CRITICAL ANALYSIS OF THE ROLE OF THE UNITED NATIONS PEACEKEEPING MISSION IN NORTH KIVU/DEMOCRATIC REPUBLIC OF CONGO 2006-2009

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DECLARATION A

This dissertation is my original work and has not been presented for a Degree or any other academic award in any University or Institution of Learning.

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DECLARATION B

I/We confirm that the work reported in this dissertation was carried out by the candidate under my/our supervision.

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APPROVAL SHEET

This dissertation entitled "**The Failure of the UN Peacekeepers to Protect Civilians during the War Opposing the Democratic Republic of Congo with the National Congress for the Defense of the People**" prepared and submitted by **Kamari Sebakungu** in partial fulfillment of the requirements for the degree of **Master of Law** has been examined and approved by the panel on oral examination with a grade of PASSED.

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DEDICATION

The researcher dedicates this study to his dad Samuel SEBAKUNGU.

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There are individuals whose efforts have been paramount in as far as this book is concerned.

The researcher may not be able to mention all of them but he is so grateful. Firstly I thank the Almighty God for His enduring love and guidance throughout this exercise.

The researcher sincerely appreciates his supervisor Dr Titus BITTOK whose academic experience has helped me to come up with this work not forgetting Dr. Sarah KINYANJUI for her encouragement and tireless support throughout my course.

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LIST OF LEGAL INSTRUMENTS USED AND CASE LAWS

A. INTERNATIONAL INTRUMENTS

1945 The Charter of the United Nations

1948The Universal Declaration of Human Rights

1981African [Banjul] Charter on Human and Peoples' Rights,

1998 The Rome Statute of the International Criminal Court

B. NATIONAL INSTRUMENT

2005 The Constitution of the Democratic Republic of Congo

LIST OF CASES

Ntabakuze case rendered by the International Criminal Tribunal for Rwanda in December,2008

Hategekimana case rendered by the International Criminal Tribunal for Rwanda in December,2010

Kanyarukiga case rendered by the International Criminal Tribunal for Rwanda in November,2010

ACRONYMS

DRC	:	Democratic Republic of Congo
CNDP	:	National Congress for the Defense of the Popeople
UN	:	United Nations
FARDC	:	Armed Forces of the Democratic Republic of Congo
NGO	:	Non Governmental Organization
BBC	:	British Broad Casting
NATO	:	North Atlantic Treaty Organization
UNTSO	:	United Nations Truce Supervision Organization
UNMOGIP	:	United Nations Military Observer Group in India and Pakistan
MONUC	:	United Nations Mission Organization in Congo
DDRRR	:	Disarmament, Demobilization, Repatriation, Reintegration, and Resettlement.
SSG	:	Swedish Special Group
RDF	:	Rwandan Defense Force
FNI	:	Nationalist and Integrationist Front
OIOS	:	Office of Internal Oversight Service
UNAMIR	:	United Nations Assistance Mission in Rwanda
PARECO	:	Coalition of Congolese Patriotic Resistance
FDLR	:	Democratic Liberation Forces of Rwanda
LRA	:	Lord Resistance Army
SSR	:	Security Sector Reform
UNAMSIL	:	United Nations Assistance Mission in Sierra leone
DPKO	:	Department of Peacekeeping Operations
OAU	:	Organization of African Unity

ABSTRACT

The United Nations Peacekeeping forces are employed by the organization to maintain or re-establish peace in an area of armed conflict. The UN may engage in Conflicts between states as well as struggles within states.

In this particular research, peacekeepers have been sent in the Democratic Republic of Congo under Lusaka ceasefire agreement of the 17th July 1999 but also following the United Nations Security Council Resolution of 1258 of August 6th 1999 authorizing the deployment of a minimum of ninety officers. This number of ninety officers did not remain constant instead it continued to be increased as long as the Congolese war was concerned. Up to 31st October 2007 a total number of the UN Peacekeepers was of 18407 personnel which is the biggest number of the peacekeepers in the world.

Viewing this number of peacekeepers in the Democratic Republic of Congo, one wonder whether they perform their task as mentioned in their mandate as expected. As it will be presented in this work, the research will indicate the great achievement and failures of the UN Peacekeepers in the Democratic Republic of Congo (MONUC), their conducts on ground, and the contributions of the other partners such as the UN Security Council; the contributing Countries that provide personnel for operations (troop & police); the hosting country(DRC); and finally the rebels.This work presents different abuses committed by different factions in war and how the Peacekeepers behaved toward this issue. This work is completed with a conclusion and recommendations of what should be done in future in order to overcome these problems, finally this work proposes ways to eradicate the bad culture of impunity in DRC.

CHAPTER ONE
THE PROBLEM AND ITS SCOPE

1.0 Overview

This chapter present the overall introduction of the study. It explored the historical contextual and conceptual background of the existing problem in North Kivu a province located in east of the Democratic Republic of Congo which need urgent attention. The current chapter is broken down into the purpose, Statement of the problem, Objectives, and research questions. It further present the Significance, Limitation, and Scope of the study.

1.1 Background

Like many African nations that have experienced turmoil in the twentieth and twenty first centuries, the conflict, disorders and widespread chaos plagued the Democratic Republic of Congo (DRC) is firmly rooted in the country's colonial history and the political crisis experienced following independence in 1960[1].

Upon achieving independence from Belgian colonial rules, the country faced grave problems with a mutiny by its armed forces and a secessionist struggles from its Katanga province within weeks of the newly elected government taking power, Lumumba was dismissed from office by the president Kasavubu[2].

After a period of chaos which saw a series of short term governments in quick succession, Mobutu Seseseko chief of staff of the army took advantage of the political turmoil, seizing power in 1965, he soon renamed the country Zaire[3].

The final days of Mobutu reign took place in the after match of the 1994 of the Rwandan genocide in which an estimated 800,000 Tutsi and moderate hutu were slaughtered by Hutu extremists[4].

