

## 6 Protecting civilians with force

### Dilemmas and lessons from the UN stabilization mission in Haiti

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Peace operations are the UN's main conflict-management tool in the field. They have evolved considerably over time. The first missions, established shortly after World War II, were observer missions that deployed only *unarmed* soldiers. The United Nations Military Observers (UNMOs) focused their efforts on activities of the opposing armies who were subject to a ceasefire.<sup>1</sup> The observers could play a constructive role only when the parties wanted to oblige, but UNMOs felt helpless and hapless in the face of deliberate violence against civilians or large-scale blatant aggression. Observing and reporting were important, but far from sufficient, functions.

The first UN peacekeeping *force* was created in response to the 1956 Suez Crisis. Lester B. Pearson, the Canadian External Affairs minister, wanted to give muscle to his proposed “international peace and police force.”<sup>2</sup> So instead of unarmed UNMOs on an individual basis, the United Nations Emergency Force (UNEF) was composed of armed and pre-formed national units (battalions) under the operational control of the UN Secretary-General. In this new form of peacekeeping, the weapons proved useful, mostly as a deterrent, as the soldiers separated armies and took control of the no-man's land in between. But the forces were not given a mandate to prevent violence against civilians.

After the Cold War, the UN found itself with the great challenge of managing internal conflicts, particularly internecine civil wars. Faced with armed resistance from the Khmer Rouge in Cambodia, ethnic forces in the former in the former Yugoslavia, rival clans in Somalia, and a genocidal

government in Rwanda, the UN had its baptism by fire in conflict management within states. No longer were UN forces simply deployed in the buffer zone between organized armies; UN peacekeepers were widely dispersed across vast territories and concentrated in population centers where fighting was widespread. The nature of the predominant conflicts had changed, so the nature of peacekeeping had to change as well, as summarized in Table 6.1. Peacekeeping needed to become *multidimensional* to effectively contribute to societal peace, nation building, and stability. As the UN quickly realized they also needed to be more robust. But that proved to be an immense challenge.

During the 1990s, the UN had successes without recourse to much force in many of its multidimensional missions, including in Central America (Nicaragua, El Salvador, and Guatemala), Africa (Mozambique and Liberia), the Balkans (Macedonia), and Asia (Tajikistan and Timor-Leste). UN efforts to use force, however, faced significant challenges and suffered many setbacks. Several UN Protected Areas (UNPAs) in Bosnia, weakly defended or not at all, were overrun with horrendous results. The massacre at Srebrenica in July 1995 was the one of the most horrendous events; over 8,000 men and boys were killed in cold blood after the peacekeepers failed to protect them. As with the failures to stop clan warfare in Somalia in 1993 and genocide in Rwanda in 1994, the UN struggled to deal with attacks against civilian populations, especially in internecine or ethnic conflicts where the differences between civilians and combatants were blurred.

Only at the end of the 1990s did the UN Security Council seek to deal systematically with the challenge of civilian protection. In 1999, at the urging of Canada, the Council requested a study from the Secretary-General on the protection of civilians (POC).<sup>3</sup> In his report, Kofi Annan acknowledged past problems and apportioned some blame to the Council when “mandates were insufficiently clear or inadequate resources were assigned to the task” of civilian protection.<sup>4</sup> While the Security Council did not pledge to include POC in its future mandates, this practice was, in fact, adopted. All the multidimensional operations created in the twenty-first century were given mandates to “protect civilians under imminent threat of physical violence, within [the mission’s] capabilities and areas of deployment.”<sup>5</sup> A few missions were even resourced for such an ambitious mandate, but most remained hobbled. As the Department of Peacekeeping Operations (DPKO) struggled to implement the almost-impossible mandates, it commissioned a detailed study on the protection of civilians.<sup>6</sup> A POC “operational concept” and an outline for POC strategies were drafted in 2010 but are far from being operationalized, given the immensity of the task.

Table 6.1 Shift in conflict type and resolution mechanisms at the end of the Cold War

	<i>Cold War</i>	<i>Post-Cold War</i>
<b>Predominant Conflicts</b>	<i>Interstate, inter-alliance</i>	<i>Intrastate, internal</i>
<b>Origins</b>	Power bloc rivalry; ideology	Ethnic/tribal/religious animosities, secessionism
<b>Main Threats</b>	Armed attack/invasion	Civil war, human rights violations (including genocide and torture), terrorism
<b>Goals</b>	National/international security; conflict management	Human security; conflict resolution; comprehensive multidimensional peace agreements; conflict prevention
<b>Means</b>	Deterrence; negotiation of ceasefire and withdrawal agreements; traditional peacekeeping; chapter VI of UN Charter	Cooperation, mediation, modern multidimensional peacekeeping (traditional peacekeeping PLUS humanitarian action, disarmament, elections, enforcement, sanctions, economic assistance, peacebuilding); chapter VII of UN Charter
<b>Locations</b>	State boundaries	Throughout a nation or region
<b>Peacekeepers</b>	Soldiers (non-P5)	Soldiers, civilian police, civilian monitors (elections, human rights); includes P5 (i.e., permanent members of the Security Council)

This chapter outlines some of the challenges and dilemmas that the world organization faced as it struggled, with some success, to deal with civilian protection through the use of armed force. The UN mission in Haiti provides an excellent case study of efforts to protect civilians through combined international military and police operations. The study shows how the United Nations, under a Brazilian Force Commander, dealt with the dilemmas and challenges in the hostile environment of Haiti in late 2006 and early 2007 to defeat armed gangs while minimizing civilian collateral damage. Local government support for UN operations

was crucial but only came after several years and a successful election. The United Nations had to tolerate the brutal gangs until it had government authorization, daring mission leadership at the military and political levels, and a robust but sensitive military posture.

