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War is not Politics by Other Means: a Case Study of how Western Indulgence Encouraged Rwanda and Uganda to Undermine the Security and Sovereignty of the Democratic Republic of Congo

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About the author:

Timothy Reid has spent over ten years working in peacekeeping, both as military (Bosnia, Ethiopia-Eritrea) and as a civilian (Rwanda, Cambodia, the Democratic Republic of Congo and Lebanon). In 1997-1998, he served as a Justice and Investigations Officer for the UN Human Rights Field Operation in Rwanda working in the Prefectures of Gisenyi and Ruhengeri when approximately 2000 people a month were being killed in fighting between the new Rwandan Army and “infiltrators” from the old Rwandan Army, Interahamwe and others recruited from Rwandan Hutu refugees. From 2001 to 2005, he was a Political Affairs Officer dealing with armed groups and then Team Leader for Disarmament, Demobilization, Repatriation, Resettlement and Reintegration in Bukavu responsible for all of South Kivu Province of the DRC. Currently he is Senior Coordination and Planning Officer for the United Nations Interim Force in Lebanon [UNIFIL]. He holds an MPA from the John F. Kennedy School of Government, Harvard University; LLB – Université de Montréal; MSc avec Mention en économie internationale – Université de Paris II; BAA – École des hautes études commerciales- Montréal; and is a Member of the Quebec Bar.

IMPORTANT NOTE: The opinions herein belong to the author alone. He does not pretend to represent the United Nations or its point of view.

INTRODUCTION



At least 5 times as many people have died (either directly or indirectly) as a result of the conflict in the Democratic Republic of Congo [DRC]¹ from 1996 to the present, than in the Rwandan genocide and Darfur put together². Ugandan and Rwandan invasions lie at the heart of the gross violations and serious abuses of human rights, including potential crimes of genocide that have occurred in the DRC. The invasions and ensuing deaths occurred at a time when there was considerable Western support to both Rwanda and Uganda, even after their crimes against humanity had come to light.

In a previous article³, we described how foreign aid financed campaigns of pillage which perversely helped these countries to be seen as models of “African Renaissance”. International relations theory holds that rogue states should be punished for their transgressions if we hope for them to respect the rules in the future. Instead, Rwanda and Uganda were rewarded, despite abundant evidence of their crimes available to the donor community *and* proof that cutting aid was an effective deterrent.

Unsurprisingly, they continued their destabilization of the DRC. This could also be seen as a corollary of the “Democratic Peace Argument” that democracies almost never go to war with each other because of their checks and balances and more compromise-oriented culture. *A contrario*, by supporting their despotic governments with resources and political cover, the International Community *increased* the proclivity of Rwanda and Uganda to go to war⁴. Both countries continue to receive much aid and are much sought after for African peacekeeping missions where Western countries either refuse to go or are not wanted. Having managed to hold its first elections in 40 years, the DRC still finds itself in a very fragile state. Rwanda and Uganda continue to oppress at home and destabilize the DRC in slightly subtler ways. We will analyze the economic-political-security mix that has made the crisis in the DRC so deadly and through concrete examples, show the “style” of destabilization to draw some lessons to guide policy makers in the future. Besides reviewing previous arguments about the aid-violence nexus and pillage of natural resources, we will also examine the actions of the International Community, lack of resources to Security Sector Reform [SSR], unwillingness to confront root causes and engage in meaningful political dialogue, communications, the importance of timely reaction and its implications for the sort of actors we use in peacebuilding/peacekeeping.

The Conflict in the DRC: a Brief History⁵

In 1996, Rwanda and Uganda led a group of neighboring states to invade what was then Zaire, officially to fight their own rebels who had taken refuge there. However, as the regime of Zaire’s President Mobutu collapsed, both countries took the war to the capital, Kinshasa, and installed a new government, with Laurent Desiré Kabila [Kabila Sr.] - a former comrade in arms from the 1960s⁶ - as President, and General James Kaberebe - a Rwandan - as chief of the armed forces. The country was renamed the Democratic Republic of Congo. When relations with President Kabila soured; Rwanda, Uganda and Burundi reinvaded in 1998, again purporting to fight their own rebels. Rwanda and Uganda respectively created two main proxy “rebel” movements against the GoDRC⁷: the Rassemblement Congolais pour la Démocratie [RCD] and the

Mouvement de Libération du Congo [MLC]. The RCD soon split into many sub-groups, the main one being the RCD-Goma⁸ [RCD-G]. They also supported numerous other militias in the East. Kabila's government fought back with the help of Angola, Zimbabwe, Namibia and the Mai Mai⁹, and the war turned into a stalemate. Starting in August 1999, Uganda and Rwanda started fighting over control of the diamond trade in Kisangani - a city in northern DRC - and their mutual relations have been strained ever since; often expressed in competition for the attentions of the RCD spin-offs and alleged support for each other's rebels. The *Lusaka Cease Fire Agreement*¹⁰ signed in 1999 was supposed to create a ceasefire and disengagement, orderly withdrawal of foreign forces, disarmament of armed groups including repatriation of foreigners, national dialogue and elections. It also aimed for a Joint Military Commission [JMC] and UN peacekeeping mission. Though the JMC and a UN Mission [MONUC¹¹] were created, initially little real progress was made due to the behavior of the Parties, especially Kabila Sr. who resented the conditions imposed on him. Kabila was assassinated in 2001 and his son Joseph assumed the presidency. After tortuous peace negotiations¹² and with MONUC's small presence (for the size of the country), the Rwandan and Ugandan armies officially left the DRC in 2002, though they continued to operate through proxy forces¹³. The *Global and Inclusive Agreement* negotiated in Sun City, South Africa was finalized and implemented in 2003¹⁴. The Rwandan Government [GoR] has been especially suspected of frequently both assisting rebellions and sending in its own military elements. There is much evidence that in 2007, as in the past, it supported murderous [Congolese Tutsi and former Rwandan Army] warlord Laurent Nkunda with at least manpower, logistics, and political/propaganda support¹⁵. Though of course the GoR denies knowledge of arms shipments from its territory, recruitment of its military personnel and refugees [including children], it is virtually impossible inside a geographically small police state such as Rwanda, for it NOT to be fully aware and at least indulgent if not actively complicit. Despite large security and logistical hurdles, the DRC held elections in 2006 and early 2007 which, though flawed, were generally held to be free and fair¹⁶. Former Uganda-supported rebel leader Jean Pierre Bemba [whose forces had been accused of cannibalism¹⁷] did not graciously accept defeat and after armed skirmishes between his bodyguard and the security forces, fled into exile. DRC and Ugandan forces have skirmished over control of recently discovered oil deposits in

Lake Edward. It remains to be seen how successful a peace agreement negotiated in Arusha will be¹⁸. Even more problematic to enforce will be the recently signed peace deal between the GoDRC and Nkunda .



COUNTING THE DEAD IN THE DRC

According to the International Rescue Committee [IRC]'s most recent published study published in Jan 08, over 5.4m people are estimated to have died (directly and indirectly) in the DRC since 1998 as a result of the second invasion and occupation, including 4.6m in the Rwandan/Ugandan occupied and destabilized East¹⁹. The majority of deaths were due to infectious diseases, malnutrition and neonatal- and pregnancy-related conditions likely related to the social and economic disturbances caused by conflict, including disruption of health services, poor food security, deterioration of infrastructure, and population displacement. Children - particularly susceptible to these easily preventable and treatable conditions - accounted for 47 % of deaths, even though they constituted only 19 % of the population. An estimated 45,000 continue to die

monthly as a result of the conflict and its aftermath²⁰. According to the IRC, such conflicts often leave a legacy of higher mortality years after they are over²¹. There are no exact figures for the death toll of Rwanda's and Uganda's preceding invasion in 1996-1997. The UN High Commissioner for Refugees [UNHCR] has a figure of 213,000 Rwandan Hutu (thus not including Congolese) refugees unaccounted for²². The first report of the UN Special Rapporteur, Roberto Garreton, published in July 1997, listed 134 allegations of massacres, *"most of them carried out by AFDL²³ and the Banyamulenge rebels²⁴"*. A UN Team sent to investigate was stymied and blocked by the then Rwanda-controlled Congolese government, but was able to do enough research to determine that *"the killings by AFDL and its allies, including elements of the Rwandan Patriotic Army [RPA, the Rwanda army]²⁵, constitute crimes against humanity, as does the denial of humanitarian assistance to Rwandan Hutu refugees. The members of the Team believe that some of the killings may constitute genocide, depending on their intent, and call for further investigation of those crimes and of their motivation²⁶"*: The UK's *Guardian* newspaper claimed that the UN High Commissioner will finally send a team to attempt to map all the massacres that have taken place in the DRC over the course of these wars, however no such announcement could be found at the Agency's website²⁷.

POURING GASOLINE ON THE FIRE: THE NEGATIVE EFFECTS OF AID

"Jarring as it is to the common-sense notion of rationality, let us now make the special assumption that the altruist gets satisfaction not from observably better outcomes for others, but rather from his or her own sacrifices for them. On this assumption we can secure voluntary provision of collective goods even in the largest groups. Here each dollar of personal consumption that is sacrificed can bring a significant return in moral satisfaction, and the problem that substantial personal sacrifices bring little or no perceptible change in the level of public goods provided is no longer relevant." Mancur Olson²⁸

According to Jervis²⁹, chances of achieving universal cooperation are improved by: 1) anything that increases incentives to cooperate - upping gains of mutual

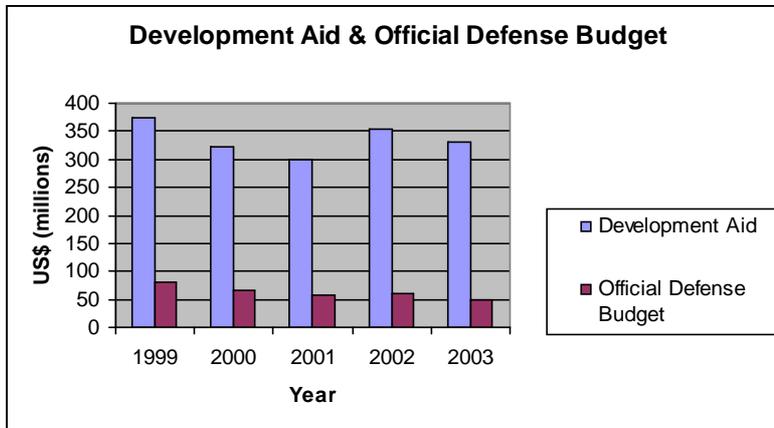
cooperation and/or decreasing costs the actor will pay if he cooperates and the other does not; 2) anything that decreases the gains of taking advantage of the other and/or increasing the costs of mutual non-cooperation; 3) anything that increases each side's expectation that the other will cooperate. If the costs of defection are low, then its likelihood is that much higher. In many conflicts embroiling the developing world, costs are relatively low, especially to leaders. Manufacturing is usually not a large part of their economy, nor trade (especially with neighbors), and troops are considered far more expendable than they would be in the developed world. The "pain threshold" is therefore much higher.

The problem of aid fueling conflict is known to the Donor community. The OECD's *DAC Guidelines* talk about the need to "counter the criminal forms of business often flourishing in situations of conflict and the rent-seeking and loot-seeking "spoilers" — who can in some cases include the military engaged in profitable activities — that tend to exacerbate and perpetuate conflicts, and obstruct peace"³⁰ but this is usually mentioned in the context of humanitarian aid to a country involved in a civil war. It is rarely discussed in the case of one country invading its neighbor or fomenting a rebellion for the personal gain of its elite, as is often the case in Sub-Saharan Africa. Despite regular reports of massacres, pillaging and diverse other war crimes, aid to Uganda and Rwanda went on generally unabated³¹. Previously, we estimated that³²: in 1999, Uganda made a profit of 147,031,861 USD or a return on investment of 538%, not including a further 41,473,000 USD from the debt relief it received for having such "good governance". Besides debt relief, it received 590,410,000 USD in Development Assistance [not counting the debt relief it would later receive]. Were aid to be cut off and assuming "it would have maintained its presence in the DRC anyway", that would have represented a loss of 443,378,139 USD or 1622% loss on the investment of 27,330,000 to operate in the DRC. If we include the effect of debt relief just for that year, we would get a loss of 604,553,000 USD or 2212%. If we included all the future years of debt relief, the loss would be enormously higher. Based on the rough calculations of how much it cost Rwanda to occupy the Eastern DRC and how much they were getting out of it, a cut off of aid in 2000 would have meant a *loss* of 322 million USD gross or 76 -114 million net after factoring in returns from exploitation in the DRC. The "Net Result" of

investing 60 million USD to occupy the DRC would be a loss of 127 –190% of investment. If we included the 15,642,000 USD of debt relief for that year, it would be a 91,642,000-129,642,000 USD or 153-216 % net loss.

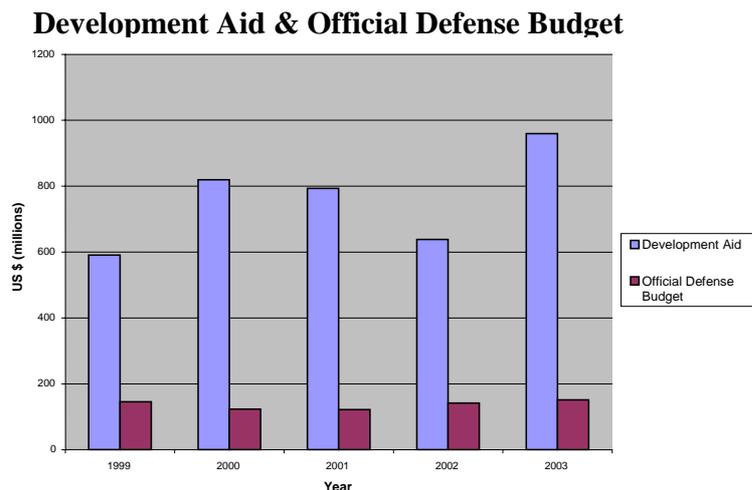
In 2002, following a number of damning reports by the UN and others on Rwanda and Uganda's pillaging and other crimes; the French and Americans finally arm twisted the British into threatening to withhold debt relief if the foreign forces did not leave the DRC. Unfortunately, despite massive evidence that the GoR and GoU subsequently continued to manipulate the conflict³³, aid continued flowing. It was briefly partially suspended after a Rwandan announcement that it may have actually already invaded the DRC in November 2004³⁴ but quickly restored thereafter. It has stayed the same or continued to go up for both countries since then³⁵ despite talk of "tough love" on governance from the US³⁶ and the pious language of the *DAC Guidelines*. The UK signed a Memorandum of Understanding with the GoR guaranteeing a minimum of £46m a year until 2015³⁷ [=91,230,000 USD³⁸]. DFID's bilateral aid to Uganda has risen from £50m in 2002/03 to £70m [138,870,000 USD³⁹] in 2006/07 as part of a similar strategy involving several donors⁴⁰. There *are* human rights and governance conditions attached to the aid. However, if almost 6m dead in the Region and the continuing flagrant domestic human rights abuses were not enough to invoke the conditionality thus far; it is difficult to see what could ever motivate the UK to take such a step. Since Rwanda's Central Bank Governor became President of the African Development Bank in 2005, this may help to shield the GoR from international pressure using aid conditionality⁴¹.

Rwanda



All aid figures come from the OECD 2004 Development Co-operation Report –Volume 6, No.1 – ISBN 92-64-000735. OECD 2005. According to the same source, The biggest donors to Rwanda over the last 10 years have been the US, UK, EU and the Netherlands. Military Budget figures for 1999-2001 come from International Monetary Fund, African Department, Rwanda-Staff Report for the 2000 Article IV Consultation and Requests for the Third Annual Arrangement Under the Poverty Reduction and Growth Facility and for Extension of Commitment Period , 11 December 2000, p. 17 and p. 37 as quoted in Willum, Bjorn. Foreign Aid to Rwanda. Op cit p52. Figures for 2002-2003 are from the CIA World Factbook downloaded from www.umsl.edu/services/govdocs/wofact2002/print/rw.html and www.umsl.edu/services/govdocs/wofact2003/print/rw.html respectively 04 Dec 05.

Uganda



All figures come from World Development Indicators at web.worldbank.org. Official Defense Budget figures are converted from Local Currency Units (Ugandan Schillings) using the official exchange rates given on this site.

Military aid

Besides direct budgetary aid and debt relief, Rwanda and Uganda have benefited from military aid⁴². Though the numbers may not seem large compared to ordinary US operations, they are significant by the standards of Central African countries. The US, for example, has military cooperation agreements with both countries. Astonishingly, the agreement with Rwanda was signed right after Rwandan proxy Laurent Nkunda sought to take control of Bukavu, the capital of the DRC's South Kivu province, in May-June 2004⁴³. The US Department of Defense has also admitted that its special forces provided basic training to the Rwandan army in the late 1990s⁴⁴. Human Rights Watch alleges that the US Government [US Gov't] actively opposed the UN investigation into atrocities in the DRC and privately requested President Kabila [Sr.] not to cooperate with the investigation⁴⁵. Since 2006, Uganda has received much increased funds dedicated to an array of security needs: 2,03 m USD in FY 2006⁴⁶, 2.11m in 2007⁴⁷, 4.77m [Est.] in FY2008⁴⁸ and 4.75m [Req.] in FY 2009⁴⁹ [These include IMET funds – BELOW]. The increased aid to Uganda can be justified in part because the GoU is dealing *inside Uganda* with the difficult situation posed by the Lord's Resistance Army [with which it is negotiating] and, unlike Rwanda, it has submitted itself to the International Court of Justice [ICJ - SEE BELOW] where it was condemned for its crimes in the DRC. However, it has never paid any compensation to the DRC, nor admitted culpability in the deaths in the millions of deaths. Had the GoU practiced a more inclusive sort of governance and had the Ugandan Military spent more time on security at home and less on foreign military adventures in search of plunder; perhaps less aid would be needed.

International Military Education and Training (IMET) funds to “enhance professional, technical, and tactical proficiency” to Rwanda and Uganda continued during the worst years of Rwandan and Ugandan abuses in the DRC until the advent of the Bush Administration. The GoR received 164,000 USD in FY2000 before being cut to 0 for FYs 2001-2002. Following Rwanda's “official” withdrawal in 2002, it was restored to 162,000 USD in 2003 and is now at 382,000 [Est.] in FY2008 and 400,000

[Req.] in FY2009⁵⁰. IMET funding to Uganda was also maintained during the Clinton Administration, standing at 247,000 USD in FY2000 before being cut to 0 for FYs 2001-2002, restored to 170,000 in FY2003 and now at 477,000 for FY2008 [Est.] with 500,000 [Req.] for FY2008⁵¹. The numbers of Rwandan and Ugandan officers trained followed funding levels and are requested respectively at 151 and 106 for FY 2008⁵². Besides focusing on the “professionalism and peacekeeping capacities” of the Rwandan Army, FY2007 IMET programs were supposed to “emphasize human rights and civilian control of the military, military justice, and improved civil-military relations. Rwanda was to receive training in Equal Opportunity to encourage non-discriminatory practices and equal access to all ethnic groups in the country”⁵³. At present, the small clique of Tutsi military raised in Uganda continue to thoroughly dominate the country. Autocratic governments in Africa accept such training along with the more operational kind since it costs them nothing and helps to smooth the way for billions in foreign aid and debt relief every year. It does not necessarily mean that they do more than token implementation.

In FY2008, the US will spend \$95.2m for the Presidential Global Peace Operations Initiative [GPOI], including training over 14,000 troops⁵⁴. This program incorporates the African Contingency Operations Training and Assistance program [ACOTA], and the Enhanced International Peacekeeping Capabilities [EIPC] program, previously funded under the Foreign Military Financing program [FMF] account. ACOTA complements and reinforces IMET by “providing training to strengthen the military's capacity to participate in peacekeeping operations throughout the continent”. “The generally two-month training includes convoy escort, checkpoint and disarmament operations, weapons handling, management of refugees, negotiations and small-unit command skills. Command and staff training - as well as exercises for battalion, brigade and multinational force headquarters personnel - also are included. ACOTA also furnishes non-weapons equipment, including uniforms, boots, generators, mine detectors, field medical equipment and water purification devices...”⁵⁵ Though the overall aim of the program is worthy in itself, dual use of its elements has to be examined strenuously with regards to Rwandan and Ugandan militaries given their recent crimes. In the FY2008 supplemental request of 278m USD, there is \$150m to

support Darfur peacekeeping, including the AU Mission in Sudan (AMIS). Besides other support and transition to a UN force, it includes pre-deployment training and equipping for Rwandan and Senegalese troops⁵⁶. During his recent visit to Rwanda, President Bush announced that the US would spend another 100m USD to train African peacekeepers for Darfur including 12m for 2,400 more Rwandan troops⁵⁷. The FY2007 supplemental request also included \$128m to support other peacekeeping requirements in Africa like Somalia where Uganda is present. In FY2007, Rwanda and Uganda were included in a list of countries eligible to partake of an estimated 4m USD for the Africa Coastal/Border Security Program⁵⁸ but it is unclear whether they have yet received anything from the project.