Since 1996 until the installment of Laurent Desire KABILA this period has become known as the first Congo war. During this war, the new Rwandan government

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1 M. Muhindo; Le Congo-Zaire, d'une guerre a l'autre;de liberation en occupation. ULPGL ; Goma 2003, p17

2 . Colette Braeckman ; Le dinosore, Librairie Artheme, Paris 1997

3 H. Hakizimana;Du droit des Refugies en Droit Interne Congolais;UNIGOM; Goma 1998;p57

4. Pierre Hallen & Jannos Riez; Patrice Lumumba entre Dieu et diable, ed l'Harmattan, Montreal 1997, p111

was pursuing to overthrow the hutu rebels who were planning for another war in Rwanda. In those circumstances Kabila was supported by the Rwandan government which took him into power[5].

After gaining power Kabila ordered foreign troops to leave the DRC/ and this initiated a new conflict that is often referred to as the African world war(1998 to mid 2003) because it involved eight nations e.g. Rwanda, Uganda, and Burundi on one side and Angola, Namibia, Zimbabwe, Tchad, Sudan on the other.[6]

The security council authorized the UN to oversee the implementation of the Lusaka ceasefire agreement in 1999. The first liaison officers arrived in DRC on September 3,1999. In November 1999 the number of liaison officers totaled 39 distributed in the capitals of the warring countries up cited including 24 who were stationed in Kinshasa. In January 2000 they reached the number of 79 and they were spread over the whole territory of DRC[7].

The origin of this second United Nations military presence in the Democratic Republic of the Congo (DRC) is found in the Lusaka Ceasefire Agreement on the 17th of July 1999 and the following United Nations Security Council Resolution 1258 of August 6, 1999, authorizing the deployment of a maximum of 90 officers[8].

The first liaison officers arrived in the DRC on September 3, 1999. In November 1999 the number of liaison officers totaled 39, distributed in the capitals of the warring countries (Rwanda, Uganda, Burundi, Zambia, Namibia, Zimbabwe, Ethiopia) including 24 who were stationed in Kinshasa. In January 2000 they reached the number of 79 and they were spread over the whole territory of DRC. Their mission was to liaise with all the warring factions, give a technical assistance and prepare the deployment of military observers.[9]

On February 24, 2000 with the resolution 1291, the U.N. Security Council authorized the deployment of a maximum of 5537 military personnel in the DRC,

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5. Jean Claude Willame; Qui gouverne le Zaire ? Ed l'Harmattan, Paris 1997, p91
6 Rakshak.C. Bharat; Protecting Civilians and Consolidating Peace in DRC
http://www.bharat-rakshak.com/HEROISM/Salaria.html. acced on 17th April 2011
7. Colette Braeckman; op cit p77
8 Louis Charbonneau (2008-11-18). "More peacekeepers won't bring peace to Congo - http://www.reuters.com/article/homepageCrisis/idUSN18289517._CH_.2400. Accessed on 14th 2011
9 Ibid

including 500 military observers. On April 4, 2000 the Senegalese Major General Mountago Diallo was appointed as the commander of MONUC's military force. The mandate is to monitor the implementation of the Ceasefire Agreement and the redeployment of belligerent forces, to develop an action plan for the overall implementation of the Ceasefire Agreement, to work with the parties to obtain the release of all prisoners of war, military captives and the return of the remains, to facilitate humanitarian assistance and to assist the Facilitator of the National Dialogue.[10]

Acting under Chapter VII of the United Nations Charter the U.N. Security Council authorized MONUC to take the necessary action, in the areas of deployment of its infantry battalions, to protect UN personnel, facilities, installations and equipment, ensure the security and freedom of movement of its personnel, and to protect civilians under imminent threat of physical violence.[11]

In December 2000 there were 224 military personnel deployed, including 148 observers in 13 points around the country. The observers could only record the non-application of the Ceasefire, the violent fighting at Kisangani and in the Equateur and Katanga provinces as well as the presence of foreign troops in the DRC. The deployment of UN troops was impossible due to the security situation and the reluctance of the Congolese government[12].

Even though the beginning of 2001 was still hampered by sporadic combat, the military observers could fulfill their mission in regards with the disengagement of forces and the withdrawal of some of the Rwandan and Ugandan forces.

On the March 29, 2001 the first Uruguayan guard unit arrived in Kalemie. The force was deployed in four sectors at Kananga, Kisangani, Kalemie and Mbandaka. In July 2001, the force strength was of 2366 soldiers, including 363 military observers distributed in 22 cities and 28 teams monitoring the disengagement of forces. The contingent soldiers totaled 1869. They came from South Africa, Uruguay, Morocco, Senegal and Tunisia. Guard units protected

10. Thomas Turner; Congo wars, London2008, p143
11 Louis Carboneau; Op cit ,p 99
12 Ibid

MONUC installations in Kinshasa, Kananga, Kisangani, Kalemie, Goma and Mbandaka.[13]

A Uruguayan riverine unit and a South African air medical evacuation team were also deployed. The deployed troops were only to protect the sites against looting and theft, the force had also the mandate to protect civilian population under imminent threat. Following the Security Council Resolution 1355, the military observers, within their capacities, could also contribute to the voluntary disarmament, demobilization, repatriation and reintegration process of the armed groups.[14]

With Security Council Resolution 1376, the Security Council launched the third phase of the deployment of MONUC troops, in the East of DRC. The site for the logistical base was planned to be Kindu.[15]

In 2002 the 450 military observers, split in 95 teams, continued to monitor the Ceasefire along the ex-frontlines. The teams also investigated violations of the Ceasefire. Foreign troops continued to leave the country. The riverine units escorted the first ships on the Congo river, which was again open to commercial traffic. In June 2002 the blue helmets' total number was 3804. Contingents from Ghana and Bolivia joined the force, of which more than a third of the soldiers were Uruguayan. More than a thousand soldiers were deployed in Kisangani. On May 14, 2002, a military observer died near Ikela following the explosion of a mine under his vehicle.[16]