### **The United Nations takes on the gangs in Haiti<sup>7</sup>**

In the slums of Haiti, pistol- and machete-wielding gangs dominated the populace through murder, intimidation, extortion, and terror, especially after President Jean Bertrand Aristide was forced from office in February 2004 in the face of a bloody rebel force on the doorstep of Port-au-Prince. After a short US-led intervention, a UN peacekeeping mission was created to establish law, order, and government control. The United Nations Mission for the Stabilization of Haiti (MINUSTAH) entered a violence-ridden country with a daunting task.

The Security Council's 2004 mandate for the mission included the task: "to protect civilians under imminent threat of physical violence, within its capabilities and areas of deployment, without prejudice to the responsibilities of the Transitional Government and of police authorities."<sup>8</sup>

Improving security for the Haitian population was the top priority for MINUSTAH. The capital, Port-au-Prince, was a hotbed of instability, threatening the transitional government with renewed violence and widening bloodshed. Gangs set up chokepoints along several main roads, including the strategic Route Nationale 1, extorting bribes from cargo trucks, taxis ("tap-tap" vans) and passing cars. Gangs also kidnapped Haitians, especially from the middle and upper classes, to extract ransoms. Politically motivated murders were widespread. The UN mission was hamstrung in taking action against the gangs because the transitional government lacked legitimacy and was dysfunctional, especially its notoriously corrupt and widely derided police force. The problem of gang warfare grew, especially in pro-Aristide areas where the population generally rejected the US-backed government that had replaced the Aristide regime.

The largest and most powerful gangs were based in the Cité Soleil slum of Port-au-Prince. With a population of some 300,000, Cité Soleil had been carved into separate fiefdoms by gang leaders.<sup>9</sup> They controlled the food and water distribution, imposed "taxes" on street vendors, and terrorized the citizens with their "soldiers." Hundreds of shots could be heard daily in Cité Soleil and dead bodies were often found at daybreak on the streets of the slum. The national police had

been unable for several years to even enter Cité Soleil to carry out investigations or arrests. After Jordanian peacekeepers were shot dead in exposed positions in 2005, members of that contingent would not dismount from their armoured personnel carriers (APCs) during patrols, afraid to help the people they were assigned to protect. In the weapons-flush mini-city of narrow streets and gang checkpoints, the United Nations was unable to secure even its own freedom of movement. Gang members used “fire and run” tactics with UN troops, escaping through the labyrinth of alleyways between the rows of shacks. The situation became both frustrating and embarrassing for MINUSTAH as the mission could not put a cap on the violence.

The United Nations attempted to challenge the gangs in 2005. Comprehensive plans were developed to overwhelm the main strongholds in Cité Soleil, but the gangs were often forewarned, sometimes by corrupt Haitian police. A major operation, “Iron Fist,” had to be scaled back because a simultaneous attack against all major gangs was deemed too ambitious for the UN force. The new goal was set: the capture of the “number one” gang leader, Emmanuel “Dred” Wilme, a voodoo practitioner living in the northern neighbourhood of Bois Neuf in Cité Soleil. The operation was a mixed success. On 6 July 2005, the notorious gangster and several bodyguards were killed while repelling an attack on their compound. However, rather than setting the stage for new victories, the death of the gang leader initially led to more setbacks.

Several large protest demonstrations, one involving a thousand citizens, ensued in Cité Soleil. And there were even greater problems for the United Nations. First, evidence of potentially significant “collateral damage” emerged. Several Haitian and US human rights groups even claimed that the United Nations had committed a “massacre.”<sup>10</sup> The exact number of fatalities could not be confirmed. According to UN reports, the gang leader and four of his associates were killed. The mission’s Chief of Operations in 2005 denies MINUSTAH directly caused any civilian fatalities during Operation Iron Fist. He claims that the collateral damage was probably due to “clashes in disguised form during the evening of that day between groups of gangs in retaliation for those who betrayed, presumably, Dread Wilme.”<sup>11</sup> He states that MINUSTAH Forces were not involved and continued to patrol the area as normal. Even so, the collateral damage caused by gangland firefight as a result of a UN operation created a moral dilemma, particularly if such fatalities could have been foreseen.

A second problem after Iron First was that the other gang leaders physically reinforced their positions and gained psychological

dominance by referring to the UN troops as “foreign occupiers.” Third, gang killings and organized crime actually increased. When the aid group *Médecins sans Frontières* (MSF, aka Doctors without Borders) reopened its hospital in Cité Soleil in August 2005, it treated about a half-dozen gunshot victims a day, almost half of them women and children.<sup>12</sup> Fourth, and more generally, in 2005, kidnapping, which had not previously been prevalent in Haitian society, became systematic.<sup>13</sup> The gangs now posed an intolerable threat to the peace and stability of the country. Fifth, the mission suffered another setback when its force commander committed suicide in January 2006.<sup>14</sup> In some circles, the word failed was beginning to be associated with the mission, just as it had been applied to the 1990’s UN missions in Somalia, Rwanda, and Bosnia.<sup>15</sup>

The UN received a large boost, however, in February and April 2006 with UN-supported elections, which brought to power President René Préval, a protégé of Aristide. The new head of state tried for several months to negotiate with the gangs, promising them funding and skills training in exchange for the surrender of armaments. But the gangs rejected the offers, increased their demands, including immunity from arrest for their past deeds, and widened their illegal activities. After many school children were kidnapped and killed in early December 2006, the population demanded action. President Préval gave the green light to the United Nations to intervene forcefully in gang strongholds.<sup>16</sup> This time the UN force, under new leadership, was prepared.

The UN employed well-planned and well-executed intelligence-led operations from December 2006 to March 2007, achieving the desired effect, despite initial setbacks.<sup>17</sup> The operations were guided by the principle of “overwhelming force” for psychological advantage.<sup>18</sup> Other guiding principles were gaining the element of surprise, using diversionary tactics to create confusion among the gangs, superior mobility, and quick repair of any physical damage. Minimization of collateral damage was declared the commander’s intent. Intelligence driven planning was the key. The gangsters worked out of relatively fixed locations and precise information was gathered on their positions, movements, and defensive measures. After the gangs dug deep holes designed to stop UN armored personnel carriers (APCs), UN military engineers were tasked to fill those holes quickly during operations.

