Introduction

The adoption of UN Security Council Resolution 2098 on March 28, 2013, authorizing the establishment of an “Intervention Brigade” (UNSC 2013) within the existing UN Stabilization mission in the Democratic Republic of Congo (MONUSCO), was met with skepticism by humanitarian organizations working in eastern DRC. A number of them expressed concerns over the “targeted offensive operations … to neutralize [armed] groups”, which could pose new risks for Congolese civilians, and questioned the chances of success for such a use of military force if not part of a comprehensive approach to addressing violence in eastern DRC. Indeed, the 3,000-strong Intervention Brigade, which became operational in July 2013, is responsible for the protection of civilians (POC) alongside the rest of the 20,000 UN peacekeepers present in the DRC; however, the Brigade was not informed by lessons from past protection failures among UN peacekeepers.

Instead, it was regional organizations – the International Conference on the Great Lakes Region (ICGLR) and the Southern African Development Community (SADC) – that first
proposed the creation of such an offensive force as a result of criticism of the UN peacekeepers’ inability to prevent the occupation of the eastern DRC city of Goma by “M23” rebels in November 2012. This incident could have been another Sebrenica. Luckily it was not, even if a number of human rights violations were recorded during the week-long occupation of the city (UNJHRO 2013). But it raises many questions concerning the future of MONUSCO (formerly known as MONUC)1, whose mandate the Security Council recently renewed through March 31, 2014. It also calls for a broader rethinking of physical protection mandates and approaches within peacekeeping operations. Although the concept of POC has broadened considerably over the years to encompass many more activities than just physical protection, under the UN’s three-tiered approach to POC in peacekeeping (DPKO/DFS 2010), peacekeepers continue to have a particular responsibility for the provision of physical protection. They are ‘the last line of defense’, and the very presence of peacekeepers creates expectations among local people. A failure to meet these expectations can result in the breakdown of wider mission legitimacy (Weir 2010).

MONUC, together with the UN mission in Sierra Leone (UNAMSIL) authorized a year earlier in 1999, was the first UN peacekeeping mission to receive an explicit physical protection mandate. The MONUC authorization in 2000, under Chapter VII of the UN Charter, also coincided with the release of the Brahimi Report (Brahimi 2000). That report, coming in the wake of the Srebrenica massacre and Rwandan genocide, underscored the mandate and moral imperative for peacekeepers not to stand by when civilians are attacked. MONUC/MONUSCO, with the largest uniformed contingent of all UN peacekeeping missions, has been the testing ground for physical protection mandates and approaches. During these 13 years, the UN mission has learned in phases, defining and implementing protection tools and strategies as the eastern part of the country faced repeated cycles of violence related to failing political and peace processes.

The first section of this paper describes how lessons from early protection crises led the mission to develop a series of innovative tools – based on better civil-military coordination and enhanced communication with the local population – designed to allow an improved response by peacekeepers. It analyzes how joint military operations, and the need to mitigate their negative impact, led to a progressive shift from a UN-centric, troop-intensive approach to physical protection, to one where greater attention is given to the action of the Congolese security forces. It argues for the refocusing of an ever-broadening UN POC approach – with the development of a ‘POC bureaucracy’ to support its implementation – on strengthening national protection capacities through security sector reform (SSR) as a core element of the UN mission’s exit strategy. The article concludes that the 2012 crisis may provide the trigger for such a shift, and that the Intervention Brigade together with the Peace, Security and Cooperation (PSC) Framework for the DRC and the region, could provide the broader political strategy on which to anchor this reform process.

What Did Peacekeepers Learn from Early Protection Crises in the DRC?

POC has become a common feature of almost all UN peacekeeping missions with troops operating under Chapter VII. However, when the UN Mission in the DRC was first mandated to protect civilians in 2000, little guidance existed as to how to implement such a mandate. Following the signing of the Lusaka Ceasefire Agreement between the DRC and five regional States (Angola, Namibia, Rwanda, Uganda and Zimbabwe) on July 10, 1999, the UN had deployed 500 military observers to the DRC. But as the security situation on the ground was deteriorating, the Council started discussing the possibility of a more robust mandate and peacekeeping force. Although some Council
members were concerned about the dangerous security environment and the risk of creating high expectations which the peacekeepers would be unable to meet (Holt and Taylor with Kelly 2009: 244), resolution 1291 was passed on February 24, 2000. It authorized 5,537 military troops to “take the necessary action, in the areas of deployment of its infantry battalions and as it deems it within its capabilities, to ... protect civilians under imminent threat of physical violence” (UNSC 2000). The Council’s general understanding at the time was that protection was not the main role of the mandate, and it was not included as a military task in early concepts of operations (CONOPs) for the mission (Ibid: 241). Some member states were nonetheless wary that such an enlarged force in such a complex environment would not deter armed groups and was being set up to fail. They would soon be proven right.