On the 30th of July 2002, the different parties signed the Pretoria agreement. The nature of the mission of the peacekeepers changed. The military observers monitored the withdrawal of 20 000 Rwandan soldiers, but they also noted the rise of ethnic violence in Ituri. At the end of 2002 there were a total of 4200 UN soldiers in the DRC. By Resolution 1445 the Security Council authorized

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13 Angela Balakrishnan; Extra 3,100 UN troops to be deployed to Congo". The Guardian. http://www.guardian.co.uk/world/2008/nov/20/congo-unitednationsRetrieved 2008-11-21. Accessed on 15th April 2011

14 Ibid

15 The UN resolution 1925

16 Denis M. Tull ; Peacekeeping in the Democratic Republic of Congo: Waging Peace and Fighting War http://www.informaworld.com/smpp/content~content=a910740659~db=all~order=page Accessed on 15th April 2011

the increase of military personnel to 8500. The principle of two independent intervention forces was also approved. MONUC had to support the voluntary disarmament, demobilization, repatriation, reintegration and resettlement (DDRRR) process.[17]

Numerous DDRRR operations in collaboration with the civilian component were conducted in the beginning of 2003. Before the start of the transition, UN soldiers were deployed along the front lines. A vast redeployment to the East started. The four coordination centers and 22 bases in the western part of the country were shut down. Over a hundred observers were redeployed and Uruguayan contingents arrived in Bukavu and Lubero. Observer teams monitored serious combat and human rights violations in Ituri. In April 2003, 800 Uruguayan soldiers were deployed in Bunia under Resolution 1484. In the same month an observer died in a mine explosion. In May 2003 two military observers were savagely killed by a militia.[18]

The withdrawal of 7000 Ugandan troops in April 2003 led to a deteriorating security situation in the Ituri region endangering the peace process. The U.N. Secretary General Kofi Annan called for establishing and deploying a temporary multi-national force to the area until the weakened MONUC mission could be reinforced. In his second special report to the Security Council, the U.N. Secretary General proposed a reorientation of MONUC missions: to provide support to the transition and to maintain security in key areas of the country. Accordingly he proposed the creation of a brigade in Ituri to support the peace process.[19]

On May 30, 2003 the Security Council by its Resolution 1493 authorized the deployment of interim emergency multinational force in east with a task to secure the airports, protect internally displaced persons in camps and the civilians in the towns. Resolution 1493 authorized an increase of military personnel to 10 800, imposed and arms embargo and authorized MONUC to use all necessary means to

17 Denis M Tull; op cit, p75
18 Ibid
19 UNHCR; Democratic Republic of the Congo: UN peacekeepers rescue kidnapped police **http://www.unhcr.org/refworld/docid/4d4ba5961a.html Accessed on 14th April 2011**

fulfill its mandate in the Ituri district and, as it deemed it to be within its capabilities, also in North and South Kivu.[20]

The French Government had already shown interest in leading the operation. It soon broadened to an EU-led mission with France as the framework nation providing the bulk of the personnel and complemented by contributions from both EU and non-EU nations. The total force consisted of about 1800 personnel and was supported by French aircraft based at N'Djamena and Entebbe airfields. A small 80 man Swedish Special Forces group (SSG) was also added.[21]

The operation called Operation Artemis was launched on June 12 and completed its deployment in the following three weeks. The force was successful in stabilising the situation in Bunia and enforcing the UN presence in the DRC. In September 2003, responsibility for the security of the region was handed over to the MONUC mission.[22]

In September 2003 the Ituri brigade was in place, including soldiers from Uruguay, Bangladesh, Nepal, Pakistan, Indonesia, India and Morocco. In November 2003 a total of 10 415 peacekeepers were in the DRC, comprising infantry units, engineer units, helicopter units, logistic units, medical units.

Deploying the Ituri brigade conducting cordon and search operations improved the security conditions in Ituri, but at the same time the peacekeepers became the target of the militias. On February 12, 2004 a military observer was killed in Ituri.[23]

With the arrival of the Transitional Government of the Democratic Republic of the Congo which included members of rebel movements, more than 900 Tunisian and Ghanaian blue helmets contributed to the security of Kinshasa.

It was decided that the troops present in the Kivus will be assembled under the unified command of a brigade. In March the Nigerian General Sumaila Ilya took over the command of the force.[24]

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20 Denis M Tull; Opcit, p49
21 Rakshak. C. Barat; Op cit.
22 Miller, Eric:: "The Inability of Peacekeeping to Address the Security Dilemma," 2010.
23 Denis M. Tull; Op cit, P57
24. Rakshak. C. Barat; Op cit.

In June 2004 Bukavu was occupied by rebel general Laurent Nkunda. A military observer was killed. The 1000 MONUC troops could only protect their own installations. Demonstrations were held all over the country, forcing blue helmets to open fire on looters in Kinshasa.[25]

Though the Secretary General had asked for an increase of 13100 soldiers, in October 2004 the Security Council by Resolution 1565, authorized a reinforcement of 5,900 military personnel and defines the mandate which is still valid today.[26]

1.2 Statement of the problem

The UN peacekeeping force was sent in DRC with a specific mandate. Ensuring the protection of civilians and UN staff; Monitoring ceasefire agreement; Assisting with monitoring cross border movements of military forces and arms; Facilitating humanitarian assistance and the return of refugees; Assisting with protection and promotion of human right; Supporting a national dialogue and promoting the political process; Integrating rebel groups and factions into the national defense and international security; Contributing to the security of the Congolese institutions and protecting officials; Supporting the disarmament, demobilization and reintegration of farmer combatants among which CNDP, MLC, FNI, MAYIMAYI,PARECO, and FDLR,...; Advising on essential legislation, including a constitution and laws dealing with the electoral process and security sector reform; Coordinating operations with the Congolese national army (the FARDC) against armed groups, Training and mentoring the FARDC in human Rights and Humanitarian Law to support security sector reform.