To minimize civilian casualties, MINUSTAH also made use of night operations. In fact, the Force Commander, Major General Carlos dos Santos Cruz from Brazil, preferred night over day operations because there were fewer people on the streets and less chance of collateral damage.<sup>19</sup> In addition, the UN enjoyed a huge technological

superiority at night with their headgear equipped with image intensifiers and their rifles with night-sights, along with infrared devices to detect heat. The gangs were practically blind in comparison.

The UN mission deliberately sought to draw fire from the gangs by establishing “strong points” in their territories, knowing that the gangsters’ pride would force them to retaliate, thus allowing the UN to return fire from relatively safe positions. In this way, fatalities during this intense period were kept low and were mostly limited to gang members, though not all fatalities could be confirmed.

One strategically important point was the “Blue House”—named for its blue exterior—in the notorious “Boston” district of Cité Soleil. The house served as a staging base for the most wanted and most feared of the gang leaders, Evens Jeune, who sometimes went by the pseudonym “Big Boss” or “Ti Kouto,” Creole for “little knife.”<sup>20</sup> The solidly constructed four-story building overlooked the shantytown from its eastern edge on Route Nationale 1, which crosses Port-au-Prince and leads from the sea port terminal to the airport. Evens regularly erected checkpoints on the road outside to extort money from passing traffic. An intelligence analysis suggested the seizure of this redoubt would deny Evens territory and influence. The Blue House, with its commanding view, would also give the United Nations control over a major auto route and the main entrance to Cité Soleil, permitting it to restrict movements of gang forces.

Careful monitoring of Blue House provided the intelligence needed to determine the optimal time to take action, when resistance would be minimal. Operation Blue House began, as planned, at dawn on 24 January 2007, by diverting the gang members’ attention from the intended target. UN troops from South America first cordoned off large sections of Boston, in part to reduce collateral damage, and then launched a feint attack from the opposite side of the neighborhood to draw the gang members in that direction. This allowed the United Nations to strengthen its defensive positions near the Blue House in case of an opposed entry. The empty house was easily taken. Then angry gang members repeatedly hit the building with sustained bursts of automatic rifle fire. However, the soldiers inside had quickly erected strong defensive positions (e.g., sandbagging the walls of the multi-storey building in 15 minutes). UN soldiers met the attacks with deadly responding fire. MINUSTAH commanders positioned snipers on the roof of Blue House and on top of a tall concrete water tower nearby. Both edifices were riddled with bullets, but no peacekeepers were killed.<sup>21</sup>

Having gained the Blue House, the UN forces decided on a more substantive goal: to seize Evens’ main stronghold, known as “Jamaica

Base,” and gain control over the entire Boston neighbourhood. In preparing for attacks on the bandit’s strongholds, the UN studied the defences and tactics of the gang, particularly in relation to civilians. Evens possessed “robust networks of lookouts using cell phones, rooftop snipers, and gunmen who [used] women and children as human shields.”<sup>22</sup> Evens’ gang members were known to set tires on fire to create smoke screens and to throw Molotov cocktails at UN positions, though these proved ineffective from a distance. After the UN seized Blue House, Evens expelled people living nearby with the intention of setting fire to their houses so that the resulting fire and smoke might force the Brazilian soldiers to leave their post. Fortunately for the neighborhood and the UN, this plan was not carried out.

The largest combat operation of the period, *Jauru Sudamericana*, involved over 700 UN soldiers. These were drawn mostly from South American countries: the Brazilian Battalion (BRABAT) in whose area of responsibility (AOR) the operation was carried out, an Andean Task Force (Peru, Bolivia, and Chile) and soldiers from Paraguay, Uruguay, and Jordan.<sup>23</sup> UN police (UNPOL) and the Haitian National Police (HNP) also played a significant role by carrying out arrests and controlling crowds. Several rehearsals were staged beforehand in similar environments because of the need for exact synchronization among the “blue” UN players. Hundreds of leaflets were dropped over Boston from a small unmanned aerial vehicle (UAV) to inform the population that the United Nations did not seek to harm innocent civilians and that UN operations were solely aimed at defeating the gangs.<sup>24</sup> One of the flyers used by MINUSTAH was directed at gangmen: “If you are armed, show yourself and hand over your weapons. Turn yourself in. Your rights will be respected.”

The mission also carried out street cleaning in nearby areas using brooms, trucks, and excavators in order to show support for the population and to clear roadway access for future operations. Intelligence and familiarity with the neighborhood could also be gained by such activities, though some intelligence was embarrassingly inaccurate.<sup>25</sup>

At 0300 hours on 9 February 2007, Operation *Jauru Sudamericana* was launched in Boston. Multiple points were attacked at the same time in order to confuse the defenders. But the main attack on Jamaica Base resulted in a sustained firefight.

The commander’s intent was to seize the objectives while avoiding “to the maximum extent the possibility of collateral damage.”<sup>26</sup> The United Nations exercised restraint in its fire; Evens’ gang did not. Bullets easily penetrated though the thin wall of surrounding shacks. After several hours of intense fighting, the International Committee of



the Red Cross (ICRC) requested a temporary ceasefire to permit humanitarian relief, including the rescue of any injured civilians.<sup>27</sup> Despite the logic of continuing the military momentum of the attack, the Force Commander quickly agreed to this unanticipated request. A safe corridor was established.