The UK has more limited means than the US but is still an important military supporter due to its colonial links to Uganda and its “adoption” of Kagame’s RPF Regime. Information on the UK is more difficult to obtain though they seem to be giving significant aid, at least to Uganda⁵⁹. Most notably, it has supported the efforts of IGAD (Intergovernmental Authority on Development) to create the Eastern Africa Standby Brigade (EASBRIG) with a Support Team in Nairobi offering advice to the planning element of EASBRIG on doctrine, training, structures, and standby systems⁶⁰. Both Rwanda and Uganda are members of EASBRIG.

Military Sales

Since FY2007, Rwanda is eligible to receive Excess Defense Articles (EDA)⁶¹ on a grant basis under Section 516 of the *Foreign Assistance Act* in order to modernize its military and continue its participation in international peacekeeping operations⁶². In 2006, Uganda received EDA articles worth 819,000 USD [Acquisition Cost: 4.097m USD]⁶³. Even though Uganda was still implicated in the destabilization of the Eastern DRC at the time, it received 1.99m USD of FMF⁶⁴ in 2004 and 1.984m in 2005. According to *Concerned Africa Scholars*, the FMF program is used by the U.S. Defense Security Cooperation Agency (DSCA) to provide low-interest loans to foreign governments to finance arms purchases from the US Gov’t or from private US companies - in the case of all sub-Saharan recipients; the US Gov’t waives the

repayment of these loans⁶⁵. In 1998, the year Rwanda invaded the DRC for a second time, Foreign Military Sales Agreements⁶⁶ [i.e. US Gov't] were 53,000 USD and then 500,000 in 2005⁶⁷[the only other year sales are recorded]. FMS to Uganda varied from none at all during FYs 1999-2002 to over 3.5m USD for several years⁶⁸. There is no evidence of any other direct sales from the US Gov't during recent years. Commercial Exports Licensed or Approved under the *Arms Export Control Act* (AECA) or “Commercial Sales” (CS) program is the process by which certain types of military and police equipment are sold to foreign governments under licenses issued by the US Office of Trade Controls. Numbers vary on a year to year basis for both countries but have increased for Rwanda since 2005 and Uganda since 2003⁶⁹.

The UK has also sold equipment to both countries, particularly Uganda which has purchased everything from body armor to night sights and armored all wheel drive vehicles⁷⁰. Besides whatever use the Ugandan and Rwandan armies made of this in the DRC, the BBC alleged some armored vehicles sold to Uganda may have been used in suppressing opposition rallies during Uganda's elections in 2006⁷¹.

UN Rewards

Despite years of denigrating UN peacekeeping, both Uganda and particularly Rwanda have proven keen to reap its rewards⁷². At the end of Feb 08, Rwanda had 2,987 of its security personnel deployed on UN peacekeeping missions. Mostly, this consisted of the 2,576 troops in UNAMID [2 battalions plus 9 military observers [milobs] and probably some staff officers, etc in HQ], followed by 256 troops and 15 milobs in UNMIS. Besides Sudan, its police are in Haiti [MINUSTAH], UNMIL [Liberia], and Côte d'Ivoire [UNOCI] along with a few milobs. Uganda had 153 police and milobs deployed w. UNAMID, UNMIS, UNMIL, UNOCI, UNMIK [Kosovo] and UNMIT [East Timor]. This does not include the 1600 troops deployed as part of the AU force in Somalia [AMISOM] – which may be transformed into a UN operation⁷³. Brigadier General Karake, the Rwandan Deputy Force Commander of UNAMID indicted for war crimes by a Spanish court [SEE BELOW], will be paid close to 200,000 USD in 2008⁷⁴. Milobs, police advisors and some staff officers would be making anywhere from 120 to

223USD/day⁷⁵ [less if food & accommodation is provided] plus a 6 monthly clothing allowance of 200 USD on top of their regular salaries. This money, paid directly to them by the mission, can easily be more than ten times their salary at home. For this reason, such missions are highly sought after in African armies and are often given out based on one's good relations with senior commanders. It is entirely possible that some of these milobs were also involved in war crimes in Rwanda and the DRC. Troop Contributing Countries [TCCs] receive 1,101-1,404 USD for each Contingent soldier⁷⁶ For Rwanda; this gives an estimated TOTAL of 3,203,842 USD per month or 38,446,099 per year⁷⁷. Considering that the last available data for Rwanda [2005] show an official defense budget of approx. 46.2m⁷⁸, this would mean that renting the services of these troops pays for something like 83% of its defense budget [excluding the other aid which probably more than makes up the rest]. *UN Peacekeeping is in effect paying for all of Rwanda's destabilization in the DRC, thus massively magnifying the burden and cost of MONUC.* The TCC can decide to give all or nothing of what it receives to the Contingent soldier in the field. The soldier gets 38.4 USD per month directly from the UN on top of his national salary plus a recreational leave allowance of \$10.50 per day for up to 7 days of leave taken during each 6 month period [though this may not seem like a lot, it is considerable to many soldiers from developing countries earning less than 100 USD per month]⁷⁹. All deployment to the Mission and redeployment home is paid by the UN as is food & accommodation for the Contingent soldiers. Use of Major equipment, when not already provided for by the UN, is also paid for by the Organization.

To use Axelrod & Keohane's term, there was not much of a "Shadow of the Future"⁸⁰ to discourage Rwanda and Uganda despite the fact that conditions for effective sanctioning are clearly there: 1) monitoring is not so difficult [there are plenty of reports from the UN and reputable international and local NGOs]; 2) information is therefore available; and 3) costs of punishment are not high [stop giving your money away]. The main problems are: 1) decentralized retaliation [different donors will still insist on giving money, thus leading to the lack of a common approach so often lamented in documents on international aid]; 2) the fundamental nature of donors is to donate: cutting off aid is barely in their consciousness⁸¹ and 3) as per Moravcsik⁸², there

is often a disaggregated foreign policy [usually between the aforementioned development people and the foreign ministries].

THE IRRELEVANCE OF INTERNATIONAL JUSTICE?

In our previous article⁸³, we argued that aid given by the International Community made the donors legally responsible for aiding and abetting crimes against humanity since they knowingly [or reasonably should have known] provided material assistance to the regimes committing these crimes. Uganda was eventually condemned by the ICJ for its transgressions⁸⁴. Rwanda cleverly refused to adhere to any of the international courts and has managed to avoid any serious accountability thus giving donors like the UK, EU, USA and International Financial Institutions enough wriggle room to salve their consciences – making everybody happy, except the poor people killed, raped or pillaged. The only real efforts to bring RPF officials to justice have been by national courts in France and Spain. French Anti-Terrorism Judge Jean-Louis Bruguière put out international arrest warrants for those RPF combatants he believed shot down Former [Hutu] Rwandan President Habyarimana's plane along with its French crew.⁸⁵ The Spanish court also suspects the RPF. 06 Feb 08, a judge from the national tribunal specializing in terrorism and international crimes opened a case against 40 individuals from the RPF and Rwandan Army for crimes of terrorism, crimes against protected people and property in the context of an armed conflict, torture, genocide, war crimes and crimes against humanity. These allegations are in connection with several assassinations of Spanish aid workers as well as massacres of Rwandan and Congolese nationals which took place in those countries from 1994 onwards and the plunder of natural resources⁸⁶. The case was brought on behalf of the victims and their relatives by the "International Forum for Truth and Justice in the Great Lakes" which includes many prominent human rights campaigners such as Nobel Peace Prize winner Adolfo Pérez Esquivel, former American Congresswoman Cynthia McKinney, Nobel Peace Prize nominee Juan Carrero, Jordi Palou-Loverdos and many international NGOS⁸⁷. Though Kagame was not indicted due to his Presidential immunity, the list includes much of the RPF hierarchy including: Major General James Kabarebe, Chief of

General Staff of Rwandan Army [RDF]; Major General Kayumba Nyamwasa, Ambassador of Rwanda in India; Brigadier General Karenzi Karake, Deputy Force Commander of UNAMID [Darfur]; and Lieutenant Colonel Rugumya Gacinya, Rwanda's Defense Attaché in the US. Another potentially interesting development is the arrest 06 Mar 08 in Thailand of Russian arms dealer Victor Bout⁸⁸, often implicated in weapons shipments to the different armed groups involved in illegal resource exploitation and war crimes in the DRC⁸⁹. Given how potentially damaging his testimony could be to Central African leaders [and perhaps some Western countries], one wonders whether he will be sought for testimony by the ICC or only tried in the US for alleged arms supplies to Columbian guerillas.

Oddly - given all the rhetoric about the "Global War on Terror" [GWOT] and the "Responsibility to Protect"⁹⁰, world leaders, professional do-gooders, rock stars and journalists have paid virtually *no* attention to the decisions of the anti-terrorism judges or to the many official reports by professional human rights investigators, and ICJ verdicts. Only two weeks after the Spanish decision indicting Kagame and the RPF, President Bush visited Rwanda and called Kagame a "personal friend" and "respected leader" - while announcing the aforementioned extra 12m USD to train an army responsible for more civilian deaths than Saddam Hussein's Republican Guard, Sudan's Janjaweed, and Pol Pot's Khmer Rouge combined. A *New York Times* reporter said it was Kagame's winning of the 2003 Presidential election that endeared him to Mr. Bush⁹¹, failing to mention the 10 years prior of war, torture and intimidation or that Kagame locked up his opponents and their supporters before the vote⁹². Clearly, neither she nor President Bush listened to Paul Rusesabagina, the real life hero of the movie "Hotel Rwanda" - awarded the Presidential Medal of Freedom by Bush in 2005 - who declared, "the whole world will be watching and wondering in disbelief why you [Bush] have decided to go and shake the hands of suspected terrorists when fighting terrorism was one of the cornerstones of your outstanding presidency"⁹³. Lest one be too critical of President Bush, it should be noted that a parade of the "Great and the Good" have lined up to ignore Kagame [and Museveni's] crimes and bask in his perverse aura. Though he has stressed the importance of upholding justice and ending impunity to the Congolese people⁹⁴, a week after the Spanish verdict, UNSG Ban Ki Moon helped launch the new

“Global Centre for the Responsibility to Protect” which lists the same GoR - indicted of massive crimes against humanity - as one of its main patrons. Other Patrons include Western Governments and a “Who’s Who” of luminaries who should know better⁹⁵. Prestigious universities such as Harvard’s Kennedy School and the London School of Economics have both invited Kagame to speak on “reconciliation” as has the Conservative Party of Great Britain⁹⁶. Former British Prime Minister Tony Blair, whose New Labour Government was so helpful in financing the military adventures of Mssrs. Kagame and Museveni and supporting their autocratic regimes, has now taken on an official job as unpaid advisor to Kagame’s neo-Apartheid state⁹⁷.

ECONOMIC GOVERNANCE

At the end of their devastating April 2001 Report, the Panel of Experts made a number of excellent recommendations⁹⁸: temporary embargos on export/import certain of key natural resources, freezing assets of rebel leaders and illegal exploiters, ensuring financial institutions stop doing business with named banks located in Rwanda, Burundi and Uganda, weapons embargos on rebel groups and their sponsors, and suspending military co-operation with states whose forces were violating the sovereignty of the DRC. Aside from a very few rebel leaders and the odd company, little of this was ever done. A weapons embargo was imposed on arms going to the DRC but not to the governments of countries [mainly Rwanda and Uganda] furnishing them, which made the embargo practically worthless⁹⁹. They also suggested that financial assistance to these states also be suspended [CLEARLY not done] and diamond and timber certification systems. It was recommended that Rwanda, Uganda and Burundi should pay compensation to all those whom they had pillaged as well as damages for all the endangered species they had killed in the national parks. This was not done, even after Uganda was condemned by the ICJ for its pillage¹⁰⁰. Rwanda having refused to be a signatory, the case against it was not heard¹⁰¹.

The Panel made two recommendations which should become standard peacekeeping practice in Africa and other “resource rich/governance poor” conflict areas. First, they suggested a UN commission be set up to assist the GoDRC to manage

the transition by helping to design a legal and regulatory framework, creating an enabling environment for economic activities and enhancing state authority. This does not yet seem to have happened in any significant way though there were some follow up reports. NGOs such as Global Witness, Transparency International, the Carter Center and Southern Africa Resource Watch have published reports and given advice to the GoDRC¹⁰². They also suggested a permanent mechanism to investigate illicit trafficking in natural resources in general and in the DRC in particular. This was not done as such either though a new “Group of Experts” was set up in 2004 to track illicit weapons shipments and other military assistance¹⁰³. It was “reiterated” in later resolutions that this included financial assistance, especially through the illegal exploitation of natural resources¹⁰⁴ and suggestions requested as to how to prevent this¹⁰⁵. A separate report done in consultation with the Group made some very good suggestions in a 2007 report¹⁰⁶, referring to a “governance compact”, whose first priorities are (a) security sector reform, (b) transparency, (c) natural resource management and (d) public finance management”. Supposedly, the compact had been developed by the World Bank, European Commission, UN and major bilateral partners. It recommended a review of mining contracts [at least partly done] and recognized the nexus of illegal resource trafficking, violence and the GoDRC’s capacity to raise revenue. Though it made intelligent suggestions about helping artisanal miners and getting private sector actors involved, its proposal for regional cooperation seemed naïve considering that the whole aim of Rwanda and Uganda has been to profit as much as possible from the illegal exploitation of resources. Notably, though the DRC has applied to join the Extractive Industries Transparency Initiative [EITI], neither Rwanda nor Uganda has¹⁰⁷.

Willful Self-Deception – Despite all evidence to the contrary, the International Community largely continues to believe in Rwanda and Uganda’s good intentions

The aim of the following section is to give specific examples of the methods and styles employed by Rwanda, Uganda and their proxies in order to maintain chaos in the

Eastern DRC, manipulate local and foreign opinion, and thus prolong their hold on the region

South Kivu

From 2001 to 2005, this was one of the areas where much of the action was happening. The weaker grip of Rwanda and the RCD-G here led to much conflict as they desperately tried to hold onto the province.

As the Rwandan Army left in Sept – Oct 02, the GoDRC declared FDLR activity illegal and started procedures for forced repatriation of “leaders”. In late Nov-early Dec, the FAC¹⁰⁸ fought with the FDLR in Kamina and FDLR Brigade commander Col Ndanda was killed. Though many FDLR escaped, several hundred were repatriated “semi-voluntarily” by the GoDRC and MONUC. Realizing that the Mai Mai had the best contacts with the foreign combatants and contained a certain number of foreigners within their own ranks, DDRRR had sought [despite much opposition by the Rwandan Army and the RCD-G] to establish links with them since 2001. By the end of 2002, DDRRR managed to start the first completely voluntary repatriations, though not without much physical risk¹⁰⁹. During the lead up to the Transition following the Sun City Political Agreement, despite a general lack of aggressive activity by the Mai Mai, the RCD-G [organized and supported by the GoR] waged extensive offensive operations against the Mai Mai from Feb to June 2003. Whenever DDRRR arranged to repatriate a group of combatants, the RCD-G [with whom MONUC had to coordinate for security - especially since there were no available MONUC troops then] would stage an attack the day before. This was believed part of the Rwandan Army’s “Operation Makusudi” aimed at hampering the Transition¹¹⁰. Mai Mai General Padiri therefore stopped all exploratory visits to Rwanda – a tool which DDRRR officers found useful in convincing small Rwandan Armed groups to return. He stated that he needed Rwandan combatants to help defend his positions from attack and that his commanders could not concentrate on sensitizing their Rwandans if they were defending themselves.

As the Transition progressed in the latter part of 2003, the Congolese stopped fighting each other and DDRRR became increasingly easy. Particularly important was the appointment of Brigadier General Nabyolwa as Commander of the 10th Military Region ["10 MR" - South Kivu]. A professional who understood the nature of the problems facing the new unified army [FARDC], for the first time MONUC Bukavu had a completely sincere partner who wanted to get rid of all foreign combatants. MONUC started taking him out to the field with other Transitional officials [many of them RCD-G]. He was very strict with the Mai Mai, ordering them to give up all the Rwandans within their ranks. He also seriously tackled the problems of child soldiers, taxation of the population by soldiers, and mixing units of Mai Mai and ex-ANC¹¹¹. Unfortunately, Kinshasa sent him few properly trained troops from the West, possibly because of RCD-G objections and/or Congolese lack of organization. Nonetheless, DDRRR leapt ahead. More combatants were sent back from Nov 03 to Jan 04 from South Kivu than in all the time up to then. It clearly showed the advantage that peace gave to the DDRRR process with Congolese working together rather than fighting each other.

Unfortunately, just before the Transition took effect, Rwanda had replaced its M-40 Governor Patient Mwendanga with Xavier Chiribanya, a man condemned to death in absentia for participation in the murder of Kabila Sr. Chiribanya was also well known to have been Rwanda's Man in Brazzaville¹¹², collecting and forwarding information to Kigali. Rwanda also promoted subaltern officer [Lt/Capt] George Mirindi to Lt Colonel and made him commander of the 6th Bde responsible for Bukavu. A number of other junior officers also condemned for the Kabila murder [ex.Bahati, Kasongo] were given promotions and placed in key positions in South Kivu in an attempt to spoil the Transition. Despite sincere efforts by Nabyolwa to work with these officers, it was obvious that they were not answering to the Transitional Government [TG] but rather to the GoR. There were regular unsanctioned meetings at the Governor's Residence involving pro-Rwandan officers. There were Banyamulenge [and ex-RPA] officers such as Gen Nkunda and Col Ruhorimbere, accused of war crimes, who had refused to swear allegiance to the TG; as well as non-Banyamulenge ex-RCD-G condemned in the murder of Kabila Sr.¹¹³ These officers reportedly received 4x4 vehicles as personal gifts from Governor Chiribanya, though one can only speculate as to where the funds to buy these

vehicles came from. Many of these officers were regularly observed going back and forth between Bukavu and Kigali¹¹⁴ and there is solid evidence that shortly after the Transition took effect, the GoR was already assisting these elements to prepare for a military putsch in the Kivus¹¹⁵.

Though collaboration between Bukavu DDRRR and the Rwandan Demobilization and Reintegration Commission [RDRC] was always been relatively good, there had never been much cooperation from the Rwandan Army or the Rwandan Security Services. Though Bukavu DDRRR always shared information and often put Rwandan combatants in direct contact with Rwandan officials, it received almost no aid in return. A flagrant example of how Rwanda used its proxies to undermine the TG was the repatriation of FDLR Commander General Ruarakabije in November 2003. Known for not having participated in the Genocide, DDRRR had been informed that he wanted asylum in a third country in exchange for the DDRRR of his troops. MONUC had responded by saying that though it was not in its power to grant asylum, it was open to discussion. The Rwandan Security Services found out he was interested in returning and took advantage of a field visit by Nabyolwa and senior MONUC staff to spirit Ruarakabije and about a hundred of his troops out of the country. The pro-Rwandan Congolese officers received bribes to keep their commander out of the picture. The problem with this was that the rest of the FDLR [8,000 to 10,000], were left behind in the hands of more hard-line officers. Neither MONUC nor the Region Commander was given the opportunity to question Ruarakabije. Requests for Ruarakabije to speak to other commanders or to send out a radio message to those in the field were rebuffed until much later, by which time he had lost most of his influence with the rank and file in the bush. This incident made it obvious that the individuals involved still owed their first loyalty to Rwanda rather than the DRC. Their actions demonstrated a clear unwillingness towards transparency and cooperation with MONUC and were a clear violation of several Security Council resolutions prohibiting support to armed groups in the DRC¹¹⁶ It also showed up any pretension about good neighborly relations or the new Rwanda-DRC friendliness contributing to more effective DDRRR.

Governor Chiribanya continued to do whatever he could to block DDRRR. It became increasingly obvious that he had no interest in the Transition. The replacement

of provincial governors at the end of January 2004 encouraged Chiribanya and his fellow plotters to increase preparations for what Kivutians called the “Third Rebellion”¹¹⁷. MONUC received many confirmed reports of arms coming from Rwanda¹¹⁸, including specific information on how Bukavu was being used as a transit point to Ituri. Numerous arms caches were found and seized. Sometimes, these seizures were done jointly with MONUC, sometimes separately. Though tension developed between some MONUC officials and Nabyolwa over the manner in which these seizures were carried out, Nabyolwa never lost his zeal for repatriating as many Rwandan combatants as quickly as he could. Despite his conflicts with Chiribanya, Mirindi, & cie. he continued to give second chances to ex- RCD-G officers who would have been put in prison for treason in most armies.