Emphasizing that the protection of civilians must be given priority, the Council authorized MONUC to use all necessary means to carry out its protection mandate. Albeit this has not witnessed on the ground dipite the presence of the UN soldiers in the area. There are a number of incidences reported. For instance

25 Ibid

26 Harmon Snow, Keith; Belgian Paratroopers To Crush Rising Congo Rebellion? http://www.consciousbeingalliance.com/2009/12/belgian-paratroopers-to-crush-rising-congo-rebellion/. Accessed on 17th April 2011

in North Kivu all types of atrocities have been visited upon civilian population. Accusations are pointed at all actors: Rebels as well as the governmental soldiers.

The question is: Have peacekeepers been silent spectators to these programs? What is the role of MONUC in the grave for peace, protection, education, economic freedom in DRC?

1.3 Purpose of the study

The purpose of this study will be to analyze the mandate of the UN Peacekeeping in the Democratic Republic of Congo;

Also the researcher will analyze weather the UN Peacekeeping has contributed to restoration of peace and security in DRC;

The researcher will finally indicate the different parties that committed abuses in the Eastern DRC.

1.4 Objectives of the study

This study will be guided by the following objectives:

1. To analyze the UN peacekeepers mandate as well as assessing the different crimes endured by civilians in DRC;
2. To find out the performance of the UN peacekeepers in DRC;
3. To determine measures acceptable to prevent crimes in DRC.

1.5 Research questions

In order to achieve the objectives, the following questions will guide the study:

1. What is the role of the United Nations Peacekeeping mission in the Democratic Republic of Congo?
2. Has MONUC performed its objectives as stated in its mandate?
3. What measures can be taken to prevent further atrocities?

1.6 Scope of the study

This study will be conducted in North Kivu the province located in Eastern Congo which has been deeply undermined by the war. It will cover the period between 2006 to 2009.

1.7 Significance of the study

This study will provide a scientific research about the UN peacekeeping mission in the Democratic Republic of Congo.

It will assist future researchers to discern the reality on the ground and further studies will be done for more knowledge.

Finally it is hope that appropriate measures will be taken by the Security Council to empower effectively its peacekeepers especially the protection of civilians under imminent threats.

CHAPTER TWO
LITERATURE REVIEW

2.0. Overview

This chapter looks at the related literature that concerning the peacekeeping in Eastern Congo especially in Northern Kivu. It dwells on the related literature on challenges facing the local population who are still suffering the consequences of the war. It aims to discuss on the existing writing or knowledge of different scholars focusing on the problems in North Kivu.

2.1 History of Organization

The United Nations Peacekeeping Forces are employed by the World Organizaton to maintain or re-establish peace in an area of armed conflict. The UN may engage in conflicts between states as well as in struggles within states. The UN acts as an impartial third party in order to prepare the ground for a settlement of the issues that have provoked armed conflict. If it proves impossible to achieve a peaceful settlement, the presence of UN forces may contribute to reducing the level of conflict.[27]

The UN Peacekeeping Forces may only be employed when both parties to a conflict accept their presence. Accordingly, they may also be used by the warring parties to avoid having a conflict escalate and, in the event, also to have a struggle called off.[28]

The Peacekeeping Forces are subordinate to the leadership of the United Nations. They are normally deployed as a consequence of a Security Council decision. However, on occasion, the initiative has been taken by the General Assembly. Operational control belongs to the Secretary-General and his secretariat.[29]

27. Heininger Janet E; Peacekeeping in transition: The United Nations in Cambodia, New York 1994,p51
28. Miller Eric; The inability of peacekeeping to address the security dilemma, ed Dalloz, Paris 2007, p172
29. Heininger Jannet E; The inability of peacekeeping to address the security dilemma, ed dalloz, Paris 2008, p159

We distinguish between two kinds of peacekeeping operations: Unarmed observer groups and the armed military forces. The latter are only allowed to employ their weapons for self-defense. Altogether, 14 UN operations have been carried out. They are evenly divided between observer groups and military forces. The observer groups are concerned with gathering information for the UN about actual conditions prevailing in an area, e.g., as to whether both parties adhere to an armistice agreement. The military forces are entrusted with more extended tasks, such as keeping the parties to a conflict apart and maintaining order in an area.

UN interventions have been in particular demand in the Middle East, both as regards observer groups and military forces. The UN first took on the task of sending observers to monitor the armistice between Israel and the Arab states in 1948. Observer group activity was resumed after the wars of 1956, 1967, and 1973. After the 1956 war, the first armed UN force was established to create a buffer between Israeli and Egyptian forces in the Sinai.[30] Another force was established after the war between Egypt and Israel in 1967 to monitor the armistice agreement between the parties. This took place during a period of extremely high tension both locally and between the great powers. In 1974, a smaller UN force was set up on the Golan Heights to maintain the boundary line between Syrian and Israeli forces.[31]

The most extensive UN operation in the Middle East is represented by the formation of UNIFIL, subsequent upon the Israeli invasion of Lebanon in 1978. Its tasks included watching over the Israeli withdrawal, maintaining conditions of peace and security, and helping the Lebanese government re-establish its authority. Such tasks have taxed the capabilities of UNIFIL to the utmost, but the UN forces have made an important contribution by reducing the level of conflict in

30 Ibid

31 Peacekeeping and Protection of Civilians. http://www.un.org/en/peacekeeping/issues/civilian.shtml Accessed on 14th April 2011

the area. However, this achievement has not come without significant cost. UN casualities now amount to more than 200.[32]

The UN played an important role during the struggles that erupted when the Belgian colony of the Congo achieved independence in 1960. As anarchy and chaos reigned in the area, a UN force numbering almost 20,000 was set up to help the Congolese government maintain peace and order. It ended up being, above all, engaged in bringing a raging civil war to an end and preventing the province of Katanga from seceding. It was while carrying out the UN mission in the Congo that Secretary-General Dag Hammarskjold was killed in an air crash.[33]

Among other important tasks may be mentioned monitoring the border between India and Pakistan, and maintaining the peacekeeping force that was established on Cyprus on account of the civil war that broke out between the Greek and Turkish populations of the island. The UN force has succeeded in creating a buffer zone between the two ethnic groups.[34]

The UN has, in these and other areas, played a significant role in reducing the level of conflict even though the fundamental causes of the struggles frequently remain.