Gang members took advantage of this development by organizing demonstrations to protest and impede MINUSTAH's actions. Fortunately, two of the mission's Formed Police Units (FPU), composed of about 200 UNPOL officers from Pakistan and Nigeria, were on standby at the outer perimeter. They performed crowd control functions, effectively removing the threat of aggression by civilian crowds and the potential use of human shields by gang shooters. Soon thereafter, the military operation restarted and it lasted until the objectives were attained later that day. The New York Times headline described the method of the operation: "UN Troops Fight Haiti Gangs One Street at a Time."<sup>28</sup>

A number of prominent Evens' gang members were arrested by the HNP with the help of UNPOL, though Evens himself escaped and was not captured until a month later.<sup>29</sup> The Evens base of operations was seized, uncovering over 5,000 rounds of ammunition, machetes, and a gas mask (probably to handle tear gas). The Force Commander commented later: "This operation may be seen as the point at which the MINUSTAH forces gained superiority over the gangs in the Cité Soleil area."<sup>30</sup> Indeed, gang resistance subsided almost immediately. The UN easily established new strong points and started patrolling previously inaccessible routes in Boston. The joint patrols of UN police, HNP, and MINUSTAH soldiers secured the district.

MINUSTAH then launched several operations to extend the UN-controlled territory in Cité Soleil, notably through Operation Nazca on 20 February and Operation Lot Nivo on 28 February. In Operation Nazca, after encircling the district of Belecour, the United Nations broadcast a repeated message from loudspeakers on a moving Brazilian Army APC urging the bandits to surrender, which many of them did.<sup>31</sup> After the Jauru Sudamericana operation on Jamaica base, the gangs avoided direct contact with MINUSTAH forces and fled their strongholds when attacked. Obviously the UN had proven itself a superior opponent. Finally, after three months of operations, Cité Soleil was entirely taken back from the gangs with no UN fatalities; only a few UN and civilian casualties are recorded. By July, over 800 gang members had been arrested.<sup>32</sup> The UN, in conjunction with the Haitian government, gained control of all sections of the capital.

The Special Representative of the Secretary-General (SRSG), Edmond Mulet of Guatemala, was able to triumphantly walk in Cité Soleil to interact with jubilant crowds celebrating the end of the gang stranglehold. Mulet later said it was the most satisfying moment of his service as head of mission in Haiti.<sup>33</sup> (Mulet was to reassume the post of SRSG after the death of his successor, Hédi Annabi, in the earthquake of January 2010.)

The United Nations, especially the Brazilian contingent, was quick to repair the damage done to the neighborhood during combat operations. “Immediate Impact Projects,” even more ambitious than the UN’s traditional “Quick Impact Projects,” helped provide basic necessities to the locals at a moment when they needed rapid assistance and reassurance. These projects also helped replace the services the gangs had provided and fostered goodwill among the population.

### **Collateral (civilian) damage and aftermath**

In operations designed to protect civilians, it is important to assess the number of civilian casualties. The figures for the 2006–2007 operations caused are difficult, if not impossible, to estimate and not available. The allegations and rumours are many. Freelance writer Ben Terrall alleged that one operation on 22 December 2006 in the Bois Neuf and Drouillard districts of Cité Soleil “claimed the lives of *dozens* of Port-au-Prince residents.”<sup>34</sup> He further alleges that in the same area UN “peacekeepers” had killed up to 60 civilians on 6 July 2005 (Op Iron Fist). Another NGO report lists *four* fatalities from Operation Jauru Sudamericana of 9 February 2007.<sup>35</sup>

Most reports state that MINUSTAH took great care to minimize civilian casualties. The Force Commander later said that during the intense period of operations he tried to keep the casualties down to “several a day,” below the threshold that would raise media attention.<sup>36</sup> A UN officially reported 11 confirmed fatalities from December 2006 to June 2007, seven of them known gang members.<sup>37</sup>

Local and international media coverage was generally positive,<sup>38</sup> unlike during the 2005 operation in Bois Neuf some 18 months earlier.<sup>39</sup> While the exact civilian fatality count cannot be confirmed, the whole mission had the stamp of “success” because it had neutralized the gangs and restored peace and order.

The UN was making good progress in nation building in Haiti when the earthquake struck on 12 January 2010. The repercussions for the United Nations were horrendous, in addition to the humanitarian disaster itself. Some 4,000 prisoners in the national penitentiary escaped.

Former gang leaders sought to reclaim their old turf. To compound the tragedy, the United Nations lost over 100 of its own staff in the quake, including 10 Brazilian soldiers in the collapsed Blue House.<sup>40</sup> This natural disaster caused the largest loss of staff in a single day in UN history. Nevertheless, the United Nations regained its footing. It had previously shown that it was capable of restoring law and order and could do so again. The Security Council authorized an additional 2,000 soldiers and 1,500 police to join the 7,000 soldiers and 2,000 police already in the mission.<sup>41</sup> In 2017, as things had calmed down, the mission was converted to a police and justice operation (MINUJUSTH). The experiences of 2006–2007 provided valuable lessons for the United Nations, as it struggled for years in the aftermath of the quake. These lessons, particularly those with an ethical dimension, are worth examining not only for this mission but also for all UN missions.

### **Ethical dilemmas and challenges explored**

Robust peacekeeping, where armed force is applied, as in Haiti, raises challenges and ethical dilemmas for the UN, including the following.

#### ***Gathering intelligence***

Intelligence gathering was taboo, if not prohibited entirely, in traditional peacekeeping, mostly because it was perceived as a breach of sovereignty. But in the more complex and challenging environments where the UN must use force, intelligence is essential. Intelligence allowed MINUSTAH to minimize collateral damage and maximize the chances of success for its operations. Fortunately, Haiti was, like many UN conflict zones, a human-intelligence (HUMINT) rich environment. The UN was able to tap into the wide-ranging disaffection with the gangs in order to procure plenty of actionable information. Persons close to the gang leaders (including lovers) would sometimes voluntarily offer incriminating evidence and give time/place information to help with arrests. In addition, the very low income of people in Haiti (where more than half the population lived on less than one dollar a day<sup>42</sup>) meant many would gladly offer information for modest compensation. Unusual for peacekeeping missions, MINUSTAH had special funds to build such relationships. Of course, it did not endorse theft, extortion, or elaborate deceptions that are antithetical to UN standards. The mission also stopped short of employing signals intelligence, such as eavesdropping on the cell phone communications of gang members, though some soldiers considered this a significant drawback.