Unfortunately, Nabyolwa overplayed his hand and MONUC failed to support him in his hour of need. 21 Feb 04, Nabyolwa went to the house of LCol Bahati following a tip about an illegal weapons cache. Bahati had fled and hidden the weapons in the house of his co-conspirator Maj Kasongo. MONUC had not been properly informed of this action. When the acting Chief of Staff of the Forward Ops Centre showed up with the Chief of the Human Rights Section, they were rudely received by Nabyolwa who felt they were trying to block him from dealing with a rebellion. Despite promises not to send Kasongo [condemned to death in absentia for Kabila’s murder] to Kinshasa, Nabyolwa put him on a plane 23 Feb. That same night, Nabyolwa’s Second in Command Col Mutebutsi [an ex-RCD-G Congolese Tutsi], instead of trying to deal with the issue through the military and political chain of command, assaulted Nabyolwa’s residence, killing two bodyguards . “Non-active” Tutsi officers [some of whom had served with the Rwandan Army] mysteriously appeared before the incident¹¹⁹. Had Mutebutsi attacked a superior officer in Rwanda, he would have probably been publicly executed with his accomplices the next day in the football stadium¹²⁰.

In Kinshasa, RCD-G Vice President Ruberwa threatened to pull out of the TG if Kasongo was not returned. The response of MONUC and the International Community to Mutebutsi’s mutiny and Ruberwa’s threat was weak to non-existent. Instead, it roundly criticized Nabyolwa’s “insensitivity” for sending Kasongo [a proven mutineer and agent of a foreign government] to Kinshasa. Senior MONUC leadership ignored the

dire situation in the East in its reports to UNHQ despite multiple warnings¹²¹. Not only did this make MONUC extremely unpopular, it also created an aura of impunity which led directly to the subsequent rebellion of Mutebutsi and Nkunda in late May – June 04. DDRRR and SSR in South Kivu immediately stopped. Some Mai Mai commanders had been reluctant anyway to lose the Rwandans who had fought alongside them, claiming to need them to fight the “Rwandan-Banyamulenge Third Rebellion”. Nabyolwa and MONUC had told them not to be ridiculous but since a Banyamulenge Second in Command tried to kill his superior Nabyolwa, a Banyamulenge Vice President refused to discipline him and MONUC did nothing about it, they refused to have anything to do with DDRRR. It is notable that the same Tutsi extremists and Rwandan officials who talk about lack of action on DDRRR and genocide are the same ones who attacked and got rid of the most effective commander *ever* for DDRRR [Congolese or Rwandan].

Mutebutsi was finally suspended but still in Bukavu with a bodyguard several hundred strong. Gen Budja Mabe came in as interim Military Region Commander but would not go out into the field to visit his commanders for fear of what might happen in his absence. At the end of April/beginning of May 2004: Chief of Operations Col Simba Hussein returned from training in Kinshasa. With Mabe’s blessing, he organized attacks on the FDLR on the Ruzizi Plain and surrounding hills. Two FDLR battalions were dislodged and 39 killed. The 10 MR lost 3 soldiers. Foreign combatants in retreat also killed fifteen civilians while raiding and looting villages during their withdrawal. This was the first time since Kamina that the FARDC actively took the fight to the Rwandan Armed Groups. Odd then that shortly afterwards, the Third Rebellion should begin, supported by Rwanda, claiming that Mabe, Nabyolwa and Hussein were plotting a genocide against the Banyamulenge and not taking action against the FDLR¹²². This destabilization campaign was denounced by the Banyamulenge’s own representative in the Transitional Parliament who clearly saw the efforts of the GoR and the RCD-G to stir up ethnic hatred in the East and the negative effects it would have on the Congolese Tutsi community¹²³. Those who had done nothing about the FDLR were attacking those who were. Gen Nkunda, a Congolese Tutsi who had formerly served in the Rwandan Army, was already accused of war crimes including the massacre of civilians and physically assaulting MONUC staff while in command of RCD-G troops in Kisangani in

2002¹²⁴. While commanding in North Kivu before the Transition, he had done nothing to deal with the FDLR. Though he had refused to serve in the new Congolese army and to take up his assigned position of Commander of the 8th Military Region [North Kivu], he “mysteriously” found the means to collect an army better equipped than the FARDC and attack Bukavu within the space of a few weeks¹²⁵. Further indicators that the GoR was actively behind the assault on Bukavu included prior sightings of Rwandan Army in the area and propaganda on Radio Rwanda¹²⁶. The troops of the 10MR put up a poor defense and MONUC troops did nothing until the fighting was actually going on in Bukavu when they helped MONUC civilian staff¹²⁷ to evacuate civilians from the fighting. Though he pretended to go because he had realized “there had been no genocide of Congolese Tutsis”, what finally made Nkunda leave was the threat of foreign intervention similar to that which had taken place in Ituri with Operation Artemis¹²⁸. The last thing the GoR wanted was to have the French Army on its doorstep - the only force to have ever defeated its forces in the field. Nkunda withdrew to the border between North and South Kivu where he continued to receive support for several months from both the GoR and its proxy administration in North Kivu¹²⁹. Mutebutsi’s followers dropped their weapons and fled into Rwanda, only to reappear, armed, trying to cross at Kamanyola into the Ruzizi Plain where they were joined by other Mutebutsi supporters from Uvira who arrived through Burundi with the help of its still Tutsi-dominated army¹³⁰. After several days of fighting, a few rounds of fire from a MONUC helicopter gunship encouraged them to return to Rwanda where the GoR considered them as “refugees”. Sadly, the International Community also de facto considered them as such and provided these war criminals with food and other supplies from UNDP, UNHCR and WFP even though: they had not renounced their combatant status, still had their uniforms, were located next to a Rwandan Army base and there was a history of RCD-G and Rwandan officials recruiting combatants from refugee camps before, during and after the crisis¹³¹. Elsewhere in the DRC, the lack of courage MONUC had shown since allowing Mutebutsi to attack his commander finally blew back in its face as angry Congolese attacked its offices all over the country¹³².

Because of this GoR-supported rebellion, the FARDC had to suspend its fight against the FDLR who took back territory they had been pushed out of. The Mai Mai

were once again pushed into their arms, suspecting MONUC of facilitating the Rebellion by repatriating their erstwhile allies. Other negative impacts included diversion of MONUC resources, evacuation of Milob sights, destruction of UN equipment, etc. It literally put back the repatriation of FDLR by years¹³³. The Banyamulenge - seriously overrepresented in South Kivu institutions before the Nkunda attack - were the big losers, especially RCD-G appointees who forfeited the positions and houses they had occupied since Rwanda first invaded in 1996. Mutebutsi and Nkunda's treachery inflamed tribalism, making life harder for ordinary Banyamulenge¹³⁴. Fortunately, Banyamulenge General Masunzu and his troops had stayed loyal to the TG, showing that there were many Tutsis who were not ready to be instrumentalized by Rwanda.

North Kivu

The Rwandan Army's hold on North Kivu was always stronger than in South Kivu. Despite officially withdrawing its forces in Oct 02, there was continued evidence of its presence¹³⁵. Perhaps not surprisingly, despite stronger RCD-G control over North Kivu [including Gen Obedi, the Tutsi Regional Commander close to Nkunda], there was far less official co-operation to return Rwandan combatants and evidence that some of those returned had been sent back to bolster Nkunda and Serufuli's forces¹³⁶. This was further complicated by the province's large Congolese Hutu population which makes it harder to spot foreign combatants. As with the M-40 in South Kivu, Rwanda had encouraged the creation of parallel Local Defense Forces by Hutu Governor Serufuli which could be used in subsequent attempts to de-stabilize the province or secede¹³⁷. Despite the second class status of Hutus in Rwanda, the GoR and its proxies put out much propaganda about the rest of the DRC being "anti-Rwandophone" [as opposed to the usual line about impending genocide against Tutsis] to evoke sympathy. MONUC DRRR there had to rely much more on intermediaries to convince combatants and their dependents to hand themselves in. Lured by the reintegration package, some turned out to be simple refugees or simply poor. However, this should not detract from the fact that thousands of legitimate combatants and their dependents *did* return this way. On the other hand, the actions undertaken by the "Mixed Brigades" following a

deal struck with Nkunda achieved next to nothing except to kill and displace more Congolese¹³⁸. Nkunda soon went back to fighting the democratically elected and internationally recognized GoDRC with absurd claims that the purpose of his rebellion and Rwanda's bellicosity is to fight the FDLR. There has been evidence of continued Rwandan military presence, press ganging combatants¹³⁹ and recruitment of refugees in Rwanda, especially child soldiers¹⁴⁰. 09 Nov 07, the GoDRC and GoR signed yet another internationally sponsored agreement recommitting themselves to all their previous engagements¹⁴¹. Essentially, the GoDRC is to militarily eliminate the "genocidal" FDLR and the GoR is to refrain from supporting rebel groups in the DRC. 24 Jan 08, the GoDRC, Nkunda's militia and other armed groups signed a new "Act of Engagement" involving a ceasefire and disengagement plan¹⁴². They also agreed to disarm, integrate the Army, respect human rights and cease relations with foreign groups. In return, there is supposed to be a plan for amnesty [excluding war crimes], and incentives for integration into the Army or civilian life. As acknowledged in the Nov 07 GoR/GoDRC text, the same elements have been offered to the same parties many times before¹⁴³. Each time, the GoR has continued to use Nkunda and others to undermine Congolese sovereignty in the hope of retaining control of the resource rich Kivus and the Congolese fell back into their habit of using the FDLR to do their fighting for them while the International Community sends insufficient and incapable resources. Meanwhile, hundreds of thousands of civilians suffer and die. Already, there have been several major problems in the implementation of the latest agreements which cast doubt on their ultimate chance of success¹⁴⁴.

Province Orientale [including the Ituri Region] and le Grand Nord

The conflict in the Ituri Region of Province Orientale and the "Grand Nord"¹⁴⁵ of North Kivu was almost like a war within a war: it involved most of the same big players but the game was slightly different. Despite the presence of the Sudanese People's Liberation Army [SPLA]¹⁴⁶, foreign armed groups were not considered a major factor and the rebel movements involved were not major contenders on the larger Congolese stage. This did not mean that there was no involvement by the GoDRC and particularly

the GoR and Government of Uganda [GoU]. Kisangani, the capital of Orientale Province, is the third most important metropolis in the DRC and a commercial center for the considerable economic resources of the north-east DRC. Rwanda was victorious over Uganda in their fight over its diamond trade in 1999-2000. Rwanda recently used its “soft power” [ex influence with the US & UK and its vice chairman of the African Union (Patrick Mazimhaka)] to secure the position of Deputy Force Commander for UNAMID, the new joint UN/AU force in Darfur. Besides other massacres and war crimes alleged against him during his career¹⁴⁷ [especially as chief of Rwandan Directorate of Military Intelligence], the designated general, Karenzi Karake¹⁴⁸, commanded Rwandan troops in Kisangani during the fighting with the Ugandan Army. The situation was so bad that a special UNSC resolution [S/RES/1304 (2000)] was passed to condemn these actions. The crimes, detailed in several UN reports¹⁴⁹, included: “indiscriminate shelling”, “systematic violations of international humanitarian law”, “civilian population terrorized and threatened through the use of hate radio campaigns that attempted to force people to leave the city”, “760 civilians killed”, “1,700 civilians wounded”, “65, 000 civilians fled to the forest”, “69 schools shelled”, “medical facilities damaged”, “cathedral damaged”, “land mines laid” -all “over control of the diamond industry”. As mentioned above, he has now been indicted by a Spanish court for war crimes.

Rwanda and Uganda later continued their fight through proxy militias. Besides the original “rebel” movements MLC and RCD-K-ML, both the GoR and GoU provided copious support to different competing ethnic militias such as the Front des nationalistes et intégrationnistes [FNI - “Nationalist and Integrationist Front”], the Forces populaires pour la démocratie au Congo [FPDC - “Popular Forces for Congolese Democracy”]; the Force de résistance patriotique en Ituri [FRPI – “Patriotic Resistance Force in Ituri”], Forces Patriotiques pour la Libération du Congo [FPLC: “Patriotic Forces for the Liberation of Congo”- the military wing of the Union des Patriotes Congolais (UPC) – “Union of Congolese Patriots”], its dissident wings UPC-K, the Parti pour l’unité et la sauvegarde de l’intégrité du Congo [PUSIC – “Party for the Unity and Safety of Congo”], and the Forces armées du peuple congolais [FAPC – “Armed Forces of the Congolese People”]¹⁵⁰. However, they had no possible national security argument

to support their encouragement of ethnic carnage, except the pillage it brought into the coffers of their respective military/political elites¹⁵¹. These movements sometimes changed patronage between Uganda and Rwanda, thus provoking some of the dissensions. Many of the commanders of these militias were given General Officer ranks in new Congolese Army, though several went back to their brutal ways and were subsequently arrested for war crimes. While attending a TPVM meeting in Kigali 08 Jan 03, the GoDRC Delegation noticed that the infamous Thomas Lubanga who is now in front of the ICC for recruitment of child soldiers¹⁵² was staying at the same hotel. Shortly thereafter, Ituri experienced an enormous amount of strife. Lubanga's Chief of Forces was a certain Bosco Ntaganda¹⁵³, an officer of Rwandan origin accused of numerous crimes against humanity. He is now Nkunda's Chief of Staff in his new war of destabilization in North Kivu. It is curious that just as MONUC was finally able to concretely start DDRRR following the Rwandan Army's withdrawal, the GoR started supporting a bloody ethnic conflict that sucked away most of MONUC's military and logistic resources, meaning that it would be another 8 months before any sizable military contingent would be available in South Kivu. The initial deployment of the EU Artemis Force¹⁵⁴ helped to stabilize the situation though it did not stay long. The referral to the ICC of Lubanga and now Germaine Katanga and Mathieu Ngudjolo Chui [commander of the FRPI]¹⁵⁵ which risk embarrassing testimony about Rwanda and Uganda's roles [added to Uganda's conviction before the ICJ for its crimes in the DRC¹⁵⁶] may have encouraged them to reduce their destabilization operations. The crimes against humanity these commanders are accused of, such as recruiting child soldiers and attacking civilians, could easily be applied to Nkunda, Mutebutsi or indeed most of the senior members of the GoR.

Burundi

There were initially several thousand Burundian combatants in South Kivu besides the Rwandans, mostly from the Forces pour la Défense de la Démocratie [FDD] along with a few hundred others mixed in with the Mai Mai. Initially, the Government of Burundi [GoB] did not accept ex-combatants at the border because the then Tutsi-led

government felt the returnees would be tallied for the Opposition in the composition of the new national army. MONUC Bukavu accumulated hundreds of the combatants and their families in a camp, some of whom eventually became restless and rowdy from the wait, even though the camps were not prisons. Simply throwing them back into the bush was not an attractive option since many would inevitably end up preying on the local population. Virtually all FDD went home in the months following the signing of a peace agreement in October 2003¹⁵⁷, though there was still much difficulty getting the new GoB to deal with combatants who were not members of a signatory group to the Agreement. This case clearly shows the huge superiority of a political solution over a costly, dangerous, long [and probably futile] attempt to remove every last combatant from a vast, mountainous and remote terrain. Currently, the only Burundian fighters “in the DRC” are a handful of Forces Nationales de Libération [FNL] who slip back and forth across the border either to pillage or after being chased. The FNL confessed to the attack on the Gatumba Refugee Camp [with mostly Congolese Tutsi victims] in 2004, though the pre-Transition GoB tried to blame it on the Mai Mai without any proof except an obviously forged document¹⁵⁸. Curiously, the GoR closed the border to MONUC traffic at the Kamanyola border just before the attack and seemed aware of it before anyone else. Burundian security forces located a few hundred meters away had done nothing to stop the massacre.

Uganda

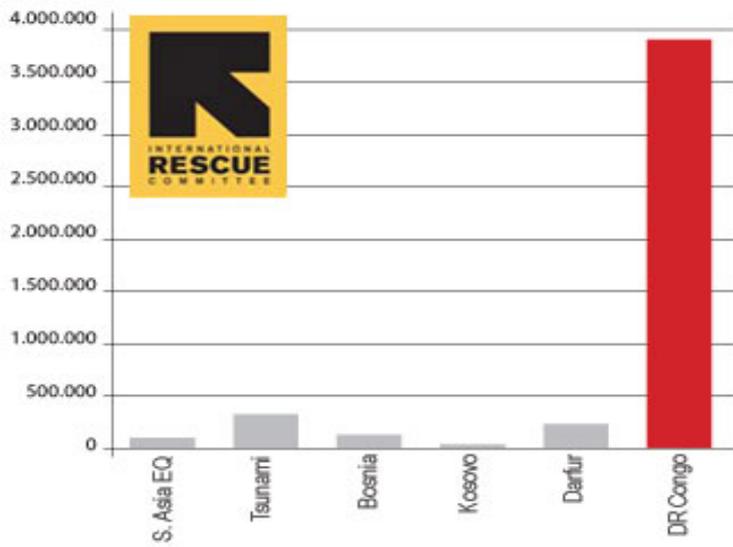
The Ugandan caseload was never as important as the Rwandan or Burundian one, and certainly did not justify Uganda’s occupation and pillage of the DRC – particularly when put in the context of the far more serious threat *inside* Northern Uganda posed by the Lord’s Resistance Army [LRA] which was massively recruiting child soldiers and committing massacres. Rwanda and Uganda had twice invaded the DRC in partnership to allegedly hunt down their respective rebels; but after falling out over the spoils of the Kisangani diamond trade, there was evidence that Uganda was supporting the FDLR against Rwanda¹⁵⁹ and credible testimony from an LRA officer¹⁶⁰ that the GoR had been providing resources and training to his group. The main group

remaining in the DRC is a body of several hundred Allied Democratic Forces/National Army for the Liberation of Uganda (ADF/NALU), most of which are believed to be Congolese. An attack against them starting 24 Dec 05 by FARDC supported by MONUC managed to kill 86 and displace the others but OCHA and UNICEF estimated 119,000 civilians had to flee the area in the process¹⁶¹. After the LRA did actually establish a small presence in Garamba National Park, MONUC special forces attacked 23 Jan 06 following repeated criticism from President Museveni. Eight UN peacekeepers died in the attack, and five were wounded¹⁶². It should be noted that, despite its horrendous behavior in the DRC, the GoU has generally shown itself more open to dialogue, free speech and the rule of law than the GoR. In Feb 08, it signed a ceasefire agreement with the LRA¹⁶³. A final version should be signed shortly. Complicating the agreement are the arrest warrants for LRA leader Joseph Kony and three of his lieutenants which the ICC says it will continue to pursue, for crimes in South Sudan as well as in Uganda¹⁶⁴.