The first major crisis occurred in May 2002 when more than 80 persons were massacred in Kisangani, where about 1,000 UN troops were stationed but lacked capacities to intervene (Baldo and Bouckaert 2002). Attacks on civilians would continue in the Ituri region with 500 civilians killed by militias in the course of May 2003 in Bunia in spite of the deployment of a UN reserve contingent there. Powerless to stop the violence, the UN called on a French-led EU Interim Emergency Multinational Force (IEMF), Operation Artemis, to restore security in Bunia and its surroundings in June 2003. This robust international response, authorized under resolution 1484 (May 2003) for three months, established credible deterrence and opened the way for the deployment of a larger and more robust UN Ituri brigade equipped with attack helicopters and armored personnel carriers. Meanwhile another crisis would take place in early 2004 in Bukavu, South Kivu, where 1,000 MONUC troops (backed by attack helicopters in the city at the time) failed to protect the city from being occupied by rebels led by Laurent Nkunda. Bukavu fell on June 2, 2004 without resistance, and MONUC troops had only protected their own premises and about 4,000 IDPs who had taken refuge there (Lamp and Trif 2009: 18).

The lessons from the Ituri and Bukavu crises led to a major reassessment of the mission and the extension of the more proactive and robust strategies used by the IEMF in Ituri to the Kivus (Lamp and Trif 2009). MONUC was granted 5,900 additional troops, now “authorized to use all necessary means, within its capabilities and in the areas where its armed units are deployed, to deter any foreign or Congolese armed group from attempting to use force to threaten the political process, and to ensure the protection of civilians under imminent threat of physical violence” under resolution 1649 (UNSC 2005). This approach included supporting the Congolese armed forces, known as the FARDC, with the disarmament of foreign combatants and aiding the UN using cordon-and-search tactics against militias to prevent attacks on civilians and curb violence. In spite of this change in posture, a second series of crises erupted in the Kivus as the UN mission’s focus had shifted to the 2006 national elections. MONUC once again faced the threat of Nkunda’s forces taking a major city in eastern DRC. This time MONUC would use its attack helicopters decisively – killing between 200 and 400 rebels – to stop Nkunda’s advance towards Goma, thus allowing the FARDC to retake the areas and, more importantly, creating space for political negotiations (ICG 2007: 8).

Many lessons were drawn from these early crises that informed the later POC approaches of the UN mission. First, regardless of their mandate, wherever UN blue helmets are deployed they would be expected to respond to attacks, and failures to protect civilian populations would affect the mission’s credibility and legitimacy. The limited presence and legitimacy of the Congolese state in large parts of eastern DRC meant that the primary responsibility of the government to protect its own civilians had little meaning in practice. This put a higher protection...
burden on international troops. Second, while a more robust and proactive posture towards armed groups could yield positive protection results, this would make peacekeepers potential targets for armed groups, as peacekeepers also have to protect themselves, UN staff, and humanitarian workers. This new approach would also require better and more timely information on threats to civilian populations.

Can Innovative POC Tools Lead to a Better Response by Peacekeepers?

Council mandates that emphasize POC do not however stipulate the how to. The UN mission in the DRC therefore had to operationalize the principle through the development of a number of mechanisms and tools. These have aimed at improving civilian-military coordination within the UN mission. They have also aimed to strengthen communication with humanitarians and local communities. The innovative protection tools developed by the UN mission in the DRC have been widely publicized, and some have been recognized by the United Nations as best practices which could be adapted and replicated in other peacekeeping contexts (see Martin 2012). These include the Joint Protection Teams (JPTs), which bring together the military and civilian components of the mission to improve early warning and analysis of potential threats, and devise preventive and responsive interventions in given field locations. JPTs were established after the 2008 Kiwanja (North Kivu) massacre of more than 100 people near a MONUC camp. Beyond the mission itself, the creation of the Protection Cluster in 2006 under the leadership of UNHCR and co-chaired by the UN mission provides a venue for discussing protection issues, both in Kinshasa and in the provinces with regional sub-clusters. These Protection Clusters use a ‘Protection Matrix’ to identify areas with the most pressing protection needs and make recommendations for the deployment of peacekeepers in priority areas, even though the mission retains ultimate decision making authority over its military deployments.