Paying informants posed an ethical dilemma for the United Nations, which has always striven to keep its “hands clean,” while avoiding practices commonly associated with national intelligence agencies.<sup>43</sup> In addition, the use of paid informants could be hazardous. Haiti was (and is) filled with false rumors, so the United Nations had to constantly verify and cross-check information received. Informants might offer unverified or false information to receive payment, to incriminate people they do not like, or even to deliberately embarrass the UN. Also, gang chiefs were known to funnel false information through informants.

In 2006–2007, the main MINUSTAH unit for soliciting and collecting information, including from field “assets” like paid informants, was the Joint Mission Analysis Centre (JMAC). It had been created in 2005, at the urging of the UN Security Council, as an integrated unit of military officers, police, and international civilians. Despite initial opposition within the mission to the JMAC, it soon produced actionable intelligence that helped the mission leadership to plan intelligence-led operations and to better control the “battle space.”

During Operation Jauru Sudamericana against Evens’ base, JMAC used inhabitants of the district to identify the targets (gang members) for the UN forces. Such informants were sometimes dressed in UN military uniforms with their faces shielded or covered so they could point out suspects without being identified themselves. While the international personnel were not disguised, even the use of disguised informants presents a dilemma for the United Nations, but it proved a tactical necessity in this case. Target information from informants was passed to the Intelligence Advisor of the Force Commander who was in the Command Post nearby. For instance, during Op Jauru Sudamericana these sources forewarned MINUSTAH of Evens’ effort to create a civilian demonstration designed to protest and stop the UN operation. The United Nations was able to see through that ruse and deal with the crowds through concerted police action.

Similarly, aerial observation helped avoid a disaster that day. During the UN’s unilateral humanitarian ceasefire, Evens placed white sheets on the streets next to his compound ostensibly to affect a surrender. But observers in UN helicopters spotted Evens’ snipers moving into positions to shoot at UN soldiers who might have moved in to accept the surrender. Aerial information proved essential.

There was always the problem of information leaks, especially from turncoat HNP officers. The UN mission, therefore, often limited the information available to the officers, even if joint activities necessitated their participation as the government’s police authority with powers of arrest. In some joint operations, the Haitian police officers did not

learn of the intended targets or areas of search until the operations were well underway. MINUSTAH team leaders sometimes insisted that HNP officers hand over their cell phones before the start of an operation to ensure the targets were not alerted of their pending capture. The use of force required information compartmentalization. The mission made effective use of intelligence, even though its technological means were modest and did not include signals interception. The “whole of mission” concept, practiced by the JMAC, proved central to coordinated action.<sup>44</sup>

### ***Smart and smooth power through military–police–civilian coordination***

The military is a forceful hard-power instrument that should not be used against unarmed civilians. Otherwise, the United Nations might be acting against international legal norms and risking its image and credibility. If civilian crowds or individuals need to be handled during a peacekeeping operation, this should be generally done with the softer instrument of police power. While UN police cannot escalate to high-intensity combat in the same way as the military, they can perform some tasks better, such as crowd control and working with the local police. In Haiti, the HNP alone had powers of arrest, and so UN police provided a key to success in UN operations.

Some police tasks cannot be effectively completed by individual police officers seconded from many countries who meet for the first time in the mission. Formed police units (FPUs) were requested from nation states, with proper pre-deployment training and sent to the mission with 100–200 police officers in each unit. Such units provided cohesion and could be assigned more difficult tasks. For instance, during MINUSTAH operations, FPUs were used to ensure limited movement of civilians into and out of the areas of military operations. Police were used to identify and apprehend gangsters posing as innocent civilians, trying to escape the military’s cordon and search efforts.

### ***Overwhelming force***

The force commander argued that deploying overwhelming force would lead to fewer casualties. This may appear opposed to the principle of proportionality, which states that level of military force actually used should proportionate to the crimes committed and not be excessive. But displaying large amounts of firepower up front, the hope was the other side would fold earlier. On the other hand, if the other side stood fast, the unleashing of this firepower might cause significant

civilian casualties. Fortunately, the gangs could not sustain many hours of combat and usually gave up without a fight; Evens, for one, could not outlast Operation Jauru Sudamericana, which was the longest lasting operation at 13 hours. It was also the largest operation, with the deployment of 717 troops, 44 APCs, and a helicopter for aerial observation. Some officers complained that the UN was hobbling itself by not using aerial firepower. The United Nations should, they argued, make use of “the third dimension” of space, especially after rooftop snipers killed peacekeepers trying to take back a police station in 2005. But UN headquarters feared aerial firepower might lead to greater civilian casualties, so the helicopters were kept unarmed. Soldiers in Operation Jauru Sudamericana expended some 10,000 rounds, a rather modest amount, given that one automatic rifle can fire over 500 rounds a minute; this amounts to an average of 13 rounds fired per soldier, or 1 round fired per soldier/per hour.

### *The ethical application of force*

The use of armed force in 2006–2007 seems ethically justified. But by what standards and criteria should such actions be judged? More generally, when should armed force be used? This age-old question can be addressed using the most enduring and convincing of standards: Just War theory (JWT).<sup>45</sup> To what extent were the JWT provisions applied in MINUSTAH’s rules and engagements?

As in almost all military operations, the soldier’s rules of engagement (ROE) describe when force, including deadly force, can be used. The JWT criteria for the ethical application of force can be found in UN ROE, though both are subject to some degree of interpretation. MINUSTAH’s ROE, abbreviated in the “Soldier’s Pocket Card” (2004), clearly parallels on the tactical level the JWT criteria of just cause, last resort, legitimate authority, proportionality, and non-combatant distinction.

Corresponding to the “just cause” category, the MINUSTAH ROE spell out reasons to use force, including: self-defense and defense of UN/international personnel against a hostile act or a hostile intent (defined as “imminent” use of force); protection of civilians “under imminent threat of physical violence, when competent local authorities are not in a position to render immediate assistance.”<sup>46</sup> This principle was mandated at the strategic level, as well as the tactical one. The UN mission in Haiti applied force in 2006–2007 for the protection of civilians, particularly in Cité Soleil in accordance with Security Council resolutions.