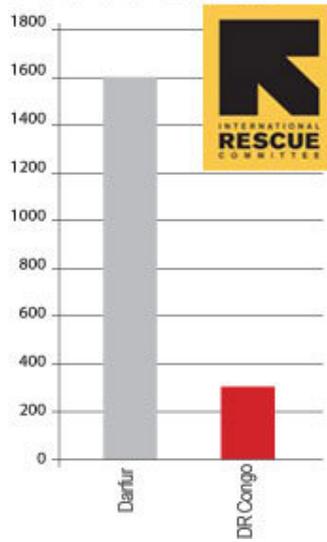
THE MEDIA – USES AND ABUSES

Communication is key in any conflict situation and peacekeeping mission, but particularly so in the DRC, [the size of Western Europe] and the Great Lakes Region of Africa with its history of propaganda campaigns to stir up ethnic tensions. The following graphs from the IRC show just how critical it is to “get the story out”. They give perspective to the tragedy in the DRC and the inadequacy of the International Community’s response, even though they do NOT include either the deaths from 1996-1998 or those from 2006 onwards¹⁶⁵. Presumably, taking action on more serious but less “fashionable” humanitarian catastrophes does not make one feel *as good* about oneself as the “cool causes”. It is particularly hard to motivate the International Community if reality clashes with mythic, “Hollywood” versions of the protagonists previously built up by the Media. Less serious crises attracted far more media attention AND far more resources from the International Community as a result:

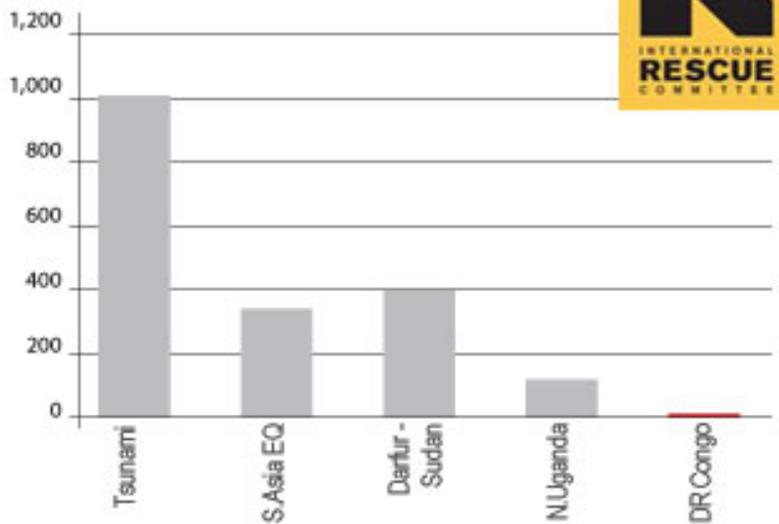
Total Deaths - Selected Disasters



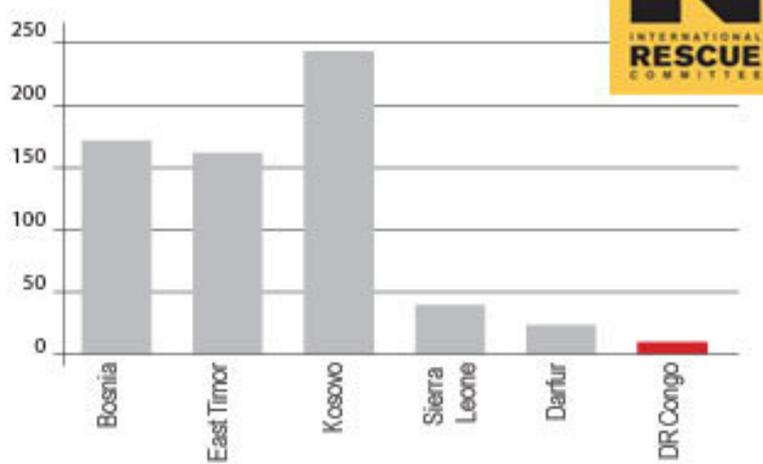
Press Coverage Articles Published on Humanitarian Issues, 2005



Distributions of Foreign Aid, 2005
 \$US per capita



Peacekeepers deployed
 per 10.000 Population (peak)



Radio Programming

Radio Okapi, a joint MONUC-Fondation Hironnelle effort, was created to provide the Congolese with a reputable nationwide radio network. When MONUC DDRRR did the reconnaissance for setting up its Eastern offices in Spring 2002, there was no security for field missions. The RCD-G and Rwandan Army made sure that it would not venture into the field by “refusing to guarantee security” [a veiled threat] or flat out refusing access. Therefore, a credible, independent radio program was needed to encourage combatants to come home. Since support from MONUC’s Public Information Office [PIO] was sporadic, it also needed to have its own dedicated staff. Lacking a budget at that time, with the help of the Director of Radio Okapi, USAID agreed to pay for a journalist recruited by the NGO Search for Common Ground. The “Gutahuka” [Kinya-rwanda for “Return”] program was a big hit, regularly cited by combatants in their decision to go home¹⁶⁶. Unfortunately, there was a technical problem with the short wave of Radio Okapi, so it did not reach all the combatant groups in Congo’s immense and rugged mountains. Since the Director of PIO did not consider fixing the problem a priority, DDRRR improvised with mobile radio stations deployed to temporary assembly areas once there were contingent troops to provide escort. Attempts were made to get the GoR to put out a pamphlet explaining their reintegration program, but they refused to issue a formal document; so DDRRR made its own after consulting the RDRC¹⁶⁷. Sadly, offers proposed to the Congolese Demobilization and Reintegration Authority [CONADER] to create a similar program to inform combatants and the population on Congolese DDR/SSR received no response at the time.

Radio monitoring

The GoU and especially the GoR frequently used hate media, as indicated in reports on the Aug 2000 fighting between their two armies over the Kisangani diamond trade¹⁶⁸. This tactic was subsequently used to inflame ethnic tensions in the Kivus, after the Rwandan Army “officially” left the DRC in the autumn of 2002. It was their own brazenness that made [some in] MONUC aware of the extent of the situation. After the

GoR or its proxies complained several times about hate messages on Congolese radio stations, Bukavu DDRRR used some of its interpreters to monitor the media. It also monitored Rwandan radio to see what *their* message was. As per earlier UN human rights reports, almost all the allegations about “hate messages” on Congolese radio related to reactions to the numerous human rights abuses committed by either the Rwandan Army or its Congolese proxies¹⁶⁹. The GoR frequently tried to stir up ethnic divisions in the DRC, either by pretending there was a genocide against Tutsis about to happen or preaching Rwandophone solidarity against the rest of the Congolese. Of course, they also had other means of pushing their agenda: especially gullible Western journalists and diplomats who parroted their official line.

WHY TALK WHEN YOU CAN GET SOMEONE ELSE TO FIGHT FOR YOU?

As General Sir Rupert Smith says in *The Utility of Force*, it is necessary to address the root causes of violence in order to “win the peace”¹⁷⁰. Both the DRC and Burundi have gone through laborious peace negotiations and dialogue which, despite many obstacles, have achieved enormous results. The main challenge remaining in the DRC is Nkunda who, with GoR support and encouragement, has continued to destabilize the East. Besides the quest for pillage, political repression in Rwanda and Uganda is a root cause for much of the conflict. Despite the clear failure of their own policies of aggression to achieve any progress on armed opposition in the DRC, the GoR and GoU manipulated diplomats, journalists and senior UN leadership to treat as a failure the voluntary return of the majority of foreign combatants in the DRC by MONUC¹⁷¹. Both governments got away with blatantly rigged elections, especially in Rwanda which has all the normal levers of a police state [climate of intimidation, total control of the security apparatus and almost total control of the media]. As mentioned above, Kagame has imprisoned and assassinated many of his political opponents since taking power¹⁷². President Museveni of Uganda also conveniently found a reason why his main opponent had to be arrested at election time, though his control is far less complete than Kagame’s. However, he must be commended for the genuine peace

negotiations he has entered into with the LRA and other armed groups. Even though Kagame maintains what is clearly a de facto apartheid state where one strains to find the token Hutu in management, he manages to get Western diplomats and the staff of International Financial Institutions to proclaim that Rwanda has a “no ethnicity” system while shamelessly putting the Congolese Tutsi community at risk by trying to pit them against other ethnic groups. He has managed to get the International Community to seriously consider using force to hunt down the FDLR in the bush despite the clear refusal of the GoR to engage in any serious political dialogue with opposition of any kind. Anyone who disagrees with the Regime is called a “genocidaire” or “sympathizer with genocidaires”. Starting in 2004 with the St. Egidio process in Rome, the FDLR condemned the Genocide and expressed their willingness to go home conditional on increased political openness¹⁷³. One can question whether all FDLR would have been truly open to this had there been a sincere response from the GoR. Rwandan Special Envoy to the Great Lakes Richard Sezibera was welcoming but most declarations, such as those of Foreign Minister Charles Murigande, promised that they would be arrested upon arrival. The GoR not only did not attend the talks, they intimidated the EU from being in the same room with the FDLR¹⁷⁴. A genuinely positive response probably would have had a good effect since, despite the negative reception; the process encouraged several hundred FDLR to return. An effort to create an Inter Rwandan Dialogue has been organized by the same NGO that brought the case against the RPF in Spain. Though attended by Hutus and Tutsis from inside Rwanda and the Diaspora, for obvious reasons, the GoR itself did not come to any of the meetings. The last one focused on rule of law, a highly inclusive Inter-Rwandan Dialogue and a Truth, Justice and Reconciliation Commission¹⁷⁵. The GoR attitude is especially troubling since a study by Harff¹⁷⁶ found that a country such as Rwanda, with a history of past upheaval, a minority elite, low trade openness, and autocracy has a high likelihood of incurring a genocide, especially if it already had one. Burundi also fit the pattern but its new political arrangements, if they can survive, will have lessened that.

CONGOLESE SECURITY SECTOR REFORM [SSR]

Almost completely ignored at first, the International Community has come to realize the importance of SSR in the DRC. A 2006 SG Report noted:

“...significant weaknesses in the training; equipping and other logistical support, in particular transportation; organization; leadership; fighting ability and, above all, the conduct of Congolese army units’ vis-à-vis the population.” ... “The valuable assistance received by FARDC so far from the international community needs to be continually increased and refocused to ensure that the Congolese troops are effective militarily and seen as a protector of the population. Progress on the military side of disarmament, demobilization, repatriation, resettlement and reintegration, and the entire exit strategy for MONUC, will be very difficult unless this issue is addressed in a fundamental and systematic manner.”¹⁷⁷

By the time the DRC’s TG was in place, the vast country was a patchwork of fiefdoms with multiple armies, militias, and police forces. With the exception of some leftovers from the corrupt Mobutu period [Ex-Forces Armées Zaïroises (Ex-FAZ)] and some rebels who had been part of the Rwandan or Ugandan armies, most combatants had little or no formal military training and were used to living off the population in one way or another. This did not stop commanders giving themselves grandiose ranks. In the East, Congolese rebels were totally under the domination of their foreign patrons, especially the RCD-G which took almost all its orders from Kigali. In this environment, speed was critical: combatants get used to being given things at the point of a gun and idle, hungry [ex]fighters are always a danger. UNDP and the World Bank were the “lead agencies”, though their institutional cultures make them inappropriate for rapid action¹⁷⁸. Compounding their own weaknesses, they placed excessive reliance on “national ownership” for a country coming out of decades of corruption and war. They were supposed to have put in place a “rapid response mechanism” by early 2003 to deal with groups already willing to disarm, but UNDP had no field presence until mid 2004 & no actual reaction mechanism until 2005 when the regular program was supposed to have already begun. The M-40 was routed by fellow Rwandan proxy RCD-G in Apr 03, following a battle for turf and influence. Despite lobbying efforts by MONUC DRRR,

nothing was done by the MDRP, UNDP or bilateral donors so many M-40 [including child soldiers] showed up as part of Nkunda's attack on Bukavu in June 04.

Another key failure was lack of reliable information on the combatants. Having accurate personnel records is key to having a good pay system. Having a good pay system is essential to having disciplined soldiers. Without discipline, soldiers are just thugs. A pilot project was successfully done in Bukavu in early 2004 to improve discipline and accountability, but follow up support proved difficult. Neither UNDP nor the Head of a foreign military cooperation project –based in Kinshasa - could understand the need for data on the client group or appreciate the discipline problems in the East. Finally, a joint FARDC-South African project began with British funding but it was seriously under resourced. In South Kivu, there was no support from MONUC military because the Brigade Commander did not feel like providing even a minimal security escort. DDRRR provided the only assistance in terms of vehicles, internet access, printing, etc. highlighting again the need for independent assets. It nonetheless proved useful in improving the security climate¹⁷⁹. Armed personnel in each site surveyed was half that originally predicted, allowing the government to double soldiers' pay without increasing the defense budget. Previously, much money was paid to non-existent troops, probably into the pockets of government and military officials. Troops also got ID cards which gave a better impression that the armed forces are accountable and under control. Another – biometric- census of the FARDC was paid for by the EU in 2007¹⁸⁰. When completed, every Congolese soldier will have an individual identity card that cannot be falsified, which will identify him by, among other things, his fingerprints. Another key part of the project is “Chain of payments”, started in 2006 and involving the appointment of account managers for each Integrated Brigade and paying agents at battalion level.

When DDR/SSR actually started, the few resources available were slow coming to the field, having been much diverted by corruption and mismanagement. Little effort was made to link up with the private sector [especially the mining industry] to find employment. As a result, demobilization and “brassage” centers¹⁸¹ became health and security hazards to the combatants *and* the population: some combatants died from easily preventable diseases and others preyed upon the neighboring population. Though

unplanned for, dependants inevitably followed combatants [the family's main source of revenue and protection] - putting additional strains on communities. Unsurprisingly, a number of combatants left the program or refused to join for those reasons alone or as a useful pretext. Militia leaders sent to Kinshasa to receive grounding in military doctrine and to be disassociated from their groups, were left largely without support; so they drifted back to the East secure in the conviction that without their own troops and patch of territory to tax, they would be nothing. Those responsible for planning the process rarely or never visited the East where the bulk of the problems were. Combatants waiting for brassage at Luberizi only started to get any real support when Gen Joana and his EUSEC team visited in June 05, saw the problems and started moving things in Kinshasa. International efforts have made much progress compared to 2004¹⁸², but even today after 3 years, similar problems persist to an unacceptable degree.

On the Police side, MONUC has been providing assistance for several years. The most recent MONUC report put the strength of its police component at 391 police trainers and six formed units (750, all ranks)¹⁸³. The EUPOL RD CONGO mission was officially launched April 05¹⁸⁴. A particular challenge exists in the East where in rebel controlled areas, there was almost no police to speak of except for [corrupt] traffic cops. Thus, such real policing as there was used to be done by the rebel militias and then the FARDC. Though much effort was rightly placed on preparing units for crowd control in the run up to the 2006 elections, it will take years of intense effort to establish a culture of rule of law and professionalism in the Congolese Police.

Part of the problem is that the international community [with the notable exception of China¹⁸⁵] has not realized the strategic importance of the DRC, so they have not given it the priority they should have. *The Iraq Study Group Report*¹⁸⁶ estimated that SSR in Iraq required advisors down to the company level. The professional situation of the security services in the DRC is *at least* as serious and requires similar resources. Resources currently being used to fruitlessly support the FARDC in attacking the remnants of the FDLR in the bush to make Rwanda happy could be better used in providing a root and branch rebuilding of the Congolese Security Sector, though they would have to be adapted for training [ex. with a higher proportion of NCOs]. Properly regulated and supervised private security companies may also be able to offer

assistance¹⁸⁷. Whether the mission should be separate or related to MONUC requires further study but it would have to be adequately resourced for such a massive task¹⁸⁸ and should regroup all the presently disparate international efforts under one command. Up to now, one of the reasons for the chaos in the DRC has been the lack of unity by international donors as the GoDRC plays one off against the other¹⁸⁹.

INTERNATIONAL COMMUNITY & MONUC ISSUES

Problems with the Deployment and Effectiveness of the Peacekeeping Force¹⁹⁰

The “Brahimi” Report¹⁹¹ noted in 2000 that developed countries still refused to participate in missions such as MONUC: troops were coming seriously under-equipped and untrained; with differing interpretations of command and control, rules of engagement, and mission requirements for use of force. A 2003 report raised the same problems of slow deployment, DDR, SSR, and strengthening rule of law in post-conflict environments¹⁹². Though many troops perform valiantly and well, it is not uncommon to find Troop Contributors and soldiers who act like state-owned corporations: i.e. mercenaries without any contractual or market discipline. The troop situation is not a purely military issue. It also affects the ability of civilian sections to do *their* duties. The first MONUC battalion in Goma did almost nothing. Its officers told UN Security that should anything serious take place; they would lock themselves down [and forget rescuing civilian staff]. They mostly just got into trouble. In Bukavu, there were initially no troops at all. The first company to arrive did good work providing support to civilian sections like Human Rights, Political Affairs and DDRRR - until it was replaced by a light battalion whose commander was not interested in anything except his own force protection. Another contingent arrived approximately a year late. Its first rotation spent almost the whole tour sitting in Kindu because the Rwanda-Uganda fuelled conflict in Ituri sucked up all MONUC’s air assets. They generally performed well but were insufficient for the large area of operations and suffered from varying quality due to internal personnel problems. “Uni-contingent” brigades arrived in 2004 for North and South Kivu. The idea was that their commanders would have better command and

control but their higher rank, increased number of troops and “unity” of command only seemed to increase the unwillingness of these commanders to listen to anyone else or provide support to the civilian sections actually driving the mission. In South Kivu, the Brigade Commander refused to support both registration and the brassage centers, preferring to run his own “centers” without consulting or harmonizing with other actors. Regimental administration often came before support to civilian sections and “doctrine” was used to avoid certain tasks. For example, units insisted that they did not deploy at less than platoon or company level - with air support - though all that was needed was a few token guards. This made it difficult to put together a patrol - especially when urgent situations arose - severely damaging MONUC’s credibility. Oversized patrols were cumbersome to work with. Many escorts only felt obliged to go from point A to B while the real mission was to observe along the way, spend time on the objective, talk to the population, etc. When that particular Brigade commander was away, things worked much smoother. One way to improve the situation would be to hire properly vetted private security firms under the direct control of UN Security who would work directly for the civilian sections. This would require rigorous contracts spelling out human rights and criminal responsibility. This would undoubtedly be far stricter than the almost non-existent responsibility currently exercised over national contingents¹⁹³.

Papering over with new organizations and agreements

One very disturbing and counterproductive phenomenon was the International Community’s penchant for constantly inventing new mechanisms to do the same thing as MONUC while taking advantage of its limited human and physical assets, thus making it more difficult for it to do *its* work¹⁹⁴. Though diplomats like announcing a new “mechanism for cooperation” [since they do not have to implement them], these are usually a poor substitute for addressing the root causes which made the previous mechanisms fail. Inevitably they end up as: at best, irrelevant and time consuming or worse, as destructive second guessers which hide other agendas and serve as tools to destroy the peace process. The Third Party Verification Mechanism [TPVM] was probably the worst. It was supposed to include both South African and UN officials and

integrate the opinions and interests of both; but the South African representatives treated MONUC's DSRSG contemptuously and acted unilaterally, usually to the detriment of the mission. They had a definite bias towards Rwanda and virtually never criticized its crimes and destabilization in the DRC. Mostly, they tried to set themselves up as competition for MONUC in the repatriation of foreign combatants. They would follow MONUC DDRRR around and try to bribe the Congolese militias to let them take the combatants instead of MONUC – not bothering to register them when they crossed into Rwanda. This caused problems later when the Congolese made accusations that some combatants were coming back – on their own or sent by the GoR to destabilize. Despite [or because of] the bribes, they were not very successful and eventually faded away after pursuing many incredible tales of “top genocidaires” wanted by the ICTR “who would give themselves up to TPVM with thousands of their supporters”¹⁹⁵. The Joint Verification Mechanism was a similar creation, supposed to be composed of joint Rwandan/DRC Teams supported by MONUC with the participation of the AU to investigate claims of DRC support to the Rwandan Armed Groups and of Rwandan support to Congolese insurgents. Despite much time and resources expended by MONUC, “of 22 alleged violations reported to the Joint Verification Teams before they ceased altogether to function, the teams managed to confirm only two”¹⁹⁶. The Tripartite Agreement¹⁹⁷ created in Oct 04 also aimed to increase cooperation and in Apr 05, a US sponsored Information Sharing Mechanism was established¹⁹⁸ which assumed that the parties would share intelligence with the others and international sponsors, but again, no “actionable intelligence” ever came out of it that was shared with MONUC¹⁹⁹. Despite the involvement of the International Community in the Nov 07 GoR/GoDRC agreement²⁰⁰, it is unlikely to be any more productive than past ones. Labelling the FDLR as “genocidal” does nothing other than to ensure that Western officials continue to let themselves be manipulated into bad options. Hardly any of the protagonists is any more innocent of “genocide” than the FDLR fighters out in the bush. The GoR itself has several times admitted ²⁰¹ that after the Rwandan Civil War, two invasions and occupation of Zaire/DRC, approximately 150,000 people who passed through Rwanda's prisons [most without trial] and 13 years in the Congolese bush, the FDLR contains few of the original “genocidaires”, though its members may have committed equally heinous crimes in the DRC [mostly against Congolese]. Sezibera has even admitted that some

members of the FDLR could join the Rwandan Army²⁰². If the FDLR is truly a “genocidal organization” then it is bizarre that its former leader Ruarakabije has been given a general’s position in the current Rwandan Army [though without any real responsibilities]. Besides stopping Western rewards for bad behaviour, by far the cheapest and only long term solution is to achieve some true openness and political dialogue in Rwanda’s apartheid police state. The one potentially interesting bit of the Agreement is to allow some FDLR “not wanted for genocide” to disarm and move away from the border. Whether they would trust the Parties and realistically consider this in the current circumstances is open to question.

CONCLUSIONS

Because of its size, population, centrality and resources, the DRC has huge strategic importance. The situation that began with the Ugandan-supported RPF invasion of Rwanda and culminated in over ten years of invasion and destabilization of the DRC by those two rogue states is by far the most important humanitarian disaster of our time and yet one of the least mediatized. To resume in a nutshell what the situation in the DRC has taught us:

1. Though elements of force are important, it was ultimately political dialogue followed by free elections [“democratic peace”] that brought significant progress to Burundi, the DRC and now Uganda. Millions of people would be alive today, decades of development assistance would have been saved and billions less spent on peacekeeping if only the International Community had the courage to follow that policy when Rwanda, Uganda et al first invaded the DRC in 1996. We must concentrate on addressing the sustaining elements of conflict like illegal exploitation of economic resources and political oppression besides reaching for a gun. As per President Teddy Roosevelt’s maxim, “speak softly and carry a big stick...”

2. Rewarding brutal, repressive and corrupt regimes who invade their neighbors is a force multiplier for poverty and insecurity. Donors must stop providing

development and military assistance to warlords, no matter how good they are at speaking the right buzz words to the development community. This includes international institutions like the World Bank, IMF and UN Department of Peacekeeping Operations which should stop hiring indicted war criminals to “protect civilians”.