United Nations peacekeeping is a unique and dynamic instrument developed by the Organizations as a way to help countries torn by conflict create the conditions for lasting peace.

The term "peacekeeping" is not found in the United Nations Charter and defies simple definition. Dag Hammarskjöld, the second UN Secretary-General, referred to it as belonging to "Chapter Six and a Half" of the Charter, placing it between traditional methods of resolving disputes peacefully, such as negotiation

32 Ibid

33 Heininger Janet E; Op Cit p67

34. Ciara Damgaard; Individual Criminal Responsibility for Core International Crimes, Librairy of C ongress, Berlin 2007, p73

and mediation under Chapter VI, and more forceful action as authorized under Chapter VII.[35]

Over the years, UN peacekeeping has evolved to meet the demands of different conflicts and a changing political landscape. Born at the time when the Cold War rivalries frequently paralyzed the Security Council, UN peacekeeping goals were primarily limited to maintaining ceasefires and stabilizing situations on the ground, so that efforts could be made at the political level to resolve the conflict by peaceful means. Those missions consisted of military observers and lightly armed troops with monitoring, reporting and confidence-building roles in support of ceasefires and limited peace agreements.[36]

With the end of the Cold War, the strategic context for UN peacekeeping dramatically changed, prompting the Organization to shift and expand its field operations from "traditional" missions involving strictly military tasks, to complex "multidimensional" enterprises designed to ensure the implementation of comprehensive peace agreements and assist in laying the foundations for sustainable peace. Today's peacekeepers undertake a wide variety of complex tasks, from helping to build sustainable institutions of governance, to human rights monitoring, to security sector reform, to the disarmament, demobilization and reintegration of former combatants.[37]

The nature of conflicts has also changed over the years. Originally developed as a means of dealing with inter-State conflict, UN peacekeeping has been increasingly applied to intra-State conflicts and civil wars. Although the military remain the backbone of most peacekeeping operations, the many faces of peacekeeping now include administrators and economists, police officers and legal experts, de-miners and electoral observers, human rights monitors and specialists in civil affairs and governance, humanitarian workers and experts in communications and public information.[38]

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35. Donald CF Bradd; Beyond traditional peacekeeping, Newyork1995, p113
36. Howard Lise Morje; Peacekeeping in Civil War, Cambridge University, London 2008, p163
37. Harbottle Michael; The impartial soldiers, Oxford University Press, London2007, 62
38 Ibid

UN peacekeeping continues to evolve, both conceptually and operationally, to meet new challenges and political realities. Faced with the rising demand for increasingly complex peace operations, the United Nations in the past few years has been overstretched and challenged as never before. The Organization has worked vigorously to strengthen its capacity to manage and sustain field operations and, thus, contribute to the most important function of the United Nations maintaining international peace and security.

The United Nations Charter gives the United Nations Security Council the power and responsibility to take collective action to maintain international peace and security. For this reason, the international community usually looks to the Security Council to authorize peacekeeping operations[39].

Most of these operations are established and implemented by the United Nations itself, with troops serving under UN operational control. In these cases, peacekeepers remain members of their respective armed forces, and do not constitute an independent "UN army", as the UN does not have such a force. In cases where direct UN involvement is not considered appropriate or feasible, the Council authorizes regional organizations such as the North Atlantic Treaty Organization (NATO), the Economic Community of West African States, or coalitions of willing countries to undertake peacekeeping or peace-enforcement tasks[40].

The United Nations is not the only organization to implement peacekeeping missions. Non-UN peacekeeping forces include the NATO mission in Kosovo (With United Nations authorization) and the Multinational Force and Observers on the Sinai Peninsula[41].

United Nations peacekeeping was initially developed during the Cold War as a means of resolving conflicts between states by deploying unarmed or lightly armed military personnel from a number of countries, under UN command, to areas where warring parties were in need of a neutral party to observe the peace

39 Pushkina, Darya ; A Recipe for Success? Ingredients of a Successful Peacekeeping Mission, June 2006; pp133–134.
40 Ibid
41 Ibid

process[42]. Peacekeepers could be called in when the major international powers (the five permanent members of the Security Council) tasked the UN with bringing closure to conflicts threatening regional stability and international peace and security. These included a number of so-called "proxy wars" waged by client states of the superpowers. As of February 2009, there have been 63 UN peacekeeping operations since 1948, with sixteen operations ongoing. Suggestions for new missions arise every year[43].

The first peacekeeping mission was launched in 1948. This mission, the United Nations Truce Supervision Organization (UNTSO), was sent to the newly created State of Israel, where a conflict between the Israelis and the Arab states over the creation of Israel had just reached a ceasefire. The UNTSO remains in operation to this day, although the Israeli-Palestinian Conflict has certainly not abated. Almost a year later, the United Nations Military Observer Group in India and Pakistan (UNMOGIP) was authorized to monitor relations between the two nations, which were split off from each other following the United Kingdom's decolonization of the Indian subcontinent.[44]

As the Korean War ends with the Korean Armistice Agreement in 1953, UN forces remained along the south side of demilitarized zone until 1967, when American and South Korean forces took over[45].