The “last resort” criterion of Just War theory is also well represented in the ROE. The term is explicitly mentioned and the ROE card elaborates: “Every reasonable effort shall be made to control a situation through measures short of using force, including personal contact and negotiation.”<sup>47</sup> At the strategic level, negotiations and incentives were offered to the gangs in 2006 but these were rejected. On the ROE card, a possible list of tactical measures short of the use of force is offered: voice and visual signals, radio or other electronic means of communication, manoeuvres, charging of weapons, and warning shots. Before opening fire, soldiers are instructed to give a final warning:

*“Nations Unies—Arretez ou je tire”  
(United Nations, halt or I will fire)*

The ROE permit a “necessity” argument for the immediate use of force, “if an attack is so unexpected, that a moment’s delay could lead to death or grievous injury to oneself or other designated personnel.”

The “proportionality” criterion of JWT at the individual level is also covered. It is explicit in the first line of the card: “The principle of minimum force and proportionality shall apply at all times and in all circumstances.” The minimum use of force is one of the basic principles of military operations, but applied with greater rigour in peacekeeping.<sup>48</sup> The proportionality principle is further described: force must be “commensurate with the level of the threat.” The ROE specify: “If possible, a single shot should be aimed at non-vital parts of the body in order not to kill.” This is not common in many military ROE, but is reflective of the other-than-war conditions in peacekeeping.

The “legitimate authority” is described in a rule: “The decision to open fire shall be made only on the order and under the control of the on-scene Commander, unless there is insufficient time to obtain such an order.” The commander gains his authority through the chain of command of the UN mission, which is not always solid and is often bifurcated with separate national and mission commands. Nevertheless, the authority comes from the force commander, who in turn is responsible to the mission head (the SRS in the case of MINUSTAH) who reports to the DPKO chief in New York and thus ultimately to the UN Secretary-General. The UN SG has been given “operational control” of the national contingents by the host nation (through a Memorandum of Understanding) and has been given responsibility over the UN mission by the Security Council. Ultimately, it is the UN Charter, signed by the 193 UN member states, that provides the formal basis in international law for the use of force.

A further rule on the use of proper force is: “Fire must be aimed and controlled.” Finally, the simple exhortation “avoid collateral damage” is non-descript but should be obvious to soldiers on UN missions.

Thus the rules reflect most of the ethical provisions of just war theory. Missing criteria, usually applied at the strategic level, are: net benefit and probability of success. Though JWT criteria are usually applied at strategic level by senior decision makers, they can apparently be scaled down to the tactical level, as evidenced here in MINUSTAH’s ROE.

### **Mandates—set not too high, not too low, but just right?**

There is a great danger of over-committing in peacekeeping, promising too much and being unable to deliver in war-torn countries. A dramatic example occurred after the Security Council gave a series of unrealistic mandates to the United Nations Protection Force (UNPROFOR) in Bosnia through over 70 resolutions during the period 1992–1995. The overwhelmed peacekeeping force was unable to execute most of these assigned tasks, including providing for the safety of civilians in a few of the declared UN “protected” areas. More generally, when a mission arrives with an ambitious mandate to war-torn areas, it raises great expectations. The locals are often doomed to disappointment, though still grateful for the mitigating influence of peacekeepers.

On the other hand, the mission may occasionally find itself in the untenable position of deploying soldiers to stop violence against civilians but unable to justify the action legally without a suitably robust mandate, as General Roméo Dallaire found out in Rwanda. Hence, the Security Council must find a balance point. The current POC language in Security Council resolution contains the caveats that protection is subject to the mission’s capabilities and areas of deployment. Also the Council tries to put the onus on the host state as having the primary responsibility for security. This is reasonable. But in most cases, the state is not capable by itself to stop violence, and the missions need extensive resources to carry out a POC mandate. Though the peacekeeping budget has risen to over \$7 billion a year from less than \$2 billion in 2000, the resources provided are still no match for the expanded mandates.

### **Conclusion**

The UN properly emphasizes a wide range of means to protect civilians aside from force: training the host nation’s security sector (e.g., professional police, military forces, and an independent judiciary);



promoting human rights; monitoring, reporting, and denouncing human rights violations; arresting criminals; protecting convoys and UN humanitarian activities; fostering reconciliation; and improving security generally. These important activities may, in the end, be more important than the use of armed force, but situations may necessitate a show of force and/or the actual use of force. When force becomes necessary, serious ethical dilemmas must be faced. Intelligence gathering must be increased, the acceptable levels of force decided upon, in accordance with high ethical standards and principles, such as the criteria presented in Just War theory. The Security Council needs to provide the mission with clear and achievable mandates and resources to give the mission a real ability to protect civilians. But the United Nations should not over-promise and under-deliver.

UN peacekeepers may still find themselves in untenable positions in many conflicts, unable to stop or prevent violence against civilians, but they are now better equipped with resources and mandates than in the twentieth century. International norms have improved, though the means have yet to bridge the yawning commitment-capability gap. Nevertheless, peacekeepers should be able to sleep a little easier because of the more robust mandates now given to multidimensional missions. Yet, the remaining concern in peacekeeping is that the means are not yet commensurate with the mandates. More robust forces are necessary and to be deployed with a keen sense of proper conduct. The UN has shown that it is capable adopting an evolving its peacekeeping practice. As shown in MINUSTAH, it has proven capable of the proper application of force.