3. Stopping the conflict will probably involve securing the natural resources fueling it.

4. Rebuilding shattered societies takes a long time - often decades. Large movements of armies in Africa inevitably cause distress regardless of whose side they are on. The effects of war are felt long and deeply after the conflict has finished - so speed of action is essential to limit the damages and start the rebuilding as soon as possible. It is far cheaper in the medium and long term even if it costs more money up front.

5. Security Sector Reform, including Demobilization and Reintegration must be among the first practical steps to peace. Combatants left lying around will inevitably get up to no good, so dealing with them at the usual pace of development agencies is unacceptable.

6. Though it will not solve the conflict, a highly mobile & professional international force can nip massacres in the bud. Eventually, simply the credible threat of such an intervention will act as deterrent. NOTE, however, that this does not mean cobbling together a regional force of war criminals.

7. We need to sensitize the people in the world who *have* the means to do something [intelligent] about the plight of the people most in need. Modern communication plans must address all target audiences in order to shape the environment as much as possible: the parties, the people, the donors, and the larger international public.

8. There is need for greater professionalization of peacekeeping and peacebuilding. We need to look at who does what better. This is more about effective use of resources and speed of reaction than trying to buy the cheapest pencil. Most critical is

proper personnel and contingent management, including alternate providers where appropriate, better use of local staff and paying more to hire/retain the best talent. In particular, serious thought should be given to hiring private firms under the control of UN Security to provide close protection to civilian sections, freeing up contingents for larger scale tasks.

9. To properly evaluate situations, there is a need for technical specialists who can give senior leadership the most objective metrics possible to make informed decisions. Every mission should therefore have economists on staff and capacity for obtaining independent performance reviews.

10. Finally, but not least, we must do more than “pretend to care”. Moral courage and leadership from senior field staff and world leaders is critical.

RECOMMENDATIONS

Regarding War Crimes:

1. The actions of Rwanda, Uganda and the DRC need to be seen for what they are. There are enough objective facts and statistics out there to make a case against the top culprits.
2. Hopefully, UNHCHR will finally conduct a proper, if belated investigation into the killings in the DRC since 1993.
3. The ICC needs to look at who supported Thomas Lubanga, Germaine Katanga and Mathieu Ngudjolo Chui.
4. All development aid in any form to Rwanda and Uganda must be subject to good behavior towards the DRC and political openness at home.
5. Rwanda must be pressured to hand over war criminals to the DRC or ICC such as Laurent Nkunda, Jules Mutebutsi and their supporters.
6. Rwanda and Uganda should also be made to pay at least symbolic reparations to their victims in the DRC. If necessary, donors can explicitly deduct this from their assistance to those countries.
7. At the very least - “smart sanctions” should be imposed against the leaderships of Rwanda and Uganda.
8. Both multilateral and bilateral donors should adopt a Donor’s Charter which stipulates as a minimum that:
 - They will NOT give development aid to a country that wages war against its neighbors;
 - They will NOT give development aid to a country which commits widespread human rights against its own population;

- They will NOT give development aid to a country with massive corruption;
- If these criteria are not respected, and development aid is halted, the humanitarian aid must also be critically evaluated;

It is imperative that donors be held publicly accountable for failing to follow these guidelines, if not in the courts, then at least before public opinion. If donors feel guilty about cutting off aid; they can donate equivalent amounts to global funds targeting diseases such as Malaria and AIDs.

Regarding Mechanisms by the International Community to Achieve Concrete Progress in Building Capacity in the DRC

1. MONUC should focus on protecting the population rather than hunting Foreign Armed Groups.
2. Contain the Foreign Armed Groups and gradually deny them resources while pressuring them to lay down their arms, hopefully by dialogue with their home countries.
3. Open dialogue with the non-violent opposition in Rwanda and Uganda.
4. Set up a significantly resourced mission focused on SSR that regroups all international efforts;
5. Set up a significantly resourced mission focused on improving governance that regroups most international efforts;
6. Expect these missions to be there for a sufficiently long time to get the job done – probably at least ten years in the case of the DRC.
7. Use the appropriate agencies for a conflict/post-conflict situation. UNDP and the World Bank should NOT be involved in anything requiring speed such as SSR.
8. Identify key tipping points such as natural resources or failures in the security system upon which the success will depend

9. Focus on leadership in peacekeeping/peacebuilding: moral character and experience in conflict situations should take precedence over political horse trading and quotas.

10. The EU and other developed countries should set up a brigade sized rapid reaction force, if possible with participation from African democracies with strong armies [ex. Ghana, South Africa] to respond to critical threats [ex. reinvasion by Rwanda]. If the situation becomes calm enough, such a rapid reaction force could serve several missions at the same time.

1 Source for the map: http://en.wikipedia.org/wiki/Democratic_Republic_of_the_Congo Accessed 8 Apr 06.

2 Estimates for the Rwandan genocide usually range from 500,000 to 800,000. Demographer William Seltzer estimates the figure at 657,000 – SEE Human Rights Watch. “Numbers” <http://www.hrw.org/reports/1999/rwanda/Geno1-3-04.htm> Accessed 14 Apr 06. According to the UN News Centre, deaths in Darfur are so far estimated to be approximately 400,000 - SEE “Annan welcomes extension of African Union mission in Darfur” at www.un.org/apps/news/story.asp?NewsID=19948&Cr=sudan&Cr1=# Accessed 02 Nov 07. The Congolese (direct and indirect) death toll from 1998 to 2007 is 5.4m and counting according to the International Rescue Committee [IRC] mortality survey, making it the deadliest since the Second World War. SEE “Mortality in the Democratic Republic of Congo: An ongoing crisis” Accessed 24 Jan 08 at http://www.theirc.org/resources/2007/2006-7_congomortalitysurvey.pdf NOTE that this does not include the huge amounts of people killed during the first Rwandan orchestrated AFDL invasion in 1996 [SEE BELOW Note 22], where at least 213,000 Rwandan Hutu refugees disappeared which does not include the countless Congolese who also lost their lives.

3 “Killing Them Softly-Has Foreign Aid to Rwanda and Uganda Contributed to the Humanitarian Tragedy in the Democratic Republic of Congo?” in the Africa Policy Journal [Produced by Harvard University Kennedy School of Government], Spring 06, Vol. 1 at <http://www.ksg.harvard.edu/kssgorg/apj/>

4 SEE for ex. Rummel, R.J. Power Kills: Democracy as a Method of Nonviolence. Transaction Publishers [New Brunswick - NJ, USA: 1997] AND Ray, James Lee. “Does Democracy Cause Peace?” Annu. Rev. Polit. Sci. 1998.1:27-46. Accessed from arjournals.annualreviews.org 31 Mar 08.

5 Reprised from “Killing Them Softly...” Op cit.

6 SEE Che Guevera’s memoirs of his time in the eastern Congo during the 1960’s. Guevera, Che. The African Dream: The Diaries of the Revolutionary War in the Congo. Harvill Press: July 2000.

7 =Government of the Democratic Republic of Congo

8 Goma is the capital of the Province of North Kivu, which borders on Rwanda and has a large minority of Rwandophones, especially Hutus.

9 Mai Mai (also spelt “Mayi Mayi”) are traditional Congolese self defense militias, particularly active in the Eastern Congo. Generally, they are locally based though as the latest war went on, they received equipment from the Government in Kinshasa and gradually adapted more formal military structures. As part of the agreement that ended the war, they were included in the Transitional Army (“Forces armées de la république démocratique du Congo”: FARDC).

10 SEE “Letter Dated 23 July 1999 From the Permanent Representative of Zambia to the United Nations Addressed to the President of the Security Council” - ANNEX: “Ceasefire Agreement”. S/1999/815.

11 Mission des Nations Unies en République Démocratique du Congo [United Nations Organization Mission in the Democratic Republic of the Congo]

12 SEE "Memorandum of Understanding between the Governments of the Democratic Republic of Congo and Rwanda on the Withdrawal of the Rwandan Troops from the Territory of the DRC and the Dismantling of the Ex-FAR And Interahamwe Forces in the DRC" - 30 Jul 02. SEE ALSO "Memorandum of Understanding for an Agreement between the Governments of the Democratic Republic of the Congo (DRC) and the Republic of Uganda on Withdrawal of Ugandan Troops from the DRC, Cooperation and Normalisation of Relations between the Two Countries" Done at Luanda, Angola 15 Aug 02.

13 For Rwanda, SEE BELOW Note 15. In the case of Uganda, SEE for Ex: Berghezan, Georges [Coordinator]; Mwanawavene, Roger Kasereka; Bahete, Nestor Bauma; Bilali, Charles Nasibu. "Trafic d'Armes : Enquête sur le Terrain au Kivu (RDC). "Groupe de Recherche et d'Information sur la Paix et la Sécurité [GRIP] 2006/04 accessed 28 Oct 2007 at www.grip.org SEE ALSO AFP in Jeune Afrique : "12 miliciens tués, 2 Casques bleus blessés dans des combats en Ituri" 7 Oct 06.

14 SEE Dialogue Inter-Congolais – Sun City, 25 février au 19 avril 2002. SEE ALSO Texte des Résolutions Adaptées. Accord global et inclusive sur la transition en République Démocratique du Congo, du Mémorandum additionnel sur l'armée et la sécurité, signés respectivement le 17 décembre 2002 et le 06 mars 2003 à Pretoria et de la Constitution de la transition.

15 SEE "Letter dated 11 February 2008 from the Chairman of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo addressed to the President of the Security Council - Final report of the Group of Experts on the Democratic Republic of the Congo". S/2008/43 Distr. 13 Feb 08. AND "Letter dated 16 July 2007 from the Chairman of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo addressed to the President of the Security Council - Final report of the Group of Experts on the Democratic Republic of the Congo, pursuant to Security Council resolution 1698 (2006)". S/2007/423 Distr.: 18 Jul 07 AND International Crisis Group [ICG] "Congo: Bringing Peace To North Kivu: Africa Report N°133" – 31 Oct 07 Accessed 03 Nov 07 at http://www.crisisgroup.org/library/documents/africa/central_africa/133_congo___bringing_peace_to_north_kivu.pdf SEE ALSO Trafic d'Armes : Enquête sur le Terrain au Kivu Op cit. SEE ALSO Maiko, Prince. «Nkundabatware fait appel aux troupes rwandaises après l'expiration du dernier ultimatum des FARDC" in l'Avenir cited in DigitalCongo.net 03 Nov 07 Accessed 06 Nov 07 at <http://www.digitalcongo.net/article/47878#> ENOUGH. "ENOUGH Field Update for Eastern Congo "July/August 2007 Accessed 28 Oct 07 at http://enoughproject.org/reports/pdf/congo_august07.pdf REGARDING child soldiers recruited in Rwanda, SEE "Report of the Secretary-General on children and armed conflict in the Democratic Republic of the Congo". S/2007/391. Distr. 28 Jun 07.

16 SEE "Twenty-third report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo"- S/2007/156 Distr. 20 Mar 07, paras 2-11. Para 3 : "National and international observer missions, including those of the African Union, the European Union, South Africa and the Carter Center, widely regarded the elections as technically sound, transparent and credible." SEE ALSO Carter Center Report on DRC Elections Accessed 27 Oct 07 at http://www.cartercenter.org/countries/democratic_republic_of_congo.html?printerFriendly=true

17 SEE for ex. BBC. "DR Congo rebels go on trial" Tuesday, 18 Feb 03. Accessed 18 Mar 08 at <http://news.bbc.co.uk/1/hi/world/africa/2775569.stm> AND Griswold, Eliza . "The truth behind the cannibals of Congo". Independent, The (London): 26 Mar 04 accessed 18 Mar 08 at http://findarticles.com/p/articles/mi_qn4158/is_20040326/ai_n12775693 This led to the surreal spectacle in Bukavu in 2004 of Bemba [pre]"campaigning" with a pygmy in tow to prove that there was at least one which his troops had not eaten....SEE Agenzia Fides . "Africa/Democratic Congo – Bukavu main town in eastern Congo hub of political activity. Tomorrow Bukavu commemorates Archbishop Munzihirwa murdered in 1996". 28 Oct 04 righe 38 parole 493 Accessed 18 Mar 08 at http://www.fides.org/eng/news/2004/0410/28_3409.html

18 SEE AFP. "La RD Congo proteste après la mort de six congolais tués par la marine ougandaise". 26 Sept 07. Accessed 30 Oct 07 at http://www.jeuneafrique.com/jeune_afrique/article_depeche.asp?art_cle=AFP12057lardcesiadn0# SEE ALSO Radio Okapi. "Arusha : Museveni et Kabila déterminés à changer l'image de l'Afrique noire"10 Sept 07 accessed 27 Oct 07 from <http://www.radiookapi.net/index.php?i=53&a=14478&sm=1&lm=10&s=Museveni&tbl=9&of=0>

19 IRC. Mortality Survey Op cit.

20 "IRC Study Shows Congo's Neglected Crisis Leaves 5.4 Million Dead: 22 Jan 2008 - Peace Deal in North Kivu, Increased Humanitarian Aid Security Seen as Critical to Reducing Death Toll" accessed 23 Jan 08 at <http://www.theirc.org/news/irc-study-shows-congos0122.html>

21 IRC Mortality Survey Op cit. p20 The Report refers to two sources: 1) Centre for the Research on the Epidemiology of Disasters. Complex Emergency Database (CE-DAT). <http://www.cedat.be/CEDAT/search/advsearch.php> Accessed 25 Oct 07 AND 2) Ghobarah HA, Huth P, Russett. "The post-war public health effects of civil conflict". Soc Sci Med 2004;59:869–884

22 SEE Human Rights Watch World Report 1998 –Democratic Republic (Formerly Zaire) p2 downloaded from www.hrw.org/worldreport/Africa-04.htm#P394_99843 Accessed 04 Dec 05.

23 AFDL is the Alliance of Democratic Forces for the Liberation of Congo, a front group widely considered to have been created and controlled by the Rwandan government. Pomfret, John. "Rwandans Led Revolt In Congo". Washington Post , 09 Jul 97 <http://www.washingtonpost.com/wp-srv/inatl/longterm/congo/stories/led070997.htm> Accessed 17 Mar 06.

24 Banyamulenge are Congolese Tutsis living in South Kivu, though the term is often used to refer to all Tutsis living in the DRC.

25 The Rwandan Defense Forces (RDF) were called the Rwandan Patriotic Front (RPF) when they first invaded Rwanda from Uganda before the genocide. After taking power, they became the Rwandan Patriotic Army (RPA) and changed their name again around 2000. In many articles, the old names are used

26 Letter dated 29 June 1998 from the Secretary General addressed to the President of the Security Council. S/1998/581.

27 "UN probes 10 years of Congo slaughter" Guardian Unlimited: Sunday 04 Nov 07 Accessed 05 Nov 07 at <http://observer.guardian.co.uk/world/story/0,,2204798,00.html> As of Mar 08, there was still no official press release on the mapping project, though it had been mentioned in briefings to the UN Human Rights Council SEE UN Office of the High Commissioner for Human Rights [UNOHCHR]- Human Rights Council. "Council Discusses Report on Democratic Republic of Congo, Reviews Mandates on Right to Food, Rights of Indigenous People". UN Press Release: 26 Sept 07 Accessed 18 Mar 08 at <http://www2.ohchr.org/english/press/newsFrameset-2.htm> AND UNOHCHR. "High Commissioner Highlights Importance of System of Independent Investigators Civil Society Participation and Universal Review of Rights Records at Human Rights Council: Address by Louise Arbour, UN High Commissioner for Human Rights, on the occasion of the 5th Session of the Human Rights Council". Press Release: 11 Jun 07 – Geneva. Accessed 18 Mar 08 at <http://www.unhcr.ch/hurricane/hurricane.nsf/0/6176C250277012AAC12572F70030248B?opendocument>

28 Olson, Mancur. The Rise and Decline of Nations: Economic Growth, Stagflation, and Social Rigidities. Yale University Press: New Haven and London, 1982. p 315.

29 Jervis, Robert. "Cooperation Under the Security Dilemma" in World Politics: Jan 78, pp170-179.

30 OECD [Organization for Economic Cooperation and Development]. The DAC [Development Assistance Committee] Guidelines: Helping Prevent Violent Conflict. Paris: OECD, 2001 .- p 73 and p90 ss..

31 For exact figures see World Development Indicators web.worldbank.org or see "Killing Them Softly..."Op cit.

32 "Killing Them Softly..." Op cit: Numbers from these calculations came from a number of different sources [quoted in the article] but the most important were "Letter dated 12 April 2001 from the Secretary General to the President of the Security Council - Report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of Democratic Republic of Congo" S/2001/357 Distr. 12 Apr 01. AND Willum, Bjorn. Foreign Aid to Rwanda: Purely Beneficial or Contributing to War? Dissertation delivered on 22 Oct 01 for the Candidate Degree in Political Science at the Institute of Political Science, University of Copenhagen. Accessed from www.willum.com 04 Dec 05.

33 SEE for ex. "Letter dated 15 July 2004 from the Chairman of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo addressed to the President of the Security Council S/2004/551 Distr. 15 Jul 04 .

34 SEE "Letter dated 25 January 2005 from the Chairman of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo addressed to the President of the Security Council" S/2005/30 Distr. 25 Jan 05 paras 199-205.

35 Most recent figures available from the OECD show that ODA to Rwanda went up from 335m USD in 2003 to 488m in 2004 to 576m in 2005. Figures for Uganda are 978m in 2003 to 1198m in 2004 and the same again 2005. Figures for the DRC [a country

several times the size of the other two combined in terms of population and territory- still wracked by the pillaging and destabilization of its neighbors] were 5416m in 2003, dropping to 1824 in 2004 and rising slightly to 1828 in 2005. Source OECD taken from OECD and World Bank. Accessed 26 Oct 07 at http://www.oecd.org/countrieslist/0,3351,en_33873108_33844430_1_1_1_1_1,00.html

36 Foreign Aid and the National Interest Op cit., p51.

37 "Memorandum of Understanding Between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of Rwanda" - 13 Feb 06. Accessed 27 Jan 08 at <http://www.dfid.gov.uk/pubs/files/rwanda-mou-2006.pdf>

38 As per XE Online Currency Converter 28 Jan 08 <http://www.xe.com/ucc/convert.cgi>

39 Ibid.

40 SEE "Joint Assistance Strategy for the Republic of Uganda (2005 - 2009)" involving Partners: African Development Bank; Austria; Belgium; Denmark; European Commission; Germany; Ireland; The Netherlands; Norway; Sweden; UK Department for International Development; The World Bank accessed at <http://www.dfid.gov.uk/pubs/files/joint-assistance-strat-uganda.pdf>

41 SEE Profile of the Office of the President –African Development Bank Group accessed 27 Jan 08 at http://www.afdb.org/portal/page?_pageid=473,968715&_dad=portal&_schema=PORTAL

42 Besides the sources cited below, SEE US Department of State. Country Reports on Human Rights Practices - Appendix E: Economic and Security Assistance. from www.state.gov/g/drl/rls/hrrpt/ Accessed 14 Apr 06.

43 Associated Press. "U.S. and Rwanda sign first ever deal on military cooperation". 13 Jul 05.

44 Human Rights Watch World Report 1998 Op cit. See also Madsen, Wayne. "Prepared Testimony and Statement for the Record of Suffering and Despair: Humanitarian Crisis in the Congo before the Subcommittee on International Operations and Human Rights Committee on International Relations." United States House of Representatives Washington, DC 17 May 01 Articles for Publication\US Role in Central Africa\Madsen testimony on US in Central Africa1993 to 1999.htm SEE ALSO Snow, Keith Harmon. "Rwanda's Secret War: US-Backed Destabilization of Central Africa" downloaded from Global Policy Forum at www.globalpolicy.org/security/issues/congo/2004/1210 Accessed 04 Dec 05).

45 Willum, Gunnar. "500,000 Refugees Disappeared in One Day". Information (Denmark) 25 July 2000. willum.com Accessed 04 Dec 05. See also Willum, Bjorn. Foreign Aid to Rwanda: Purely Beneficial or Contributing to War?, Oct 01, pp 11-17. www.willum.com Accessed 04 Dec 05.