These tools were developed on the assumption that, if provided with timely and concrete information, peacekeeping troops would be able to provide more effective preventive and responsive physical protection. This was supported by important operational guidance and training for peacekeeping troops through the development of POC guidance for blue helmets and Force Commanders’ directives on POC in the DRC, making POC a central task of the military component through “proactive military intervention to prevent large scale killings/displacements by robust coercive military operations for specific durations” (UN Internal 2007 revised 2009). As a result, UN contingents in eastern DRC have in recent years displayed greater willingness to stretch out to temporary deployments in about 100 locations, diverging from traditional peacekeeping models. Since 2010, these temporary bases have relied on Congolese Community Liaison Assistants and Community Alert Networks – supported by cell phones and high-frequency radios – to build trust with local communities, provide early warning and ensure that UN troops actually respond to protection threats when informed. However, these mechanisms are unsustainable; nor will they prevent new protection crises from happening in the future. Peacekeepers cannot be deployed to every village in eastern DRC, and there is unfortunately little empirical evidence that they effectively provide physical protection to populations much beyond their base (see Mahony 2013). This is in part due to logistical and mobility issues, including the lack of helicopters (UN Letter 2011) and of night-vision equipment; as well as other recurring problems, such as the overall lack of resources in light of the vast areas of operation, the lack of training and guidance for peacekeeping troops rotating in and out of the mission, and the limited will and ability of certain contingents to use force. Leadership and command and control
issues at all levels also play a role, particularly when it comes to rapid reaction.

The initial development of these protection tools also coincided with the end of the transition period following the first post-transition elections in the DRC in 2006. The UN mission was now working with a democratically elected government that holds the primary responsibility to protect its own citizens. The mission was now mandated to support “the extension of state authority” and to “coordinate operations with the FARDC integrated brigades deployed in the eastern part of the Democratic Republic of the Congo and support operations led by and jointly planned with these brigades” under resolution 1856 (UNSC 2008). This would dramatically change the nature of the physical protection challenge for UN peacekeepers.

MONUC indeed found itself in the complex position of trying to protect civilians from all sides in 2008 confrontations between the FARDC and Rwanda-backed rebels from the Congrès national pour la défense du peuple (CNDP). The Special Representative of the UN Secretary-General at the time, Alan Doss, described the UN mission as being “heavily criticized, on one side by those who felt the mission had become a protagonist by taking robust action against the CNDP when it threatened civilian centers and on the other by those, especially in government, who believed it was not doing enough to help the DRC armed forces FARDC defeat the CNDP” (Doss 2011: 21).

Physical Protection in the Context of Joint Military Operations

Although the 2008 standoff between CNDP rebels and FARDC – supported by MONUC’s attack helicopters – was eventually resolved through intense diplomatic pressure that led to a ceasefire (Gowan 2011), the request from the government for MONUC to support FARDC operations soon re-emerged after the Congolese and Rwandan presidents signed a March 2009 political agreement. During much of 2009, MONUC supported the FARDC in conducting military Operation Kimia II designed to dismantle the Forces Démocratiques de Libération du Rwanda (FDLR), a Rwandan Hutu militia comprising members involved in the genocide of 1994. But Kimia II, rather than improving the security situation for civilians in the Kivus, led to the deterioration of humanitarian conditions and widespread human rights violations committed by both rebels and the FARDC (HRW 2009), which were composed of many integrated former armed groups and known to be perpetrating violence against civilian populations (UN 2012). The challenge of physical protection had therefore evolved from being UN-centric (how can peacekeepers better protect?) to one where greater attention was given to the action of the Congolese state, including by trying to mitigate the negative impact of its military operations.

