government is also the perpetrator of violence against its civilians and is unwilling to give its consent for the deployment of international peacekeeping forces. This is the distinction between “robust peacekeeping” and non-UN “peace enforcement.”

The UN’s 2008 “Capstone” document outlines the crucial distinction between the two;

Robust peacekeeping involves the use of force at the tactical level with the authorization of the Security Council and consent of the host nation and/or the main parties to the conflict. By contrast, peace enforcement does not require the consent of the main parties and may involve the use of military force at the strategic or international level, which is normally prohibited for Member States under Article 2(4) of the Charter, unless authorized by the Security Council .^{vi}

The 2006 U.S. National Security Strategy addresses such circumstances, stating that “where perpetrators of mass killing defy all attempts at peaceful intervention, armed intervention may be required, preferably by the forces of several nations working together under appropriate regional or international auspices.” For this sort of non-consensual intervention the US needs to contribute to the development of new tools, such as the African Union Standby force, and the European Union Rapid Deployment capacity, and adapt old ones like NATO to make the R2P a practical reality.^{vii}

Achievable Peacekeeping Mandates: the Role of the UN Security Council

It is the UN Security Council that crafts the mandates and determines the character of each new UN peacekeeping deployment. Where peacekeeping is not appropriate, it is also the Security Council that can authorize the deployment of a non-UN peace enforcement mission.

For UN peacekeeping operations, it is critical that the Security Council recognize the limitations of the tool. In deliberations over the viability of a new UN peacekeeping operation the Security Council must consider:

- ❑ *Whether a situation exists the continuation of which is likely to endanger or constitute a threat to international peace and security;*
- ❑ *Whether regional or sub-regional organizations and arrangements exist and are ready and able to assist in resolving the situation;*
- ❑ *Whether a cease-fire exists and whether the parties have committed themselves to a peace process intended to reach a political settlement;*
- ❑ *Whether a clear political goal exists and whether it can be reflected in the mandate;*
- ❑ *Whether a precise mandate for a United Nations operation can be formulated.^{viii}*

If these questions can not be satisfactorily answered, and these conditions fulfilled, then the Security Council must consider whether or not a peace enforcement operation is the more appropriate way forward.

The US should use its leadership position on the Security Council to ensure that all new peacekeeping operations have clear, achievable mandates, and that they are well resourced to fulfill the tasks that the UN has set for them.

Policy Recommendations

As one of the most powerful members of the UN Security Council, and one of the most influential countries in the world, the US could do a great deal to improve the international capacity to protect civilians in times of conflict.

- ❑ The US Congress and Administration should continue to pursue the policy of paying US peacekeeping dues in full and on time.
- ❑ Through GPOI, ACOTA, and PKSOI the US should work more closely with the UN to provide standardized peacekeeping training, both bilaterally and through support to regional peacekeeping training centers, to increase global peacekeeping capacity.
- ❑ The US Administration should provide U.S. forces and assets, such as engineering units, tactical and strategic lift capacity, and other 'enablers' to help UN missions deploy quickly and completely.
- ❑ As a member of the Security Council, the U.S. should ensure that UN peacekeeping missions are only deployed where mandates are achievable, and that missions are resourced to meet the demands of the respective mandates.
- ❑ The US Administration should work with partners such as NATO, the EU and the AU to develop protection capacities that can be deployed quickly and respond effectively to counter threats against civilians where UN peacekeeping is not an appropriate mechanism.
- ❑ The US Administration should support the Responsibility to Protect as a global norm and use diplomatic resources to advance the concept among countries reluctant to accept it.

Thank you again for the opportunity to testify before you today. I am happy to answer any questions you may have

i A New Partnership Agenda: Charting a New Horizon for UN Peacekeeping, UN DPKO, July 2009, p 4

ii U.S. Permanent Representative to the UN, Ambassador Susan E. Rice, Remarks on the UN Security Council and the Responsibility to Protect, at the International Peace Institute, Vienna, June 15, 2009.

iii ICISS, 'Basic Principles,' The Responsibility to Protect; Report of the International Commission on Intervention and State Sovereignty, 2001, p XI.

iv Integrated and coordinated implementation of and follow-up to the outcomes of the major United Nations conferences and summits in the economic, social and related fields Follow-up to the outcome of the Millennium Summit, A/RES/60/1, 2005, Paragraph 139.

v Madeleine K. Albright and William S. Cohen, Preventing Genocide: A Blueprint for U.S. Policymakers, 2008, p xxi.

vi United Nations Peacekeeping Operations: Principles and Guidelines, UN DPKO, 18 January, 2008, p 35.

vii See Preventing Genocide: A Blueprint for U.S. Policymakers.

viii Ibid, p.47.