Returning its attention to the conflict between Israel and its Arab neighbors, the United Nations responded to Suez Crisis of 1956, a war between the alliance of the United Kingdom, France, and Israel, and Egypt, which was supported by other Arab nations. When a ceasefire was declared in 1957, Canadian diplomat (and future Prime Minister) Lester Bowles Pearson suggested that the United Nations station a peacekeeping force in the Suez in order to ensure that the ceasefire was honored by both sides. Pearson had initially suggested that the force consist of mainly Canadian soldiers, but the Egyptians

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42 Dandeker, Christopher & James Gow.. The Future of Peace Support Operations: Strategic Peacekeeping and Success; 1997; vol. 23: pp. 327–347.

43 Ibid

44 Ibid

45 Bridges, Donna & Debbie Horsfall.; Increasing Operational Effectiveness in UN Peacekeeping: Toward a Gender-Balanced Force. *Armed Forces & Society*, May 2009.

were suspicious of having a Commonwealth nation defend them against the United Kingdom and her allies. In the end, a wide variety of national forces were drawn upon to ensure national diversity. Pearson would win the Nobel Peace Prize for this work, and he is today considered a father of modern peacekeeping[46].

In 1988 the Nobel Peace Prize was awarded to the United Nations peacekeeping forces. The press release stated that the forces "represent the manifest will of the community of nations" and have "made a decisive contribution" to the resolution of conflict around the world[47].

The end of the Cold War precipitated a dramatic shift in UN and multilateral peacekeeping. In a new spirit of cooperation, the Security Council established larger and more complex UN peacekeeping missions, often to help implement comprehensive peace agreements between protagonists in intra-State conflicts and civil wars. Furthermore, peacekeeping came to involve more and more non-military elements that ensured the proper functioning of civic functions, such as elections. The UN Department of Peacekeeping Operations was created in 1992 to support this increased demand for such missions[48].

By and large, the new operations were successful. In El Salvador and Mozambique, for example, peacekeeping provided ways to achieve self-sustaining peace. Some efforts failed, perhaps as the result of an overly optimistic assessment of what UN peacekeeping could accomplish. While complex missions in Cambodia and Mozambique were ongoing, the Security Council dispatched peacekeepers to conflict zones like Somalia, where neither ceasefires nor the consent of all the parties in conflict had been secured[49]. These operations did not have the manpower, nor were they supported by the required political will, to implement their mandates. The failures — most notably the 1994 Rwandan genocide and the 1995 massacre in Srebrenica and Bosnia and Herzegovina led to a period of retrenchment and self-examination in UN peacekeeping[50].

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46. Heininger Janet; Opcit, P107
47. Donald Bradd; Opcit, p99
48 Dandeker, Christopher and James Gow; op cit p105.
49 Ibid
50 Pushkina, Darya; Op cit p99

2.2 Nature of Peacekeeping

Peacekeeping is anything that contributes to the furthering of a peace process, once established. This includes, but is not limited to, the monitoring of withdrawal by combatants from a former conflict area, the supervision of elections, and the provision of reconstruction aid. Peacekeepers are often soldiers, but they do not have to be. Similarly, while soldier-peacekeepers are sometimes armed, they are not obligated to engage in combat[51].[52]

Peacekeepers were not at first expected to ever fight. As a general rule, they were deployed when the ceasefire was in place and the parties to the conflict had given their consent. They were deployed to observe from the ground and report impartially on adherence to the ceasefire, troop withdrawal or other elements of the peace agreement. This gave time and breathing space for diplomatic efforts to address the underlying causes of conflict.[53]

Thus, a distinction must be drawn between peacekeeping and other operations aimed at peace. A common misconception is that activities such as NATO's intervention in the Kosovo War are peacekeeping operations, when they were, in reality, peace enforcement. That is, since NATO was seeking to impose peace, rather than maintain peace, they were not peace*keepers*, rather peace*makers*.[54]

2.2.1 Process and structure

A. Process

Peacekeepers monitor and observe peace processes in post-conflict areas and assist ex-combatants in implementing the peace agreements they may have signed. Such assistance comes in many forms, including confidence-building measures, power-sharing arrangements, electoral support, strengthening the rule of law, and economic and social development. Accordingly UN peacekeepers

51 Howard, Lise Morjé; *UN Peacekeeping in Civil Wars,* Cambridge University Press; 2008; p63
52 Ibid
53 Ibid
54 Fortna, Virginia & Lise Morjé Howard; Pitfalls and Prospects in the Peacekeeping Future, Montreal 2008, vol1: pp 283–285.

(often referred to as Blue Beret because of their light blue berets or helmets) can include soldiers, police officers, and civilian personnel.

The United Nations Charter gives the United Nations Security Council the power and responsibility to take collective action to maintain international peace and security. For this reason, the international community usually looks to the Security Council to authorize peacekeeping operations.

Most of these operations are established and implemented by the United Nations itself, with troops serving under UN operational control. In these cases, peacekeepers remain members of their respective armed forces, and do not constitute an independent "UN army", as the UN does not have such a force. In cases where direct UN involvement is not considered appropriate or feasible, the Council authorizes regional organizations such as the North Atlantic Treaty Organization (NATO), the Economic Community of West African States, or coalitions of willing countries to undertake peacekeeping or peace-enforcement tasks.[55]

The United Nations is not the only organization to implement peacekeeping missions. Non-UN peacekeeping forces include the NATO mission in Kosovo (With United Nations authorization) and the Multinational Force and Observers on the Sinai Peninsula.

Once a peace treaty has been negotiated, the parties involved might ask the United Nations for a peacekeeping force to oversee various elements of the agreed upon plan. This is often done because a group controlled by the United Nations is less likely to follow the interests of any one party, since it itself is controlled by many groups, namely the 15-member Security Council and the intentionally-diverse United Nations Secretariat.[56]

If the Security Council approves the creation of a mission, then the Department of Peacekeeping Operations begins planning for the necessary elements. At this point, the senior leadership team is selected. The department

55.Pushkina Darya; Opcit, p158
56.Christopher Dandeker; Op cit, p130

B. Structure

A United Nations peacekeeping mission has three power centers. The first is the Special Representative of the Secretary-General, the official leader of the mission. This person is responsible for all political and diplomatic activity, overseeing relations with both the parties to the peace treaty and the UN member-states in general. They are often a senior member of the Secretariat. The second is the Force Commander, who is responsible for the military forces deployed. They are a senior officer of their nation's armed services, and are often from the nation committing the highest number of troops to the project. Finally, the Chief Administrative Officer oversees supplies and logistics, and coordinates the procurement of any supplies needed.