Alerted about the legal risks of blue helmets being complicit in crimes committed by Congolese soldiers, the UN Security Council passed resolution 1906 (UNSC 2009) which sets strict conditions for the vetting of senior Congolese officers before providing assistance to the FARDC and commits to suspending support for commanders that have committed serious violations against civilians. This ‘conditionality policy’ became the basis for the development of a broader, UN-wide “Human Rights Due Diligence Policy on UN support to non-UN security forces” (HRDDP), which was recently made public. While it responded to a practical need, the conditionality policy did not prove immediately effective in reducing violations under new military operation Amani Leo launched in January 2010. In part due to the cumbersome vetting process, which less than 10 per cent of screened FARDC officers were able to pass, the FARDC organized military operations outside of the framework imposed by MONUC, unilaterally and therefore without much UN control (UN 2010). More recently, the 2012 Amani Kamilifu operation in South Kivu conducted under UN scrutiny led to fewer protection incidents, albeit in large
part due to the lower intensity of the fighting and focusing of fighting in more sparsely populated areas (OCHA 2012).

The first lesson is that as the host government holds the primary responsibility to protect its own citizens, and increasingly asserts itself following the end of the transition period and/or elections, it can become difficult for a UN mission to effectively carry out a UN-centric physical protection mandate. Peacekeepers find themselves operating in parallel with or alongside national forces, with limited control over their actions, while protection failures often continue to be blamed on peacekeepers. And the impact the HRDDP could have as a proactive engagement tool in the DRC and elsewhere remains to be seen. The second lesson is that unless there is progress on national SSR, peacekeepers will have no one to hand over their physical protection mandate to as they exit. The joint military operations did not build national POC capacities; nor did they promote much-needed SSR (in spite of some UN trainings on protection-related issues) or rebuild the trust of the Congolese people in their security forces. In 2011, about 32 per cent of all violations against civilians in North Kivu had been committed by the FARDC and another eight per cent by the Congolese police; therefore in total government forces were responsible for almost as many violations as were committed by all other armed groups (OCHA 2011). Yet studies have shown that “many people feel frustrated at their perceived abandonment by the state, but still see a functioning state and army as their best chance of protection” (Oxfam 2012: 19).

Refocusing Physical Protection on Security Sector Reform

The necessary security sector reform (SSR) and “establishment of sustainable security forces with a view to progressively take over MONUSCO’s security role” called for in Security Council Resolution 1925 (UNSC 2010) has yet to happen. In spite of repeated calls by the international community on the government of the DRC to undertake such reforms with support from MONUSCO and international donors, the political will has long been missing. Kinshasa has instead favored bilateral arrangements to train and equip the FARDC with support from the European Union, Belgium, France, the US, China, Angola, South Africa and others. However, the impact of such efforts have been called into question by the debacle of FARDC soldiers, including elite Belgian-trained commandos, in the recent 2012 Goma crisis. Also, while the Congolese authorities welcomed the building of infrastructure, such as police stations and administrative buildings along main roads under the internationally-supported national stabilization program, known as STAREC/ISSSS², it has not always done its share in ensuring the deployment of personnel to staff these offices.

Part of the problem is that while successive Council resolutions have reiterated the ‘primary responsibility of the Government of the DRC for ensuring security in its territory and protecting its civilians’ in practice the UN mission has always been under tremendous pressure from humanitarian organizations and the media (as well as, in some instances, local communities) to provide physical protection to civilians in eastern DRC. Protection failures are often blamed on the mission rather than on the Congolese government. This in part explains the steady increase in the size of the UN mission in the DRC from an initial 500 military observers to 5,000 troops a year later, to over 15,000 troops since the end of the transitions in 2006 – including a reserve force – and about 20,000 troops at present (see Figure 1). Such growth is counterintuitive given that, arguably, the number of UN peacekeepers deployed should have decreased as the Congolese security forces were strengthened. Naturally, the UN Security Council have a great deal of responsibility in giving the mission a POC mandate and eventually making protection its main priority; however, it also deserves a portion of the blame for not always holding the DRC government accountable for failing to do its share on
SSR and other political and governance challenges which many see as root causes of conflict and protection challenges.