46 Counter-Terrorism [Deny Terrorist Sponsorship, Support and Sanctuary]: 100,000 USD; Stabilization Operations & Security Sector Reform: 380,000 = Destruction & Security of Conventional Weapons [40,000]+ Defense, Military, and Border Restructuring, Reform and Operations [340,000]; Transnational Crime [Trafficking-in-Persons and Migrant Smuggling]: 250,000; Conflict Mitigation & Reconciliation: 1.3m USD = Conflict Mitigation [92,000] + Peace and Reconciliation Processes [958,000] + Program Support (Conflict) 250,000. Congressional Budget Justification Foreign Operations Fiscal Year 2008. Pp 291-292. Accessed 09 Jan 08 at <http://www.state.gov/documents/organization/84462.pdf>

47 Counter-Terrorism: 27,000 USD; Stabilization Operations and Security Sector Reform: 283,000; Transnational Crime: 500,000; Conflict Mitigation and Reconciliation: 1.3m. Congressional Budget Justification Foreign Operations Fiscal Year 2009. Pp 227-230. Accessed 17 Mar 08 at <http://www.state.gov/documents/organization/101368.pdf>

48 As per Congress Budget FY 2009 Op cit. p227 which does not give a breakdown. The previous [2008 Request] listed: Counter-Terrorism [Deny Terrorist Sponsorship, Support & Sanctuary]: 150,000 USD; Stabilization Operations & Security Sector Reform 2,900,000 USD= Disarmament, Demobilization & Reintegration (DDR) [1,900,000] + Immediate Protection of Civilians in Conflict [500,000] + Law Enforcement Restructuring, Reform & Operations [500,000]; Transnational Crime [Trafficking-in-Persons and Migrant Smuggling]: 200,000; Conflict Mitigation & Reconciliation: 1,500,000 USD= Conflict Mitigation [192,000] + Peace & Reconciliation Processes [641,000] + Program Support (Conflict) [667,000]. Congress Budget FY2008 Op cit. p 291-292.

49 Congress Budget FY2009 Op cit. p227. Counter-Terrorism: 150,000 USD; Stabilization Operations and Security Sector Reform: 2.9m; Transnational Crime: 200,000; Conflict Mitigation and Reconciliation: 1.5m.

50 Congress Budget FY2009 Op cit pp 862 & 871. The figures for the other fiscal years [accessed via reports on the main website - <http://www.state.gov/s/d/rm/rls/cbj>] are: 2004: 298,000 USD; 2005: 296,000 (as per "Congressional Budget Justification-II.

Request By Region 2007". p310. Accessed 09 Jan 08 at <http://www.state.gov/documents/organization/60651.pdf>]; 2006: 288,000 USD [as per Congress Budget FY2008 Op cit] ; 2007: 324,000 [As per Congress Budget FY2009 Op cit p 853]; The equivalent figures for Uganda [from the same sources] are: 2004: 371,000; 2005: 293,000 ; 2006: 340,000; 2007: 283,000;

51 Ibid. The equivalent figures for Uganda [from the same sources] are: 2004: 371,000; 2005: 293,000 ; 2006: 340,000; 2007: 283,000.

52 Numbers of Rwandan officers trained under IMET are: 1997: 14; 1998: 23; 1999: 52; 2000: 8; 2001: 0; 2002: 0; 2003: 49; 2004: 57; 2005: 2006: 108; 2007: 98 [Req.]. The Ugandan figures for the same period are: 1997: 24; 1998: 22; 1999: 20; 2000: 18; 2001: 0; 2002: 0; 2003: 6; 2004: 51; 2005: 90, 2006: 72; 2007: 60 [Req]. For years 1997 to 2006, SEE "Foreign Military Sales, Foreign Military Construction Sales and Other Security Cooperation Historical Facts as of 30 September 2006" [Foreign Military Facts 2006] pp122 and 123. Accessed at <http://www.dsca.mil/programs/biz-ops/factsbook/FactsBook06.pdf> SEE ALSO US Congressional Budget Justifications - Military Assistance: International Military Education and Training, Foreign Military Financing, Peacekeeping Operations. Confirmed figures can be found for a specific year in the report for the FY two years hence. Accessed 09 Jan 08 at <http://www.state.gov/s/d/rm/rls/cbj>.

52 FY2008 Congressional Budget Justifications – Errata P37. Accessed 09 Jan 08 at <http://www.state.gov/documents/organization/84439.pdf>

53 Request By Region 2007. Op cit. p311

54 Congress Budget FY2008... Op cit. p102

55 Jim Fisher-Thompson [USINFO Staff Writer] "U.S. Military Training Program Benefits African Peacekeepers: State Department official cites success of 10-year, 19-nation partnerships" 20 Mar 07. Accessed 29 Jan 08 at <http://www.globalsecurity.org/military/library/news/2007/03/mil-070320-usia04.htm>

56 As part of this supplemental the Administration requests transfer authority from the Contributions for International Peacekeeping Activities (CIPA) account to the PKO account. Congress Budget FY2008 Op cit. p134. NOTE that in 2005, 7.25m USD was put aside for Rwandan participation in the [then] AU Mission in Darfur. Foreign Military Facts 2006 Op cit. pp 84 & 89.

57 SEE Baker, Peter. "Bush Stopover In Rwanda Evokes Darfur - President 'Comfortable' With Action on Sudan" Washington Post: 20 Feb 08. p A09. Accessed at <http://www.washingtonpost.com/wp-dyn/content/article/2008/02/19/AR2008021902926.html?wpisrc=newsletter> AND Stolberg, Sheryl Gay. "In Rwanda, Bush Mourns 2 Conflicts" New York Times: 20 Feb 08. <http://www.nytimes.com/2008/02/20/world/africa/20prexy.html?th&emc=th>

58 Request By Region 2007. Op cit. p335.

59 The official web site the Ugandan Ministry of Foreign Affairs stated that specific areas of British assistance in 2004/05 were "education, civil service, transport, health, judiciary, defence, and police." <http://www.mofa.go.ug/FYAchievements.php> Accessed 14 Apr 05. Curiously, we could no longer find the same such link in Jan 08.

60 British Foreign & Commonwealth Office. "Building African Institutions" Accessed 23 Feb 08 at <http://www.fco.gov.uk/servlet/Front?pagename=OpenMarket/Xcelerate/ShowPage&c=Page&cid=1094236373301> For constitutive documents regarding EASBRIG, SEE Intergovernmental Authority On Development (IGAD). "Draft Protocol for the Establishment of The Eastern Africa Standby Brigade (EASBRIG)". Jinja, Uganda 13-17th Feb 04. Coordinating Office: IGAD Secretariat, P.O. Box 2653, Djibouti, Republic of Djibouti Tel. (253) 354050; Fax: (253) 356994/356284; E-mail: Igad@intnet.dj Accessed 23 Feb 08 at http://www.iss.org.za/AF/RegOrg/unity_to_union/pdfs/igad/easbrigfeb04prot.pdf SEE ALSO Eastern Africa Standby Brigade. "Decision of the First Assembly of Heads of State and Government on the Establishment of The Eastern Africa Standby Brigade (EASBRIG)" [Doc. EASBRIG / AHG / 1 / 05]. First EASBRIG Assembly Of Heads Of State And Government. 11 Apr 05: Addis Ababa, Ethiopia. Accessed 23 Feb 08 at http://www.iss.co.za/af/RegOrg/unity_to_union/pdfs/igad/easbrig/sumdec1apr05.pdf

61 According to official US Policy: "EDA enables the US to meet foreign policy objectives while supporting friends and allies in improving their defense capabilities. EDA may be sold to any country eligible to purchase defense articles or provided on a grant basis to countries justified in the country papers to receive grant EDA. Providing EDA on a grant basis turns U.S. defense items that are in excess of Approved Force Acquisition Objective and Approved Force Retention Stock into instruments that meet a number of our national security interests. Some of the objectives met by EDA are: strengthening coalitions cementing bilateral foreign military

relationships, enhancing interoperability, furthering legitimate modernization efforts of our allies, aiding in multilateral peacekeeping efforts, combating illegal narcotics production and narco-trafficking, and aiding in demining assistance programs.

....

EDA articles are transferred in an “as is, where is” condition to the recipient and are only offered in response to a demonstrated requirement. The grant EDA program operates at essentially no cost to the US, with the recipient responsible for any required refurbishment and repair of the items as well as any associated transportation costs. The vast majority of EDA items are of low to medium technologies that do not present proliferation concerns.

Each grant eligible country has a justification statement providing the objective and proposed use of potential EDA within each country paper. Eligibility permits a nation to be considered for grant EDA and does not guarantee transfer of any EDA, nor does it circumvent or bypass in any way the comprehensive case-by-case review each potential EDA offer receives. Furthermore, all potential EDA transfers are subject to the same Conventional Arms Transfer Policy interagency review as any other government-to-government transfer.”

Congress Budget FY2008 Op cit. p701

62 Request By Region 2007 Op cit. pp311 & 330

63 Congress Budget FY2008 Op cit. p702.

64 “The amount of credit/grant extended to a foreign government or international organization in any fiscal year for the procurement of defense articles, defense services, and design and construction services. Such procurements may be from U.S. military departments under Foreign Military Sales (FMS)/ Foreign Military Construction Sales (FMCS), or suppliers following the approval of DoD. FMF credit is issued in the form of DoD direct loans, which require repayment, or FMF grants which do not require repayment. Annual foreign military financing programs may be applied to FMS/FMCS or commercial procurement contracts negotiated in prior, current or subsequent years within the parameters of the applicable purchase and loan/grant financing agreements”. SEE Foreign Military Facts 2006 Op cit. p iv.

65 Association of Concerned Africa Scholars. “U.S. Military Programs in Sub-Saharan Africa, 2005-2007”. Accessed 23 Feb 08 <http://www.prairienet.org/acas/military/military06.html>

66 The Foreign Military Sales (FMS) program is the process used by the U.S. government to sell weapons and other military equipment to foreign governments through the through the U.S. Defense Security Cooperation Agency (DSCA). SEE Concerned Africa Scholars Op cit.

67 Foreign Military Facts 2006 Op cit. pp 8-9.

68 FY1997: 3.746m; FY1998: 443,000; FY1999-2002: 0; FY2003: 965,000; FY2004: 3.554m; 2005: 2.106m; 2006: 3.017m. None estimated for FYs2007-2008. For FYs1997-2005 SEE Foreign Military Facts 2006 Op cit. pp 8-9. For 2006-2008 SEE Congress Budget FY2008... Op cit. p 689.

69 Figures show the value of sales that have been licensed or approved by the State Department Office of Defense Trade Control in the given year. Rwanda: FY2005: 563,000; FY2006 (Prelim.): 388,000; FY2007 [Est.]: 616,000; FY2008 [Est.]: 85,000. Uganda: Nothing from 1997 to 2002. FY2003: 200,000; FY2004: 794,000; FY2005: 5,706,000; FY2006 (Prelim.): 3,302,000; FY2007 [Est.]: 277,000; FY2008 [Est.]: 91,000. For the years 1997-2006, SEE Foreign Military Facts 2006 Op cit. p 71 for Rwanda and pp 72-73 for Uganda. For 2006-2008 for both countries, SEE Congress Budget FY2008... OP cit. p 733.

70 “Standard Individual Export Licenses [SIELs] generally allow shipments of specified items to a specified consignee up to the quantity or value specified by the licence. Such licences are generally valid for two years where the export will be permanent. Where the export is temporary, for example for the purposes of demonstration, trial or evaluation, the licence is generally valid for one year only and the items must be returned before the licence expires.” “Open Individual Export Licenses [OIELs] are concessionary licences that are specific to an individual exporter and cover multiple shipments of specified items to specified destinations and/or, in some cases, specified consignees. OIELs are generally valid for a period of five years, with the exception of Dealer to Dealer OIELs which are valid for three years.” “A Standard Individual Trade Control License [SITCL] is specific to a named trader and covers involvement in the trading of a set quantity of specific goods between a specified overseas source and overseas destination country with a specified consignor, consignee and end-user. SITCLs will normally be valid for two years. Upon expiry, either by time or

because the activity has taken place, the licence ceases to be valid and must be returned to the Export Control Organisation. Should further similar activity need to take place, a further licence must be applied for." An "Open Individual Trade Control Licence [OITCL] is specific to a named trader and covers involvement in the trading of specific goods between specified overseas sources and overseas destination countries and/or specified consignor(s), consignee(s) and end-user(s). OITCLs are generally valid for two years." SEE United Kingdom Strategic Export Controls Export Licence Decisions During 2006 by Country of Destination. Accessed at <http://www.fco.gov.uk/Files/KFile/ANNUAL%20REPORT%20POLICY%20TEXT.pdf> and ANNEX http://www.fco.gov.uk/Files/KFile/UK_StrategicExportControls_Stats2006.pdf

In 2004, £2m of sales to Uganda were approved but one request for sale to Rwanda was refused. SEE Strategic Export Controls Annual Report 2004. Accessed 25 Feb 08 at <http://www.fco.gov.uk/Files/kfile/Annual%20Report%20on%20Strategic%20Export%20Controls%202004.pdf> In 2005, 6 SIELs were issued to Uganda worth £1.0m of which one was "Temporary" [i.e. items are supposed to be returned]. Three were refused. Four OIELs were issued of which one was Temporary. One SITCL was issued for armored all wheel drive vehicles from Jordan. NOTE that of the SIELs, one was temporary: United Kingdom Strategic Export Controls Annual Report 2005 – ANNEX: Export Licence Decisions during 2005 by Country of Destination. Presented to Parliament by the Secretary of State for Foreign and Commonwealth Affairs, the Secretary of State for International Development, the Secretary of State for Defence and the Secretary of State for Trade and Industry by Command of Her Majesty July 2006. Accessed 24 Feb 08 at <http://www.fco.gov.uk/servlet/Front?pagename=OpenMarket/Xcelerate/ShowPage&c=Page&cid=1153388110489> In 2006, one SIEL was issued to Rwanda for "components for equipment employing cryptography" worth less than £250,000. One OITCL was for armored all wheel drive vehicles from Germany. 8 SIELs were issued to Uganda worth £1.0m. These included body armor; chemicals used for analytical or materials testing; components for body armor; improvised explosive device detection equipment; military helmets (3 licenses) and "Temporary": inertial equipment; military infrared/thermal imaging equipment; technology for the use of inertial equipment; toxins; weapon day and night sights; weapon night sights. Two OITCLs were issued for armored all wheel drive vehicles coming from Jordan and Germany. The value of exports of military equipment from 01 Jan - 31 Dec 06 to Uganda was £ 27,083. SEE UK Export Decisions by Country 2006 Op cit. Up to Sep 07, it appears that 4 SIELs have been issued to Uganda for items on the Military List and others worth £1.25m: Equipment employing cryptography, biological agent detection equipment, chemical agent detection equipment, civil NBC detection systems, improvised explosive device detection equipment, military cargo vehicles, nuclear radiation detection equipment, software for determining the effects of weapons, armored all wheel drive vehicle [Temporary]. SEE Quarterly Strategic Export Controls Reports 2007 accessed 24 Feb 08 at <http://www.fco.gov.uk/servlet/Front?pagename=OpenMarket/Xcelerate/ShowPage&c=Page&cid=1184755163462>

71 See "UK attacked for Uganda arms deal". <http://news.bbc.co.uk/2/hi/africa/4762386.stm> Accessed 14 Apr 06.

72 Figures accessed 17 Mar 08 from "United Nations Peacekeeping - Monthly Summary of Contributors Military and Civilian Police Personnel" : <http://www.un.org/Depts/dpko/dpko/contributors/>

73 Authorized by UNSCR 1744 [S/RES/1744 (2007)] Distr. 21 Feb 07 which refers to the AU Communiqué of 19 Jan 07. Accessed 17 Mar 08 at http://www.apanews.net/article.php3?id_article=19420 FOR MORE DETAILS, SEE "AMISOM : historique et mandat Mission de l'Union Africaine en Somalie" Accessed 17 Mar 08 at <http://www.operationspaix.net/AMISOM>. Re US Support, SEE Congress Budget FY2008... Op cit. p103, 134, 271-273, 307, 760, 768, 777, 787. AND Congress Budget FY2009 Op cit pp 113 & 154. The European Commission has provided €15m contribution from the Africa Peace Facility and €5m from the Instrument for Stability in support to AMISOM. SEE "Commissioner Louis Michel praises Somali Prime Minister's commitment towards peace and stability". Ref: IP/08/225 13 Feb 08. Accessed 04 Apr 08 at <http://europa.eu/rapid/pressReleasesAction.do?reference=IP/08/225&format=HTML&aged=0&language=EN&guiLanguage=en>

74 D2 Level as per Para 90 of A/62/380: "Financing of the African Union-United Nations Hybrid Operation in Darfur for the period from 1 July 2007 to 30 June 2008" Distr.: 03 Oct 07. D2 salary is 141,524 USD Gross [NET 104,736 w. dependents or 96,219 w.out dependents] to be increased every year with seniority. SEE "Salary Scale for the Professional and Higher Categories showing gross annual salaries and net equivalents after application of staff assessment (in United States Dollars) Effective 1 January 2008" accessed 17 Mar 08 at http://www.un.org/Depts/OHRM/salaries_allowances/salaries/salaryscale/professional/base0108.xls He

would also earn Mission Subsistence Allowance [MSA] of 188 USD/day for first 30 days [5,640] and 143 [47,170] thereafter – SEE UN Mission Subsistence Allowance [MSA] – Current Rates.

75 Ibid.

76 SEE “Letter dated 11 January 2006 from the Chairman of the 2004 Working Group on Contingent-Owned Equipment to the Chairman of the Fifth Committee: Manual on Policies and Procedures Concerning the Reimbursement and Control of Contingent-Owned Equipment of Troop/Police Contributors Participating in Peacekeeping Missions (COE Manual)”. A/C.5/60/26. Distr. 11 Jan 06. Chapt 9, annex A, art 2 “Reimbursement”. [in USD]: 1,028 + 68 [clothing] + 5 [ammo] + an additional 303 for specialists [up to 25% of logistics units and up to 10 % infantry unit, formed police unit, force headquarters, sector headquarters and other units].

77 2832 pers x 1101= 3,118,032] + [an extra 10% of 2832 x 303 for “specialists” = 85,810] = 3,203,842 USD per month or 38,446,099 per year.

78 From World Bank Group [Military expenditure (% of GDP)= 2.2% of GDP (current USD) 2.1 billion= 46.2m USD] Accessed 03 Apr 08 at <http://devdata.worldbank.org/external/CPProfile.asp?CCODE=RWA&PTYPE=CP>

79 Actually getting the soldier to a welfare destination is up to the TCC.

80 Axelrod, Robert & Keohane, Robert O. “Achieving Cooperation under Anarchy: Strategies and Institutions”. *World Politics* 38 (1): 1985, pp228-238.

81 SEE for ex DAC Guidelines Op cit. p67.

82 Moravcsik, Andrew. “Taking Preferences Seriously: A Liberal Theory of International Politics”. *International Organization* 51(4): 1997, pp513-553.

83 “Killing Them Softly...” Op cit..