## Notes

- 1 Though the United Nations considers the first peacekeeping mission was the United Nations Truce Supervision Organization (UNTSO), established in 1948, there were previous missions with observers in Greece, Indonesia, and Korea. These are not included in the UN list since the missions were not under the operational control of the UN Secretary-General but reported directly to the Security Council.
- 2 Lester B. Pearson, Speech to the UN General Assembly, Official Records of the General Assembly, ES-1, 561st meeting, 2 November, para. 299. (New York: United Nations).
- 3 Security Council presidential statement S/PRST/1999/6, 12 February 1999. The council welcomed the Secretary-General's report in Security Council resolution 1265, 17 September 1999.
- 4 UN Secretary-General, *Report of the Secretary-General to the Security Council on the Protection of Civilians in Armed Conflict* (Security Council document S/1999/957), 8 September 1999.

- 5 The current peacekeeping operations created in the twenty-first century that have the protection mandates from the UN Security Council are the missions in Côte d'Ivoire (UNOCI, 2004–), D.R. Congo (MONUC, 1999–), Darfur/Sudan (UNAMID, 2007–), Haiti (MINUSTAH, 2004–), Liberia (UNMIL, 2003–), Southern Sudan (UNMIS, 2005–).
- 6 Victoria Holt and Glyn Taylor with Max Kelly, *Protecting Civilians in the Context of UN Peacekeeping Operations: Successes, Setbacks and Remaining Challenges* (New York: United Nations, 2009).
- 7 Parts of this section draw upon an earlier publication, where more details can be found: A Walter Dorn, "Intelligence-led Peacekeeping: The United Nations Stabilization Mission in Haiti," *Intelligence and National Security* 26, no. 6 (December 2009): 805–835.
- 8 Security Council resolution 1542, 30 April 2004.
- 9 The main regions in Cité Soleil and the nicknames of the gang leaders in these regions were as follows: Belecour (Amaral), Bois Neuf (Beloney), Boston (Evens), Brooklyn (Ti Bazile).
- 10 The Cité Soleil Massacre Declassification Project provides cables from the US Embassy in Port-au-Prince that give indications of "numerous civilian deaths," though the government documents do not use the term massacre or bolster the allegation in the title of the project. A July 26 cable accused Marguerite Laurent of the Haitian Lawyer's Leadership Network of taking "the lead on spreading massacre rumors on the internet." The cables are available at [www.cod.edu/people/faculty/yearman/cite\\_soleil.htm](http://www.cod.edu/people/faculty/yearman/cite_soleil.htm).
- 11 Major General Ricardo Toro (MINUSTAH Deputy Force Commander in 2008 and Chief of Operations in 2005), Electronic correspondence with author, 14 April 2009.
- 12 Ginger Thompson, "Fear and Death Ensnare UN's Soldiers in Haiti." *The New York Times*, 24 January 2006.
- 13 Ginger Thompson, "A New Scourge Afflicts Haiti: Kidnappings," *New York Times*, 6 June 2005.
- 14 UN News Centre 2006, "Death of UN Force Commander in Haiti Ruled Suicide," [www.un.org/apps/news/printnewsAr.asp?nid=17143](http://www.un.org/apps/news/printnewsAr.asp?nid=17143).
- 15 Ibid. See also Michael Dzedzic and Robert M. Perito, *Haiti: Confronting the Gangs of Port-au-Prince* [Special Report 208], (Washington, DC: United States Institute of Peace, 2008).
- 16 President Préval gave a televised speech to the nation issuing an ultimatum to the gangs to either "surrender or die." This was echoed by his Prime Minister in a speech to the Haitian legislative assembly on 10 August 2006. See *The Globe and Mail*, "Surrender or Die, Haiti Tells Armed Gangs," 11 August 2006, [www.theglobeandmail.com/news/world/surrender-or-die-haiti-tells-armed-gangs/article18170703](http://www.theglobeandmail.com/news/world/surrender-or-die-haiti-tells-armed-gangs/article18170703).
- 17 MINUSTAH received an early embarrassment on 21 December 2006 during Operation New Forest in Bois Neuf, when the BELONY gang gained a "tactical victory" by taking possession of a Uruguayan APC with its "organic armaments," i.e., a heavy machine gun and a sniper rifle. The APC was recovered three days later and the machine gun shortly thereafter. Fortunately, the gangs were not able to use the machine gun because the Russian electronics proved too sophisticated. "DFC [Deputy Force

- Commander] Uruguayan After Action Report on Op Lot Nivo,” undated MINUSTAH document. The sniper rifle was recovered only on March 21.
- 18 The largest operation (Jauru Sudamericana, with 720 troops) expended 10,000 rounds while the earlier and smaller operation (Iron First in 2005) expended over 23,000 rounds.
- 19 Major General Carlos dos Santos Cruz, Interview with Author at MINUSTAH Headquarters in Port-au-Prince (Christopher Hotel), 18 December 2008.
- 20 Marc Lacey, “UN Troops Fight Haiti Gangs One Street at a Time,” *New York Times*, 10 February 2007.
- 21 A tour of the AOR was provided to the author on 20 December 2008 by senior MINUSTAH officials who were involved with the 2007 operations, including the Force Commander. Many details of the operation were learned at that time. The walking tour covered Strong Point 16, the Blue House, and the general Boston neighborhood. The bullet holes from the operations were still evident in some buildings like the Blue House and nearby water tower.
- 22 MINUSTAH, *After Action Report on Operation ‘Jauru Sudamericano,’* 1.
- 23 MINUSTAH (press release) 2007, *Haiti: Opération Sécuritaire de la MINUSTAH dans un Quartier de Cité Soleil*, <http://reliefweb.int/rw/rwb.nsf/db900sid/EGUA-6Y9PG4?OpenDocument>.
- 24 This UAV, or “Veículo Aéreo Não-Tripulado” (VANT) in Portuguese, was shot in its wing with one round while dropping leaflets at low elevation, but it was not seriously damaged. In Operation HUMAITÁ of 31 January, 400 pamphlets were launched by VANT of “Jauru Air Force” in four overflights of the Bois Neuf neighborhood. (BRABATT SITREP, 31 January 2007).
- 25 Some UN intelligence estimates declared that Evens was building a “prison” where detainees were tortured. These were small cubicles were later discovered to be latrines built by NGOs. But this only became apparent after UN combat operations. The gang leaders must have been mystified why the UN was concentrating such firepower on latrines! After the battle, the Special Representative of the Secretary-General insisted on visiting the site of the alleged torture chambers, only to see for himself that it was a serious case of misinformation. Source: High-level UN official, meeting with the author in New York, 29 January 2015.
- 26 MINUSTAH, *After Action Report on Operation ‘Jauru Sudamericano,’* unpublished and undated but likely to be 1 March 2007, 19. (In English, the operation is titled ‘Jauru Sudamericana.’)
- 27 Michael Dziedzic and Robert M. Perito, *Haiti: Confronting the Gangs of Port-au-Prince* [Special Report 208], 5.
- 28 Marc Lacey, “UN Troops Fight Haiti Gangs One Street at a Time.”
- 29 Agence France Press 2007, *La Police Haïtienne Arrête un Important Chef de Gang*, [www.minustah.org/blogs/129/La-police-haitienne-arrete-un-important-chef-de-gang.html](http://www.minustah.org/blogs/129/La-police-haitienne-arrete-un-important-chef-de-gang.html); and United Nations (press release) 2007, *Fugitive Haitian Gang Leader Sought in UN-backed Crackdown on Crime is Captured. UN Helps Haitian Police Transfer Gang Leader*, [www.un.org/apps/news/story.asp?NewsID=21859&Cr=Haiti&Cr1=&Kw1=MINUSTAH&Kw2=&Kw3](http://www.un.org/apps/news/story.asp?NewsID=21859&Cr=Haiti&Cr1=&Kw1=MINUSTAH&Kw2=&Kw3)
- 30 MINUSTAH, *After Action Report on Operation ‘Jauru Sudamericano,’* 45.