Another part of the problem has been the evolution of the UN peacekeeping approach, from attempting to improve its ability to provide physical (military) protection to a more holistic and all-encompassing POC approach, and the development of a ‘POC bureaucracy’ within the UN mission to support its implementation. In spite of some humanitarian organizations wanting to distinguish their protection action from that of uniformed peacekeepers in order to safeguard humanitarian principles (see Lilly 2010), the civilian components of the UN mission started working together with the UN Country Team and humanitarians in support of a broader definition of protection similar to that used by humanitarians (UN POC 2009). This evolution was captured in the three-tiered approach to protection adopted in the 2010 DPKO/DFS operational concept on POC in UN peacekeeping operations (DPKO/DFS 2010). The MONUSCO revised POC strategy adopted in January 2010 (for the following three years) recognized the need to combine short-term responsive and long-term, remedial, and environment-building activities (UN POC 2010).

The broadening of the protection strategy of the mission may have been at the expense of a focus on physical protection, and the need to build functioning security institutions as the key to the effective transition of the physical protection responsibility from peacekeepers to the Congolese state. It may also have made coordination of protection activities with the Congolese government even more complex, with a blatant “lack of shared vision on solutions” (Martin 2012: 35). A number of decisions by the govern-

Figure 1: MONUC/MONUSCO uniformed peacekeeping deployments, 2000-2014. Source: IPI 2013 Peacekeeping Database, available at http://www.providingforpeacekeeping.org/contributions/
ment of DRC – such as unilateral military operations or the reorganization and redeployment of FARDC units in eastern DRC in 2010 without informing the UN mission – have even adversely affected the mission’s protection efforts.

The 2012 Crisis: Protection Failure or Political Opportunity?

The 2012 crisis that culminated with the brief occupation of the eastern DRC city of Goma, once again illustrates the fact that neither SSR nor POC in general has been a key priority of the Kinshasa government. Indeed, the UN High Commissioner for Human Rights notes that, “there has been little effective State response” to the violence being committed against civilians (OHCHR 2012). While the crisis started as an army mutiny by ex-CNDP General Bosco Ntaganda and led to the formation of a new armed group called the 23 March Movement (M23), it is largely the consequence of a failed SSR process. The CNDP had been integrated to the FARDC in 2009 as part of a secret agreement between the Congolese government and Rwanda, under which CNDP officers received key positions and were able to subsequently maintain parallel chains of command and control over certain geographical areas and resources (ICG 2010).

International pressure to arrest General Ntaganda (wanted by the International Criminal Court since August 2006 for war crimes committed in Ituri in 2002 and 2003, and who has since surrendered himself on March 22, 2013) following President Kabila’s reelection would provide the trigger. President Kabila opted for a military option, which led to new displacements of populations and violations committed by both the FARDC and the M23, but also created security voids that made possible a series of revenge attacks between FDLR and Raia Mutomboki rebel groups killing hundred of civilians along the border between North and South Kivu.

This latest crisis may have been a wake-up call for the Council, when it extended MONUSCO’s mandate for one year under resolution 2053 (June 27, 2012). While the POC remained the priority for the mission, the new mandate read as a call for a more SSR-focused POC approach. It is also an implicit recognition of the limitation in the physical protection the mission can provide in practice if this POC strategy is not anchored into a broader political strategy. It states that SSR “should be the primary focus within the stabilization and peace consolidation mandate of the mission,” so as to build national capacities to protect, and urges the government of the DRC to do its part (UNSC 2012, para 6). It was however already too late and on November 20, 2012, the 1,500 UN peacekeepers deployed in Goma in support of the FARDC could not prevent the occupation of the city by M23 rebels for over a week, before they withdrew. The Council’s immediate reaction was to request from the UN Secretariat alternative options on troop composition and deployments to strengthen MONUSCO’s performance. Before the UN could react, the region (through the ICGLR and SADC) proposed the creation of an African offensive force, in the face of criticism of the UN peacekeepers’ inability to prevent the fall of Goma. The compromise reached by the UN – wary of a parallel Africa force – was that such force would be established within MONUSCO, and under the same UN chain of command.