84 International Court of Justice [ICJ]. Press Release 2005/26 re “Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda) dated 19 Dec 05 located at <http://www/idocket/icoframe.htm>

85 According to Bruguière, UN ICTR [International Criminal Tribunal for Rwanda] Investigator Michael Hourigan and others, it was actually the Tutsi led RPF who shot down the plane containing Habyarimana, his Chief of the Army Déogratias Nsabiamana and [Hutu] Burundian President Cyprien Ntaryamira, fully suspecting that it would lead to a bloodbath but nonetheless seen as a necessary step to absolute control of power since the Tutsi dominated RPF were unlikely to win a free election in a country almost 90% Hutu. According to Hourigan, though initially his investigation had the support of ICTR Prosecutor Louise Arbour, she subsequently pretended that she had not given her permission. SEE *Délivrance de Mandats d'Arrêt Internationaux- Ordonnance de Soit-communicé*. Tribunal de Grande Instance de Paris[France]: Cabinet de Jean-Louis Bruguière – Premier Vice-Président. Cabinet 1341. Accessed 11 Jan 08 at <http://www.lexpress.fr/info/monde/dossier/rwanda/PDF/rwanda.pdf> If true, Arbour's subsequent nominations as a Supreme Court Justice of Canada [1999] and current UN High Commissioner for Human Rights [2004] are very odd indeed since she would have occupied a key position in denying those accused of a fair trial AND in providing immunity to those who, besides their already heinous crimes committed during the civil war/genocide in Rwanda; were also responsible for the deaths of millions in the DRC. Arbour's replacement as Prosecutor for the ICTR, Carla Del Ponte, did attempt to bring some RPF Tutsis accused of involvement in the mass killings to justice – only to be relieved of her post [by non-renewal of her mandate] for doing so. However, she kept responsibility for the International Criminal Tribunal for Former Yugoslavia. SEE “The Security Council Appoints Separate Prosecutors for the Two Ad Hoc UN Tribunals” ICTR/INFO-9-2-359.EN Arusha, 4 Sept 03 Accessed at <http://69.94.11.53/ENGLISH/PRESSREL/2003/359.htm> SEE ALSO the just published book by Del Ponte's former Press Secretary wherein she alleges that it was pressure from the US Gov't in the form of Pierre-Richard Prosper [former US Prosecutor at the ICTR who had become US Ambassador for War Crimes]. In exchange, the US signed a bilateral agreement with Rwanda ensuring American impunity from the International Criminal Court [ICC], SEE Florence Hartmann. *Paix et Châtiment, Les guerres secrètes de la politique et de la justice internationale*. Flammarion: 2007. SEE ALSO “Peace and Punishment: Book on Justice” from Africa News posted 11 Sep 07 by Hironelle News Agency – Accessed 02 Feb 08 at http://www.africanews.com/site/list_messages/11348 AND Thierry Cruvellier. *Le Tribunal des vaincus : Un Nuremberg pour le Rwanda?* Calmann-Lévy: 2006. AND Abdul Joshua Ruzibiza (Author), Claudine Vidal (Introduction), and André Guichaoua (Postface). *Rwanda l'histoire secrète*. Éditions du Panama: 2005. AND Bernard Lugan. *Rwanda : Contre-enquête sur le génocide*. Privat: 2007. So far, it seems that no follow up has come of Bruguière's warrants, possibly in the wake of his subsequent retirement

to go into politics and France's recent attempts to develop warmer relations with the GoR. The RPF dominated GoR, for its part, has tried to nullify the effect of the judgment by launching its own "commission" into French involvement with the Genocide. The Report was finished in Nov 07 but appears to be kept in reserve for an opportune propaganda moment. SEE Hirondele News Agency "Rwanda/France - The Rwandan Commission into France's Role Presents Its Report" Accessed at <http://www.hirondellenews.com/content/view/1221/26/> It should also be noted that the Government of France has opened its own judicial investigation into the role of its armed forces before and during the genocide under Judge Florence Michon of the Tribunal aux armées de Paris (TAP). SEE AFP. "Des archives mettent en cause la France" accessed 02 jul 07 at http://www.jeuneafrique.com/jeune_afrique/article_depeche.asp?art_cle=AFP65107desarecnarf0#

86 For a Press Release in English listing the names of the 40 Rwandan officials for whom international arrest warrants have been requested, SEE International Forum for Truth and Justice in Africa of the Great Lakes region. "Spanish Courts Issue 40 International Arrest Warrants Against Highest Ranking Officials Of Rwanda's Political-Military Helm" Accessed 19 Feb 08 at http://www.veritasrwandaforum.org/material/press_release_080208_eng.pdf For the actual decision in Spanish, SEE "Juzgado Central de Instrucción N° 4 Audiencia Nacional Sumario 3 / 2.008 -- D" Accessed 02 Mar 08 at http://www.veritasrwandaforum.org/dosier/resol_auto_esp_06022008.pdf For an English summary of the opening summary SEE "Decision of the Juzgado Central de Instrucción n° 4 (National Pre-Trial Examining Court No.4) of the Audiencia Nacional (Spanish National Court): pre-qualification, January 21st 2008". Accessed 02 Mar 08 at http://www.veritasrwandaforum.org/dosier/resol_auto_engl.pdf

87 el Forum Internacional por la Verdad y la Justicia en el África de los Grandes Lagos SEE www.veritasrwandaforum.org

88 SEE Eggen, Dan. "Reputed Global Arms Dealer Arrested Russian Accused of Supplying Weapons in Africa, Mideast". Washington Post: 07 Mar 08 p A01. Accessed at <http://www.washingtonpost.com/wp-dyn/content/article/2008/03/06/AR2008030600631.html> AND Johnston, David and Mydans, Seth. "Russian Charged With Trying to Sell Arms" New York Times: 07 Mar 08. Accessed at http://www.nytimes.com/2008/03/07/world/europe/07dealer.html?_r=1&th=&oref=slogin&emc=th&pagewanted=all

89 SEE, for ex. S/2001/357 Op cit. para 91, p18 AND "Final report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo" found in "Letter dated 15 October 2002 from the Secretary-General addressed to the President of the Security Council" S/2002/1146. Distr. 16 Oct 02 paras 72-75, 107, 140, ANNEXES I & II. AND S/2005/30 Op cit. paras 67, 69, 73, 151.

90 SEE "The Responsibility to Protect - Report of the International Commission on Intervention and State Sovereignty". Dec 2001 Accessed 18 Mar 08 at <http://www.iciss-ciise.gc.ca/pdf/Commission-Report.pdf> AND United Nations General Assembly. "2005 World Summit Outcome". A/60/L.1* Distr. 20 Sept 05, paras 138 & 139:

"138. Each individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity. This responsibility entails the prevention of such crimes, including their incitement, through appropriate and necessary means. We accept that responsibility and will act in accordance with it. The international community should, as appropriate, encourage and help States to exercise this responsibility and support the United Nations in establishing an early warning capability.

139. The international community, through the UN, also has the responsibility to use appropriate diplomatic, humanitarian and other peaceful means, in accordance with Chapters VI and VIII of the Charter of the United Nations, 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 are manifestly failing 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.”

91 Stolberg Op cit.

92 Kagame's predecessor as President of Rwanda, the Hutu Pasteur Bizimungu, was installed as the first RPF President after the Civil War and genocide though he was generally considered a figurehead. He resigned in Mar 2000, amid increasing policy differences with the government over what he perceived as unwarranted crackdown on dissent. After being replaced by Kagame [considered the real power], he set up his own Party for Democracy and Renewal (PDR) but the party was immediately banned and Bizimungu placed under house arrest and then convicted of “of embezzlement, inciting violence and associating with criminals” and sentenced to 15 years in prison. He was released in 2007. Faustin Twagiramungu was Rwanda's first Post Genocide and Civil War Prime Minister but he fled into exile in 1995 after protesting abuses by the RPF. Since Bizimungu was under arrest and his party banned, Twagiramungu returned and was Kagame's main challenger in the 2003 election. Aside from the control of state resources and the media, the Kagame regime had Twagiramungu's party banned, accused him of “divisionism”, seized his election pamphlets, and arrested a number of his supporters before the poll. He subsequently went back into exile after the poll. Re Bizimungu, SEE Hironelle News Agency (Lausanne). “Former Rwandan President Bizimungu Back in Court”. Kigali: 20 Apr 05. BBC News. “From president to prison”. 07 Jun 04. Accessed 20 Mar 08 at <http://news.bbc.co.uk/2/hi/africa/3728807.stm> AND “Timeline: Rwanda - A chronology of key events”. Accessed 20 Mar 08 at <http://news.bbc.co.uk/2/hi/africa/1070329.stm> For Twagiramungu and Rwandan elections SEE European Union. “Mission d'Observation Électorale de l'UE Rwanda 2003 - Rapport final sur l'élection présidentielle et les élections législatives” Accessed 20 Mar 08 at http://ec.europa.eu/external_relations/human_rights/eu_election_ass_observ/rwanda/moe_ue_final_2003.pdf AND Immigration and Refugee Board of Canada. “Rwanda: Treatment by government authorities of Faustin Twagiramungu and supporters of his candidacy during the presidential election campaign in August 2003 (August 2003 - April 2006)” RWA101284.FE: 5 May 06 Accessed 20 Mar 08 at <http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?page=updates&docid=47d6548ee>

93 Baker Op cit.

94 SEE UN Secretary-General “In address to National Assembly of Democratic Republic of Congo, Secretary-General reaffirms UN determination to support peace efforts” Department of Public Information - News and Media Division -New York.: SG/SM/10859 - AFR/1492: 30 Jan 07. Accessed 18 Mar 08 at <http://www.un.org/News/Press/docs/2007/sgsm10859.doc.htm> AND “In DR Congo, Ban Ki-moon pledges continued UN support to consolidate peace”. UN News Centre: 28 Jan 07. Accessed 18 Mar 08 at <http://www.un.org/apps/news/story.asp?NewsID=21364&Cr=democratic&Cr1=congo>

95 SEE “Secretary-General's message on the opening of the Global Centre for the Responsibility to Protect” delivered by Mr. Vijay Nambiar, Chef de Cabinet to the Secretary-General. New York, 14 Feb 08. Accessed 18 Mar 08 at <http://www.globalcenter2p.org/pdf/SGlaunch.pdf> “Those who should know better” include: former UNSG & Nobel Peace Prize winner Kofi Annan, Former Canadian Foreign Minister Lloyd Axworthy, Retired Peacekeeping Commander Canadian Gen. Romeo Dallaire, Former President of the UN General Assembly and UNSG's Special Envoy for Darfur Jan Eliasson, Former German Foreign Minister and Green Party Leader Joschka Fischer, David Hamburg, Former US Congressman & Director of the Woodrow Wilson Center Lee Hamilton, Former Crown Prince of Jordan & President of the Club of Rome Prince El Hassan bin Talal, Former UN High Commissioner for Refugees Sadako Ogata, Former Philippines President General Fidel Valdez Ramos, Former UN High Commissioner for Human Rights Mary Robinson, and Nobel Peace Prize Winner Archbishop Desmond Tutu. It also includes the governments of Australia, Belgium, Canada, the Netherlands, Norway, Rwanda and the UK, the John D. and Catherine T. MacArthur Foundation, Open Society Institute and Scott and Elena Lawlor. The Centre is the initiative of five major international NGOs who are supposed to be speaking out against crimes like those Kagame is accused of instead of lending him their credibility: the International Crisis Group, Human Rights Watch, Oxfam International, Refugees International, and the Institute for Global Policy. SEE <http://www.globalcenter2p.org/index.html>

96 SEE JFK Jr. Forum Video and Podcast Archive. “Paul Kagame: Accomplishments and Challenges of Reconciliation and Reconstruction in Rwanda”. 05 Feb 01. Accessed 18 Mar 08 at http://ksgaccman.harvard.edu/iop/events_forum_listview.asp?ID=1950&Type=P AND Powell, Alvin. “Rwandan president speaks at KSG”. Harvard Gazette Archives: 08 Feb 01. Accessed 18 Mar 08 at <http://www.hno.harvard.edu/gazette/2001/02.08/09->

kagame.html SEE ALSO The London School of Economics and Political Science - Public Lectures and Events: podcasts. Speaker(s): His Excellency Paul Kagame & Chair: Professor Conor Gearty "The Challenges of Development and Environmental Sustainability in Africa: the case of Rwanda". Recorded 04 Oct 07. Accessed 18 Mar 08 at <http://www.lse.ac.uk/resources/podcasts/publicLecturesAndEvents.htm> AND for the speech at the Party Conference of the Conservative Party of Britain, SEE "President Paul Kagame, His Excellency the President of the Republic of Rwanda" 02 Oct 07. Accessed 18 Mar 08 at <http://www.conservatives.com/tile.do?def=conservatives.tv.archive.page&filter=AUDIO>

97 Wintour, Patrick. "Blair takes on unpaid role as Rwanda adviser". The Guardian, 18 Jan 08. Accessed 18 Mar 08 at <http://www.guardian.co.uk/politics/2008/jan/18/rwanda.tonyblair>

98 S/2001/357 Op cit. paras 219 to 239.

99 SEE S/RES/1011 (1995). Distr. 16 Aug 95. The Resolution does not ban exports to the GoR but it does prohibit them from being re-exported to neighboring countries. However, this was obviously respected more in the breach than in the promise as the GoR not only occupied the DRC from 96 to 02, it also ran several proxy armies. There was also a provision [para 11] requiring it to "mark and register and notify to the Committee all imports made by it of arms and related matériel, and that the Committee shall report regularly to the Council on notifications so received". Even though this was not very effective at blocking arms shipments to the GoR's proxies, the provision was gotten rid of by UNSCR 1749: S/RES/1749 (2007) Distr. 28 Mar 07.

100 ICJ(Democratic Republic of the Congo v. Uganda) Op cit.

101 SEE ICJ. Press Release 2006/4 re "Armed Activities on the Territory of the Congo (New Application: 2002) (Democratic Republic of the Congo v. Rwanda) dated 03 Feb 06 <http://www.icjci.org/icjwww/idocket/icrwframe.htm>

102 For integrating Economic aspects in peacebuilding see Global Witness: "Peacebuilding Omission?" – Oct 07. SEE ALSO "Agenda for Reform in the Natural Resource Sector of the Democratic Republic Of Congo" - Mar 07 and "The Congolese Mining Sector in the Balance: Lack of transparency risks undermining review of mining contracts A Global Witness briefing"- 01 Oct 07 all accessed 28 Oct 07 from <http://www.globalwitness.org/>. For additional source material on contracts, SEE ALSO Southern Africa Resource Watch. "Guidelines for the Revision of Mining Contracts in the DRC" accessed 28 Oct 07 from <http://www.sarwatch.org/page.php?7> DRC mining contracts can be found online at the Congolese Ministry of Finance website http://www.minfinrdc.cd/contrats_partenariat.htm Regarding continued Rwandan exploitation of Congolese natural resources, SEE "Report of the Secretary-General pursuant to paragraph 8 of resolution 1698 (2006) concerning the Democratic Republic of the Congo" - S/2007/68 Distr.08 Feb 07.

103 S/RES/1533 Distr. 12 Mar 04. which also refers to S/RES/1493 (2003) Distr. 28 Jul 03.

104 S/RES/1596 (2005) para 1. Distr. 3 May 05

105 S/RES/1698 (2006). Para 6. Distr. 31 Jul 06.

106 S/2007/68 Op cit paras 64-76.

107 www.eitransparency.org/ The Initiative was launched by Blair at the World Summit on Sustainable Development in Johannesburg, Sep 02. It supposedly "aims to ensure that the revenues from extractive industries contribute to sustainable development and poverty reduction". Bizarrely, despite their well known pillage of the DRC and the fact that the UK is the #1 bilateral donor for Rwanda and #2 for Uganda, it has been unable or unwilling to get them to sign on.

108 Forces Armées Congolaises: the army of the [then] officially recognized Government of Kinshasa prior to the Transition. The new combined army of FAC and former rebels became known as Forces Armées de la République Démocratique du Congo [FARDC]

109 13 Dec 02: DDRRR Bukavu repatriated the first completely "voluntary" Rwandan combatant [Hutu Mai Mai] and his 12 family members from Bulonge. On the way back, Rwanda-backed militia Mudundu 40 [M-40] stopped the convoy and held it hostage for 3 hours. They also took and tortured the guide who had helped MONUC arrange the repatriation. Subsequently, they would not allow any repatriation without MONUC paying a sum of money. MONUC did not pay but the South African component of the Third Party Verification Mission [TPVM] did so with the help of the Swedish NGO Life and Peace Institute, setting a dangerous precedent.

110 A Former M-40 Senior Commander claimed that his group was denying MONUC access to WALUNGU because Rwanda had ordered the militia to slow down the repatriation of Rwandan armed groups. According to him, Rwanda did not want a "massive" return of Hutu combatants to its territory. This was confirmed independently by a senior RCD source who informed MONUC that the objective was to obstruct DDRRR and prevent moderate Rwandans from repatriating. The presence of "extremist" Rwandan

armed groups assembled for DDRRR served as a pretext for RCD-G to send in its troops “in self-defence” and disperse them, even though they knew they were there to return home. Moderate Rwandans interested in DDRRR faced both their own extremist comrades and RCD-G soldiers charged with obstructing their repatriation.

111 Armée Nationale Congolaise – the armed wing of the RCD-G [also an old name for the Congolese army].

112 Brazzaville is the capital of the Republic of Congo [former French Congo as opposed to the DRC – former Belgian Congo] and is located across the Congo River from Kinshasa, the capital of the DRC.

113 Sometimes referred to as “les Amis de Masasu” [Friends of Masasu]. Masasu was a fellow commander of Kabila Sr. in the AFDL who was killed under mysterious circumstances, possibly on the order of Kabila Sr. himself.

114 Report: “MONUC and the Bukavu Crisis 2004” prepared by MONUC Best Practices Section Mar 05. SEE ALSO Mémorandum de la Société Civile Du Sud-Kivu à l’intention de: De l’Union Africaine à Addis-Abeba - « Oui ! L’implication du Rwanda dans la prise de la ville de Bukavu/RD Congo est bel et bien avérée » Société Civile du Sud-Kivu Bureau de Coordination Provinciale B.P. 43 BUKAVU Courriel : sociv_bureausk@yahoo.fr Tél : 98 62 58 69 République Démocratique du Congo

115 Besides the weapons shipments, advice, etc there was recruitment [sometimes forced] of combatants inside refugee camps in Rwanda. SEE for ex. S/2004/551 Op cit. paras 78 -82

116 For ex. S/RES/1011 (1995), S/RES/1493 (2003), & S/RES/1533 Op cit.

117 The first two rebellions having been the Rwandan invasions of 1996 and 1998.

118 “MONUC and the Bukavu Crisis 2004” Op cit p 10.

119 Ex. LCol Masudi and Major Frank.

120 As was the case of a private who shot a 2Lt in Gisenyi during the author’s stint as UN Human Rights Officer in Rwanda in 1997-98.

121 “MONUC and the Bukavu Crisis 2004” Op cit p 12 & ss.

122 SEE for ex. the tract circulated by self-declared “Banyamulenge spokesman” Pasteur Benôit Kadage: “Cri d’Alarme de la Communauté Banyamulenge à Bukavu” dated 02 Mar 04 in which the Pastor attacks the Catholic Church. Put before his accusations by MONUC’s Bukavu Head of Office, he could give no concrete example and despite an engagement to reconcile with those he had falsely accused, recommenced his propaganda shortly thereafter. These allegations were also officially declared to be false by both MONUC [Press Release dated 16 Jun 04: “ Un rapport préliminaire de la MONUC exclut la possibilité d’un génocide à Bukavu”] and the US Department of State: “Déclaration de Richard Boucher, Porte-Parole du Département d’État, sur la Situation Actuelle à Bukavu, République Démocratique du Congo” Service de Presse - Ambassade des États-Unis - 498 Avenue Colonel Lukusa, Gombe B.P. 8622 Kinshasa 1, RDC. The charge of genocide was particularly ridiculous against Hussein who besides being very active in the fight against the FDLR also saved the lives of a number of Banyamulenge officers after one of their Banyamulenge comrades turned on his own troops in mid-combat to go over to the Nkunda side. Sadly, he later killed a local businessman after an angry dispute. Unlike all the war criminals pandered to by the International Community; he voluntarily gave himself up and went to jail. SEE ALSO “MONUC and the Bukavu Crisis 2004” Op cit p 10. AND S/2005/30 Op cit. paras 38, 45-50, 155 NOTE that despite the already obvious and self-perpetuating pattern of using the presence of Foreign Armed Groups as a justification for foreign backed militias [ex. Nkunda] and foreign governments to not disarm/integrate into the FARDC and/or stop supporting said groups and invading; it is a strategy that is still put up with by the International Community [SEE BELOW]. Therefore, it persists.

123 SEE Enock SEBINEZA RUBERANGABO - Député National et Président National, SHIKAMA/BANYAMULENGE. “Concerne : fixer l’opinion sur le document :Mémo des congolais Rwandophones à qui de droit” Fait à Kinshasa , le 24/02/2004

124 “MONUC and the Bukavu Crisis 2004” Op cit p 6

125 Many of Nkunda’s combatants turned out to be freely loaned and actively supported by Nkunda’s associate and fellow Congolese Tutsi Gen Obedi and [Rwandan installed] Hutu North Kivu Governor Serufuli who were recruiting and preparing troops in North Kivu months before the attack on Bukavu. SEE for ex. S/2004/551 Op cit paras 78-84 & 102-105.

126 “MONUC and the Bukavu Crisis 2004” Op cit p 10.

127 Civilian staff, particularly DDRRR who knew a lot of people, had started doing this spontaneously at the beginning of the conflict, often risking their lives by going in soft skinned vehicles – sometimes in the middle of the night –because no escort could be found. People on both side of the conflict were evacuated without prejudice.

128 Then Belgian Foreign Minister and current EU Commissioner for Development and Humanitarian Aid Louis Michel had publicly mused on the possibility of an EU intervention force similar to Operation ARTEMIS which had deployed to Ituri. SEE for ex. Amnesty International. "République Démocratique Du Congo. Nord-Kivu : les civils paient le prix des rivalités politiques et militaires 2006?" [NOTE: document is actually in English at this site] Accessed 04 Apr 08 <http://www.amnesty.org/fr/library/asset/AFR62/013/2005/en/o3bcr2lxQr8J> AND Reuters on ABC News. "EU mulls Congo deployment" Posted Tue 08 Jun 04 . Accessed 27 Dec 07 at <http://www.abc.net.au/news/stories/2004/06/08/1126679.htm> or Voice of America. "No E.U. Peacekeepers for Congo" 08 Jun 04 Accessed 27 Dec 07 at <http://www.globalsecurity.org/military/library/news/2004/06/mil-040608-3d9dda09.htm> SEE ALSO section on Ituri BELOW regarding ARTEMIS.

129 SEE S/2004/551 Op cit. paras 102-105.

130 S/2005/30 Op cit. para 170.

131 SEE S/2004/551 Op cit. paras 66-82 and S/2005/30 Op cit. paras 193-198 regarding the status and liberty of Mutebutsi and his troops inside Rwanda. Refugee supplies were visible in the camps and had been the subject of an official UN memorandum.

132 "MONUC and the Bukavu Crisis 2004" Op cit pp 22-23.