- 31 The announcements, made in Creole, can be translated as “Bandits! Lay down your weapons and surrender. We will not hesitate to use the necessary force to place you under arrest. Turn yourselves in now. If you do not surrender, you will certainly be taken by force. Lay down your weapons, put your hands on your head, get out of the house quietly. You bandits: it is not our intent, but we will shoot if it is necessary. Turn yourselves in now.”
- 32 Henry L. Stimson Centre, *Peace Operations Fact Sheet Series: MINUSTAH*, 16 July 2008, 2.
- 33 UN Department of Public Information, video on MINUSTAH. Also a personal remark made to the author on 6 March 2009, in Kinshasa, Democratic Republic of the Congo.
- 34 Ben Terrall 2006, *UN Troops in Haiti Continue Military Operations, Killing Scores of Civilians*, [www.haitisolidarity.net/article.php?id=148](http://www.haitisolidarity.net/article.php?id=148).
- 35 See Nick Whalen 2007, *UN Cracks Down on Gangs, Residents Demand Peace*, [www.blogtheberkshires.com/haiti/2007/02/un\\_cracks\\_down\\_on\\_gangs\\_reside.html](http://www.blogtheberkshires.com/haiti/2007/02/un_cracks_down_on_gangs_reside.html).
- 36 Major General Carlos dos Santos Cruz, Conversation with author at Miami airport, 23 December 2008.
- 37 UN Official (active in MINUSTAH in 2006), *Electronic Correspondence*, 25 January 2009.
- 38 See Lacey for the New York Times coverage. Brazilian media (e.g., *Correio Brasiliense* and *Folha de São Paulo*) were also positive, given the major role that Brazilian troops played. The local population also gave MINUSTAH a resounding 97 percent approval for cracking down on the gangs. See Dziedzic and Perito, 5.
- 39 A list of alleged 19 fatalities due to an earlier UN operation on 22 December 2006 is provided in Kevin Pina 2007, *The UNspoken Truth About Gangs in Haiti*, [http://haitiaction.net/News/HIP/2\\_15\\_7/2\\_15\\_7.html](http://haitiaction.net/News/HIP/2_15_7/2_15_7.html).
- 40 Bruno Waterfield, “Haiti Earthquake: Police Face Return of Gangs in Port-au-Prince,” *The Telegraph*, 19 January 2010. Haitian authorities conceded they had lost their battle to maintain order in Port-au-Prince after the leaders of the city’s crime gangs were freed when the national prison collapsed.
- 41 Security Council resolution 1908, 19 January 2010.
- 42 Thompson (op. cit.) cites UN estimates that “Fifty-five percent of Haiti’s 8.5 million people live on less than a dollar a day” and Cité Soleil is one of the poorest neighborhoods of the country.
- 43 Secretary-General Dag Hammarskjöld is known to have used the expression “clean hands” in describing the activities of the UN, especially in the Congo in 1960, and the reasons why the world organization could not engage in traditional intelligence activities. Conor Cruise O’Brien, *To Katanga and Back: A UN Case History* (New York: Simon and Schuster, 1962).
- 44 More details on MINUSTAH’s intelligence activities can be found in Dorn, *Intelligence-led Peacekeeping*, [http://walterdorn.net/pdf/Intelligence-LedPkg-MINUSTAH\\_Dorn\\_INS\\_Dec2009.pdf](http://walterdorn.net/pdf/Intelligence-LedPkg-MINUSTAH_Dorn_INS_Dec2009.pdf).
- 45 Although there is no single definitive source for a statement of the Just War tradition, the principal elements are described in Greg Reichberg, Henrik Syse, and Endre Begby, eds., *The Ethics of War: Classic and Contemporary Readings* (Oxford: Blackwell Publishing, 2006) and Michael Walzer, *Just and Unjust Wars* (New York: Basic Books, 1997).

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46 MINUSTAH, Rules of Engagement as abbreviated in the “Soldier’s Pocket Card” of the mission (2004).

47 Ibid.

48 The other commonly cited principles of peacekeeping are deployment of the mission with the consent of the main parties to the conflict (spoilers not included) and impartiality, in which the UN treats the parties equally. See Department of Peacekeeping Operations and Department of Field Support, *United Nations Peacekeeping Operations: Principles and Guidelines* (New York: United Nations, 2008).