The establishment of the “Intervention Brigade” under resolution 2098 in March 2013 was not the result of the UN learning from past protection failures, nor was it conceived as a protection tool as such, even though it could contribute to deterring rebel attacks through a show of force (see Cammaert and Blyth 2013). The main contribution of the Brigade may instead be political, through the regional political backing (and troop contributions) that comes with it, and the fact that it will be assessed “in light of its performance and whether the DRC ... has made sufficient progress in implementing its commitments under the PSC Framework, as well as the establishment and implementation of a national SSR roadmap for the
creation of a Congolese ‘Rapid Reaction Force’ able to take over responsibility for achieving the objective of the Intervention Brigade” (UNSC 2013, para 10). The Council therefore not only reiterated its earlier call on the Congolese authorities to move the SSR process forward (that will however need to go much beyond the creation of a Rapid Reaction Force) and shoulder its responsibility to protect its citizens, but also anchored these onto the broader political umbrella of the Peace, Security and Cooperation (PSC) Framework for the DRC and the region (“A Framework for Hope”) signed on February 24, 2013. Although it is too early to judge whether and how the PSC Framework will be implemented, it could effectively provide the national (including civil society), regional and international (including donors) support base that had been missing in the past for national SSR to move in the right direction, and for the international community to shift their focus away from physical protection by UN peacekeepers, and invest resources and efforts towards building national institutions that can provide durable protection to citizens.

**Conclusion**

The creation of the UN mission in Congo during the second Congolese War of 1998–2003 was based on the assessment that long-term stability in the DRC would require the building of functioning and accountable state institutions that serve and protect Congolese citizens, and on the consolidation of democracy to allow for political competition without violence. When first mandated to protect civilians thirteen years ago, the UN mission in the DRC had few troops and little guidance as to how to implement such a mandate in practice. Over time and under pressure from humanitarian actors and the international community, POC became the priority of MONUC/MONUSCO, which grew to over 20,000 peacekeepers with an annual budget of US$1.4 billion. The moral imperative to protect civilians under imminent threat in a context where the Congolese state was almost absent in much of eastern DRC and sometimes lacked political will, led the mission to prioritize improving its own response, but also often to create expectations it could not meet. It developed innovative civil-military POC mechanisms now considered UN best practices, tried mitigating the negative impact of FARDC military operations, and broadened its protection approach at the risk of developing a ‘POC bureaucracy’. It was less successful, however, at building sustainable national protection capacities and pushing for SSR, which would pave the way for an eventual withdrawal of the UN mission’s military component. The latest in a series of cyclical crises in eastern DRC shows the limits of what has been a largely technical and UN-centric approach to physical protection, when the root causes of violence - whether at the local, national or regional levels - are often political. While peacekeepers may at times indulge in self-justification and preservation, they also fall victim to a system that too often evaluates their performance based on the mission’s own protection record and failures, rather than on whether it has enabled the host state to shoulder its primary responsibility to protect its own civilian population.

Peacekeepers do not operate in a vacuum and the successful implementation of physical protection strategies will always require the consent and active engagement of the host country, the cooperation of the region, and the sustained political support and encouragement of the Security Council and donors. In order to be sustainable, POC strategies should be part of a viable political strategy aimed at supporting the development of accountable and legitimate security and justice institutions (WDR 2011). The support to the restoration and extension of state authority has become a core function of UN peacekeeping, and led to increasingly multidimensional, larger and longer missions like the one in the DRC. The mission in the DRC has contributed to opening that space for the extension of state presence in eastern DRC, but has had little success in support-
ing the reestablishment of state authority, let alone legitimate authority. This should prompt a rethinking of the peacekeeping paradigm. While POC is likely to remain a core peacekeeping task for some time, UN peacekeeping, if it is to remain relevant, also needs to reform itself. Smaller, highly capable and mobile military components may still be needed to respond to immediate physical threats against civilians, particularly in the early days of the mission, but most resources, civilian expertise, and political backing by Council members should be invested towards planting the seeds for the building of credible but also legitimate state institutions. This would also require moving away from a peacekeeping model that too often approaches SSR from the perspective of the State rather than the security of its citizens. It would instead need to focus early political and SSR processes on the rebuilding of trust between the state and its citizens, and the laying of the foundations for some sort of longer term governance compact between leaders that are made accountable, engaged citizens and a supportive international community.

Notes
1 This mission was formerly known as MONUC, the United Nations Organization Mission in the DRC, until 2010, when it transitioned to MONUSCO.
2 Stabilization and Reconstruction Plan for War-Affected Areas (STAREC), and International Security and Stabilization Support Strategy (ISSSS).

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