133 SEE for ex. S/2004/551 Op cit. para 88 AND S/2005/30 Op cit. paras 19 & 160-165

134 SEE for ex. Amnesty International. "les civils paient le prix" Op cit. It is unfortunate that some analysts try to portray them as having been singled out, mentioning the 15 Banyamulenge dead but not the 200+ others . SEE ICG "Congo: Bringing Peace To North Kivu Op cit. p3

135 SEE for ex. S/2004/551 Op cit. paras 91-100.

136 S/2004/551 Op cit. paras 83-84. SEE ALSO allegations in Jun 03 by RCD-K-ML Leader Mbusa Nyamwisi that returned FDLR combatants were being sent back to the DRC in order to destabilize the East: "Le Rwanda utilise des Hutus démobilisés pour attaquer la RDC (RCD-ML)". Kinshasa, 9 juin 2003 (AFP). NOTE HOWEVER that Mbusa Nyamwisi himself did not always have the cleanest of reputations..

137 SEE for ex. S/2004/551 Op cit. paras 102-105 and S/2005/30 Op cit. paras 174-184.

138 SEE MONUC DRRR Director Peter Swarbrick's "End of Mission Report" dated 15 Jun 07. SEE ALSO ICG "Congo: Bringing Peace To North Kivu Op cit.

139 Two such individuals were captured by the FARDC in 2004. Discussions with sources who have recently talked to members of Nkunda's forces indicate that this is still the case. Sometimes, they are picked up by the Rwandan security services in the street. Sometimes they are promised a civilian job in the DRC, only to be given a one week training and a weapon upon arrival. SEE ALSO an open letter addressed to the President of the DRC and the President of the International Monitoring Committee ["Comité de suivi"] by North Kivu Civil Society dated 28 Apr 03: N/Réf.: 034/SCNK/PNK/2003

140 SEE S/2005/30 Op cit. paras 185-192, 199-200 & S/2007/391 Op cit

141 "Joint Communiqué of the Government of the Democratic Republic of Congo and the Government of the Republic of Rwanda on a common approach to end the threat posed to peace and stability in both countries and the Great Lakes Region" signed Nairobi, 09 Nov 07. Accessed 28 Dec 07 at http://www.iss.co.za/dynamic/administration/file_manager/file_links/GLCOM9NOV07.PDF?link_id=29&slink_id=5116&link_type=12&slink_type=13&tmpl_id=3

142 Acte d'Engagement signé 24 Jan 08 à Goma par le CNDP, Mouvement Politico-Militaire, PARECO/FAP, Mai-Mai Kasindien, Mai-Mai Kifuafua, Mai-Mai Vurondo, Mai-Mai Mongol, UJPS, Mai-Mai Rwenzori, et Simba "avec l'engagement solennel des Représentants de la Communauté Internationale facilitateurs du présent acte d'engagement – les Nations-Unies, la Conférence Internationale sur la Région des Grands Lacs, les États-Unis d'Amérique, l'Union Africaine, l'Union Européenne et du Gouvernement [Congolais]"

143 SEE GoDRC/GoR Joint Communiqué 09 Nov 07 Op cit. Introduction para 2: "Lusaka Cease Fire Agreement of 1999, which set out modalities for the disarmament and repatriation of all foreign armed groups, including the ex-FAR/Interahamwe, in the territory of the DRC; the bilateral agreement signed in Pretoria on 30 July 2002 between the Governments of the DRC and Rwanda; the Principles on Good Neighbourly Relations and Cooperation between the DRC and Burundi, Rwanda and Uganda of 25

September 2003; the Pact on Security, Stability and Development in the Great Lakes Region of 15 December 2006; and the various commitments made within the framework of the Tripartite Plus Commission, including the commitments made by the Tripartite-plus Members in Lubumbashi on 8 June 2007 and Kampala on 17 September 2007...”

144 SEE, for Ex. ICG. Crisis Watch: 1 Mar 08, No55. Accessed 07 Mar 08 at http://www.crisisgroup.org/library/documents/crisiswatch/cw_2008/cw55.pdf : “Democratic Republic of Congo 23 Jan Goma ceasefire and peace accord increasingly fragile. Renegade general Laurent Nkunda withdrew from ceasefire commission 22 Feb in protest at UN allegations his CNDP rebels massacred 30 Hutus around Kalonge village west of Goma, 16-20 Jan. Despite truce, CNDP, Mai Mai group PARECO and Rwandan FDLR clashed frequently; CNDP fired on UN peacekeepers 15 Feb”. SEE ALSO AFP. “Le camp Nkunda minimise des tirs contre des civils et l'ONU au Nord-Kivu” - RD CONGO - 16 fév 08 Accessed at http://www.jeuneafrique.com/jeune_afrique/article_depeche.asp?art_cle=AFP04338lecamuvikdr0# AND MONUC Public Information. “Affrontements armés entre militaires FARDC au centre de brassage de Kamina dans la province du Katanga”. Communiqué de Presse - Kinshasa, le 18 fév 08: MONUC / OSMR / CP 0007 /2008 AND Office of the Spokesperson and Media Relations Bureau du Porte-parole et des Relations avec les Médias. “UN probes killings by Government forces, rebels in eastern DR Congo”. 20 Feb 08 Accessed at <http://www.un.org/apps/news/ticker/tickerstory.asp?NewsID=25685>

145 North-Kivu comprises six territories and the provincial capital, Goma. Beni and Lubero territories are often referred to as the “Grand Nord” and are in the north of the province. This part of the province was often more connected to the Ituri dynamic than the Kivutian one.

146 SEE for Ex. S/2004/551 Op cit paras 106-108 & Annexe II: “ Protocole d'accord signé entre les parties soudanaise (SPLA) et congolaise (district du Haut-Uélé) à Aba (Soudan), en date du 6 octobre 2003.

147 SEE “Liste des membres du FPR-INKOTANYI / APR soupçonnés d'avoir prémédité et commis des crimes contre l'humanité qui sont de la compétence du Tribunal Pénal International Pour Le Rwanda (T.P.I.R.) ” - Dossier N° 1 : Juin 1998. Accessed Oct 07 at http://africannewsanalysis.blogspot.com/2007_10_14_archive.html

148 Leopold, Evelyn. “U.N. okays Rwandan general for Darfur force” Reuters: 18 Sep 07 Accessed 02 Nov from <http://www.alertnet.org/thenews/newsdesk/N17373025.htm>

149 SEE Spanish Decision: “Juzgado Central de Instrucción N° 4 Audiencia Nacional Sumario 3 / 2.008” Op cit. regarding Karake's indictment for war crimes. SEE ALSO Article regarding Karake's command: “U.N. Observers Blame Rwanda And Uganda For Destruction of Kisangani” ANC Daily News Briefing: Friday 9 Jun 2000 Accessed 29 Oct 07 from <http://70.84.171.10/~etools/newsbrief/2000/news0609.txt> FOR UN REPORTS, SEE “Letter dated 4 December 2000 from the Secretary-General addressed to the President of the Security Council: Report of the Interagency Assessment Mission to Kisangani” [S/2000/1153] Distr. 04 Dec 2000. For Panel of Experts, SEE S/2001/357 Op cit. For UNHCHR, SEE “Situation of human rights in the Democratic Republic of the Congo” [A/55/403] Distr. 20 Sept 2000. For SG Report, SEE “Fourth Report of the Secretary-General of the United Nations Organization in the Democratic Republic of Congo” [S/2000/888] Distr.21 Sept 2000.. FOR Commission on Human Rights, SEE Fifty-seventh session -Item 9 of the provisional agenda: “Question of the Violation of Human Rights and Fundamental Freedoms in any Part of the World - Report on the situation of human rights in the Democratic Republic of the Congo, submitted by the Special Rapporteur, Mr. Roberto Garretón, in accordance with Commission on Human Rights resolution 2000/15” [E/CN.4/2001/40] Distr.01 Feb 01. Karake is also mentioned by name in the decision to emit International Arrest Warrants by Bruguière as having helped in suppressing the investigation of who actually shot down the plane of Rwandan President Habyarimana, sparking the genocide. SEE “Délivrance de Mandats d'Arrêt Internationaux- Ordonnance de Soit- communiqué. Tribunal de Grande Instance de Paris[France]: Cabinet de Jean-Louis Bruguière – Premier Vice-Président. Cabinet 1341” Op cit.

150 SEE for ex. AFP. “Les différentes milices opérant en Ituri [FICHE TECHNIQUE]” 14 Mar 05.

151 The information on this is detailed in multiple reports from the UN and NGOs, but good places to start are for ex. S/2002/1146 . S/2004/551 Op cit, S/2005/30 ., S/2001/357 , S/2004/551 All Op cit.

152 SEE “Pre-Trial Chamber I commits Thomas Lubanga Dyilo for trial”. The Hague, 29 Jan 07. Accessed 27 Oct 07 from http://www.icc-cpi.int/pressrelease_details&id=220&l=en.html : “The Chamber decided that there is sufficient evidence to establish substantial grounds to believe that Thomas Lubanga Dyilo is criminally responsible as co-perpetrator for the war crimes of

enlisting and conscripting of children under the age of fifteen years into the FPLC [Forces Patriotiques pour la Libération du Congo], the military wing of the Union des Patriotes Congolais (UPC) and using them to participate actively in hostilities in Ituri (Democratic Republic of the Congo) from September 2002 to 13 August 2003.”

153 SEE ICG. “Congo: Bringing Peace To North Kivu: Africa Report N°133 – 31 October 2007” note 55 on p 9 .

154 SEE for ex. European Union. “EU launches the "Artemis" military operation in the Democratic Republic of Congo (DRC)”. Brussels, 12 Jun 03 - S0131/03. Accessed at <http://ue.eu.int/newsroom>. SEE ALSO Peacekeeping Best Practices Unit Military Division . “Operation Artemis: The Lessons Of The Interim Emergency Multinational Force. Oct 04. Accessed 18 Mar 08 from <http://pbpu.unlb.org/pbps/Library/Artemis.pdf>

155 SEE “Second arrest: Germain Katanga transferred into the custody of the ICC” The Hague, 18 October 2007 Accessed 06 Nov 07 at <http://www.icc-cpi.int/press/pressreleases/284.html> SEE ALSO “Third detainee for the International Criminal Court: Mathieu Ngudjolo Chui (Updated). The Hague, 07 Feb 08 ICC-CPI-20080207-PR284-ENG accessed at <http://www.icc-cpi.int/press/pressreleases/329.html>

156 ICJ(Democratic Republic of the Congo v. Uganda) Op cit.

157 SEE “Report of the Secretary-General pursuant to paragraphs 10 and 14 of Security Council resolution 1649 (2005)”. S/2006/310 dated 22 May 2006.

158 A territory was described as a province; names of commanders were incorrect as were the format of supposedly Congolese military serial numbers.

159 SEE for ex. S/2004/551 Op cit para 86 AND S/2005/30 Op cit. paras 158 & 247.

160 Interview w. LRA Officer 21 Feb 04.

161 S/2006/310 paras 29-32.

162 S/2006/310 para 33. SEE ALSO Swarbrick End of Mission Op cit.

163 Wheeler, Skye. “Uganda rebels, government sign "permanent" ceasefire”. Reuters: Feb 23, 2008. Accessed 09 Mar 08 at <http://www.reuters.com/articlePrint?articleId=USL2315081120080223>

164 Kwera, Francis. “International court to keep chasing Uganda rebels” Reuters [Kampala]: 21 Feb 08. Accessed 09 Mar 08 at <http://www.reuters.com/articlePrint?articleId=USL21679232> SEE ALSO Office of the Prosecutor. “Statement of the Office of the Prosecutor on Uganda”. ICC: The Hague, 04 Mar 08. Accessed 09 Mar 08 at <http://www.icc-cpi.int/library/organs/otp/ICC-OTP-ST20080304-ENG.pdf>

165 Accessed 13 Jan 08 at <http://www.theirc.org/news/latest/inside-congo-an-unspeakable.html>

166 SEE Swarbrick End of Mission Report Op cit

167 Again, it is important to cite the general cooperation of the RDRC though, like most post-Genocide institutions in Rwanda, almost all the senior staff of the RDRC were Tutsis, which in itself did not assist in portraying the image of “openness” necessary to encourage the Rwandan Hutu combatants in the DRC to return home. Nonetheless, aside from some minor hiccups, we must give them a lot of credit for solving many practical problems.

168 SEE A/55/403 Op cit, para 85: “In Kisangani, while Rwandans and Ugandans shared power, the radio stations vehemently incited racial hatred: Liberté, against the Rwandans, and RTNC/Rebelde, against the Ugandans. But the victims are Congolese.” SEE ALSO E/CN.4/2001/40 Op cit., para 125.

169 SEE for ex. A/55/403 Op cit., para 45: “All forms of dissidence are suppressed; any criticism is considered an incitement to national hatred or genocide and the whole population is suspected of collaborating with the Mai-Mai. A typical example is the absurd expulsion of Archbishop Emmanuel Kataliko from Bukavu for his Christmas message, which was considered to be an incitement to genocide. The Special Rapporteur has read and studied the text closely, and he can safely say that there is not a single sentence, word or idea, taken in isolation or in context, that could be interpreted, even with the worst of intentions, in this way.”

170 Smith, [General Sir] Rupert. The Utility of Force. Penguin-Allan Lane. London: 2005.

171 SEE Swarbrick. End of Mission...Op cit., ICG Op cit.

172 SEE Note 92 ABOVE Pasteur Bizimungu and Faustin Twagiramungu are the most prominent but many others have either been killed or fled the country.

173 "Déclaration des Forces Démocratiques de Libération du Rwanda [Rome Declaration]" 31 Mar 05. SEE ALSO "Pulling Back from the Brink in the Congo". ICG Africa Briefing. 07 Jul 04. pp 1-2, note #2.

174 For Ex, SEE Communiqué from GoR dated 01 Apr 05.

175 "Dialogue Intra-Rwandais Plateforme Belgique/Hollande/Allemagne Dir'07" - Amsterdam, Oct 07 organized by the International Network for Truth and Reconciliation in Rwanda with the support of the Spanish Ministry for International Affairs and Cooperation and the Spanish Agency for International Cooperation. Accessed 02 Mar 08 at <http://www.veritasrwandaforum.org/dialogo.htm#>

176 Harff, Barbara. "No Lessons Learned from the Holocaust? Assessing Risks of Genocide and Political Mass Murder since 1955" American Political Science Review Vol. 97, No. 1 Feb 03, pp57-73.

177 S/2006/310 Op cit. para 35.

178 Apparently others have come to agree with this point. Outgoing EU Special Envoy for the Great Lakes Region, Aldo Ajello, blamed the World Bank for the way it managed SSR, particularly its stress on local ownership. SEE "Army Reform remains the biggest challenge, delays blamed on World Bank". South Scan Briefing 2205 09 Mar 07, accessed 05 Nov 07 at southscan.gn.apc.org/briefings/scan_briefing2205.html. Though DPKO is not especially speedy, it is generally far better. Well managed security contractors can also help to react faster or provide more long term solutions.

179 SEE Swarbrick, Peter. "Avoiding Disarmament Failure: The Critical Link in DDR – An Operational Manual for Donors, Managers, and Practitioners". A Working Paper of the Small Arms Survey. Geneva, Switzerland: Feb 07. pp 48 but also 26, 32-33.

180 European Union - EUSEC Rd Congo Mission. "The EUSEC Rd Congo Mission- Information Document" Oct 07. Accessed 28 Oct 07 from www.consilium.europa.eu/eusec-rdcongo

181 Where troops of differing allegiance were mixed into common units of the new FARDC.

182 SEE "Status of the MDRP in the Democratic Republic of Congo – March 2007" accessed at www.mdrp.org. SEE ALSO "MDRP Quarterly Report: April-June 2007" accessed at www.mdrp.org/PDFs/2007-Q2-QPR-MDRP.pdf AND Sebahara, Pascale. 'La réforme du secteur de la sécurité en RD Congo' Groupe de recherche de d'information sur la paix et la sécurité [GRIP] : 13 mars 2006. Accessed 30 Oct 07 from www.grip.org/bdg/g4600.html.

183 SEE S/2007/156 Op cit.

184 "EUPOL-KINSHASA- La première Mission européenne de Police en Afrique" Oct 06. Accessed 28 Oct 07 at <http://www.consilium.europa.eu/uedocs/cmsUpload/DocumentPresentationEUPOLOctobre2006EN.pdf>

185 SEE for ex. French, Howard W. "The Chinese and Congo take a giant leap of faith". International Herald Tribune. Friday, 21 Sep 07. Accessed 30 Oct 07 at <http://www.iht.com/articles/2007/09/21/news/letter.php> SEE ALSO "Congo: Who benefits from the minerals?" From The Economist. 20 Sep 07. Accessed 30 Oct 07 from http://www.economist.com/world/africa/displaystory.cfm?story_id=9833457

186 Baker, James A. III and Hamilton, Lee H. [Co-Chairs]. The Iraq Study Group Report: The Way Forward – A New Approach. Vintage Books [New York]: Dec 06. p 75. "Recommendation 44: The Most highly qualified U.S. Officers and military personnel should be assigned to the imbedded teams, an American teams should be present with Iraqi units down to the company level. The U.S. military should establish suitable career enhancing incentives for these officers and personnel."

187 SEE for instance Reid, Timothy. "Why the United Nations Needs Private Security: Finding Ways to Make UN Peacekeeping More Effective" Journal of International Peace Operations. Vol 3, No 3 : Nov-Dec 07 pp 19-20 located at http://ipoaonline.org/journal/images/journal_2007_1112.pdf. SEE ALSO the Group of Experts suggestions for using private companies to help collect border taxes in S/2007/68 Op cit. para 74.

188 Though lip service is now made to SSR, resources are still vastly inadequate for such a daunting challenge. EUSEC has only 40 officers. It is gradually extending its presence to the entire territory of the DRC with advisers also present in the provincial administrations dependent on the Ministry of Defense (Military Regions). SEE EUSEC Rd Congo Mission- Information Document Op cit.

189 Personal experience of the author [for ex. in dealing with support for the census, several different countries claimed another was going to do it...], testimony from colleagues.....SEE ALSO Sebahara Op cit.

190 Some of these arguments are also taken up in Reid, "The Need to Use Private Security..." Op cit.

191 Report of the Panel on United Nations Peace Operations [Brahimi Report]. General Assembly Security Council Fifty-fifth session Fifty-fifth year Item 87 of the provisional agenda: Comprehensive review of the whole question of peacekeeping operations in all their aspects. A/55/305–S/2000/809.

192 “Report of the Special Committee on Peacekeeping Operations: Comprehensive review of the whole question of peacekeeping operations in all their aspects”. A/57/767 28 Mar 03

193 For a more developed examination, SEE Reid. Why the United Nations Needs Private Security. Op cit.

194 SEE Swarbrick. End of Mission... and ...Avoiding Disarmament Failure Op cit

195 The TPVM was created out of the “Pretoria Agreement” between Rwanda and the DRC signed 30 Jul 02 [SEE Note 12 ABOVE]. It was finally wound up after the refusal of President Kabila to renew its mandate in Feb 04. The Head of the South African component of the TPVM, Billy Masethla, was also the Director of the South African National Intelligence Agency (NIA). He was later fired by President Thabo Mbeki for a “breakdown of trust” and faced two criminal charges over unauthorized surveillance and other illegal intelligence activities. SEE “South Africa: Masethla Hopes to Take on Mbeki in South Africa’s Highest Court”. Sudan Vision – An Independent Daily, 15 Jan 07. Accessed 04 Nov 07 at www.sudanvisiondaily.com//modules.php?name=News&file=article&sid=17457 There have also been allegations of illegal arms trafficking by South Africa. When the Group of Experts attempted to investigate these allegations, they received lukewarm co-operation. SEE S/2005/30 Op cit. para 210.

196 Swarbrick End of Mission...Op cit para 29.

197 “Tripartite Agreement on Regional Security in the Great Lakes Amongst the Democratic Republic of Congo, the Republic of Rwanda and the Republic of Uganda”

198 US Embassy in Kinshasa. “Final Communiqué of the Lubumbashi Tripartite Meeting” – Press Release 22 Apr 05.

199 Swarbrick End of Mission Op cit para 29.

200 GoDRC/GoR Joint Communiqué 09 Nov 07 Op cit. para 15.

201 SEE for ex. an interview by Ambassador Richard Sezibera, Rwandan Special Envoy for the Great Lakes, 07 Jun 05 . SEE ALSO Arthur Asimwe. “Rwanda vows no charges for young genocide suspects”. Reuters Alert Net - 10 Jun 05. “Pulling Back from the Brink”. Op cit. pp 1-2, note #2.

202 SEE for ex. “Sezibera speaks out on FDLR surrender” - 01 Apr 05. SEE ALSO “FDLR Can Join Army – Sezibera” in the Rwanda New Times – 25 Apr 05. SEE ALSO “Rwandan rebels in Congo can join national forces: official” quoted in Xinhua – 20 Apr 05.