2.2.2 Protection of civilians

Civilians have increasingly become the victims of armed conflict. In response, the Security Council has mandated a number of peacekeeping operations with the protection of civilians from physical violence.

This challenging mandate is often the yardstick by which the international community, and those whom peacekeepers Endeavour to protect, judge their worth as peacekeepers. The first peacekeeping operation to have received this mandate was UNAMSIL - UN Assistance Mission in Sierra Leone - in 1999.[61]

It is important to understand that the protection of civilians is not solely the responsibility of UN Peacekeeping operations. It is a systemic effort that includes:

- The Security Council which provides protection of civilians mandates;
- The UN Department of Peacekeeping who plan, deploy and manage peacekeeping operations;
- The troop and police contributing countries that provide the personnel for our operations;
- The peacekeepers on the ground who implement the mandate provided to them;

61 Donald CF. Bradd. C. Haye; Beyond traditional peacekeeping, New York 1995, p34

- Most importantly, the host government has the primary responsibility for protecting its citizens;

Improving protection of civilians in the context of UN Peacekeeping operations must be addressed holistically, with a view to improving the performance of all actors who share a stake in protecting innocent civilians from physical violence.

2.2.3 Potential for harm to troops

There is some concern about the harm caused to troops, as peacekeeping can be very stressful. The peacekeepers are exposed to danger caused by the warring parties and often in an unfamiliar climate. This gives rise to different mental health problems, suicide, and substance abuse as shown by the percentage of former peacekeepers with those problems. Having a parent in a mission abroad for an extended period is also stressful to the peacekeepers' family. In addition, peacekeepers, even when acting on UN mandate, may become a target for attacks by some of the parties in a conflict[62].

Another viewpoint raises the problem that the peacekeeping may soften the troops and erode their combat ability, as the mission profile of a peacekeeping contingent is totally different from the profile of a unit fighting an all-out war.[63]

2.2.4 Peacekeeping and child sexual abuse scandal

Reporters witnessed a rapid increase in prostitution in Cambodia, Mozambique, Bosnia, and Kosovo after UN and, in the case of the latter two, NATO peacekeeping forces moved in. In the 1996 U.N. study The Impact of Armed Conflict on Children, former first lady of Mozambique Graça Machel documented: "In 6 out of 12 country studies on sexual exploitation of children in situations of armed conflict, the arrival of peacekeeping troops has been associated with a rapid rise in child prostitution." [64]

62 Reed Brian & David Segal; Opcit, p78
63 Harbottle Michael; The Impartial Soldiers, London, Oxford University Press1997, p43
64 Ibid

2.2.5 Human Rights in United Nations missions

The following table chart illustrates confirmed accounts of crimes and human rights violations committed by United Nations soldiers, peacekeepers and employees.[65]

A comparison of incidents involving United Nations peacekeepers, troops, and employees.				
Conflict	**United Nations Mission**	**Sexual abuse[1]**	**Murder[2]**	**Extortion/Theft[3]**
Second Congo War	United Nations Mission in the Democratic Republic of Congo	150	3	44
Somali Civil War	United Nations Operation in Somalia II	5	24	5
Sierra Leone Civil War	United Nations Mission in Sierra Leone	50	7	15
Eritrean-Ethiopian War	United Nations Mission in Ethiopia and Eritrea	70	15	unknown
Burundi Civil War	United Nations Operation in Burundi	80	5	unknown
Rwanda Civil War	United Nations Observer Mission Uganda-Rwanda	65	15	unknown
Second Liberian Civil War	United Nations Mission in Liberia	30	4	1
Second Sudanese Civil War	United Nations Mission in Sudan	400	5	unknown

65 UN Report on Reform, July 1997. http://www.un.org/reform/track2/part2.htm accessed at 15/april/2011

Côte d'Ivoire Civil War	United Nations Operation in Côte d'Ivoire	500	2	unknown
2004 Haiti rebellion	United Nations Stabilization Mission in Haiti	110	57	unknown
Kosovo War	United Nations Interim Administration Mission in Kosovo	800	70	100
Israeli–Lebanese conflict	United Nations Interim Force in Lebanon	unknown	6	unknown

2.3 Peace Making vs. Peace Keeping

'Peace making' sounds very active and implies actually doing something to create and maintain the state of peace. It even could be considered aggressive. But in practice, this could not be further from the truth. Peace makers are those who try to bring about peace, but usually in ways that are peaceful in and of them. Organizing peace marches, teach-ins, rallies, or even forms of civil disobedience.[66]

'Peace keeping' has an ironic twist to it, because those who are officially peace keepers generally carry weapons and may even be involved with the military. However, when done properly, peace keeping can be an effective and necessary part of bringing about peace in a war-torn region.[67]

The Canadian mission in Afghanistan has been referred to as both 'peace keeping' and 'peace making.' 'Keeping,' through their presence, and 'making' through their advances (many of which use violence). Neither terms is correct in

66 Paula Kirman; Peacekeeping vs. Peacemaking. http://www.suite101.com./content/peasekeeping-vs-peacemaking accessed at 15/april/2011
67 Ibid

this instance. What is happening in Afghanistan is a military occupation to try to force into power a US-style system of government.[68]

'Peace making' is a much more general term. Everyone can be a peace maker in his or her own way, through small gestures, or through large actions. 'Peace keeping' is an active term in its own way, but one most specific to physical peace keeping, the irony of which being that it can sometimes become violent. Sometimes, it doesn't even have any effect at all. The U.N. is probably the world's most well-known peace keeping organization, but its effectiveness has at times been questioned.[69]

So, when it comes to regular, every day people who want to make a difference in the world, 'peace maker' is the best description. In the words of Jesus, it is the peace makers who will be called children of God. Peace keeping has its place, of course, but it is a much more specialized kind of service. However, for a focus on grassroots activism, both individually and in groups, peace making is the way to go.[70]

2.4 Peacekeeping in Africa

Underpinning the concept of an African Renaissance is an increasing determination to find 'African solutions to African problems'. In the realm of peace and security, this sentiment has been clearly expressed by His Excellency Dr Salim Ahmed Salim, Secretary General of the Organization of African Unity (OAU). For example, in his opening address to the Second Meeting of the Chiefs of Defense Staff of Member States of the OAU Central Organ, Salim stressed that, "... OAU Member States can no longer afford to stand aloof and expect the International Community to care more for our problems than we do, or indeed to find solutions to those problems which in many instances, have been of our own making. The simple truth that we must confront today, is that the world does not owe us a

68 Ibid
69 Rod Smith; Peacemaking Vs Peacekeeping. http://rodesmith.com/2006/02/27/peacekeeping-peacemaking accessed at 15/april/2011
70 Ibid

living and we must remain in the forefront of efforts to act and act speedily, to prevent conflicts from getting out of control."[71]

2.4.1 The Problem of Peacekeeping' In Africa

The UN and the rest of the international community face seemingly insurmountable hurdles in trying to bring stability to conflict-ridden African states. The problem of effective intervention is almost as complex as the type of conflicts that demand efforts at amelioration, and the obstacles are conceptual, contextual, political, and practical in nature.[72]

For the past decade, African conflicts have been characterized by the combination of an internal or international conflict with serious human rights violations and large scale suffering among the threatened civilian population, which has inevitably resulted in large numbers of refugees and displaced persons. Many of these conflicts have deep-rooted causes, such as:[73]

- A lack of coincidence between nation and state, ethnic tensions and the suppression of minorities;
- Corrupt and dictatorial regimes;
- Support for such regimes by international arms traders;
- Chronic poverty and underdevelopment;

However erroneously, the resources and energies of the international community tend to be mobilized around the symptoms, rather than the causes of such conflicts - particularly when these include genocide or civil war. The situation is further complicated by the fact that most of Africa's actual and potential conflicts are internal ones within the state, which impedes international attempts to broker peace. The perceived futility of attempting to solve African crises was finally realized when the international community tried to save the people of Somalia from self-destruction in an operation which lasted from 1992 to today.[74]

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71 Mark. M. Peacekeeping in Africa, Institute of Security Studies June 1998, p55
72 Ibid
73 Hirsch John. & Robert B. Oakley; Somalia and Operation Restore hope: Reflections on Peacekeeping and Peacemaking, Virginia, Institute of Press,1995, p97
74.Alison Des Forge Et Ali; Aucun temoin ne doit survivre, ed Karthala, paris 1992, p191

The three-year UN intervention in Somalia cost the international community over $1 685 million. A total of 150 peacekeepers died as a result of hostile acts. The death of eighteen United States soldiers on 3 October 1993 had an indelible impact on US policy on multilateral peace operations. In May 1994, the Clinton Administration's Presidential Decision decreed that the US would not intervene in future crises unless American national interests were clearly at stake, and the mission had clear and limited objectives, including a well-defined exit strategy.[75]

UN officials involved in the mission were left with a conviction that the use of force should be avoided in future peace operations, as the degree of destruction in Somalia was not matched by the achievement of overall (political) mission objectives. The US, on the other hand, ascribed mission failure to the fact that not enough force was used. The UN Secretary-General was left with the black and white options of either defensive peacekeeping or high-intensity enforcement. Somalia was thus the turning-point, at which the international community lost all desire to experiment further with 'middle ground' operations in Africa[76].

Nowhere was this 'Somalia effect' so dramatically and tragically demonstrated as in the nearby tiny country of Rwanda. In the presence of a weakly supported and grossly under-resourced UN Assistance Mission for Rwanda, as many as 800 000 civilians were killed between April and August 1994. Throughout the worst of the massacre, UNAMIR had fewer than 500 soldiers deployed.[77]

It is estimated that, of a total population of approximately eight million, a further three million were internally displaced, and more than two million fled to neighboring countries. As the then UN Secretary-General observed, the international community's delayed reaction to the genocide in Rwanda

75.Gerard Prunier; The Rwandan crisis, Fountain Publisher, 2nd ed, Kampala 1994
76 J. Chopra A Eknes; Fighting for hope in Somalia: Peacekeeping and Multinational Operations, Norwegian Insttute of International Affaires,1995, p49
77 Ibid

demonstrated graphically its extreme inadequacy to respond with prompt and decisive action to humanitarian crises entwined with armed conflict in Africa. [78]

Somalia

But what happens when the planetary police run amok and become the agents of bloodshed? When local police abuse their power, the abused have avenues of redress. From what body can those abused by the planetary police seek justice? The escalating scandal of unpunished atrocities committed by UN peacekeepers illustrates that the planetary police are beyond accountability. Perhaps our leaders should put the question to the people: what do we want the United Nations to be?" Schlesinger wrote. "Do we want it to avert more killing fields around the planet? Or do we want it to dwindle into impotence, leaving the world to the anarchy of nation-states?"

The photograph depicts two Belgian paladins of the new world order giddily holding a Somali child over an open flame. Other series of photographs depict UN soldiers kicking and stabbing a Somali, and another soldier apparently urinating on the Somali's dead body; yet another shows a Somali child being forced to drink salt water, vomit, and worms. A second group of photos published in the July 15th *Village Voice* shows the dead bodies of bound Somalis what appears to be the work of a death squad.[79]

One atrocity not caught on camera involved the "punishment" of a Somali child by placing him in a metal container and withholding water from him for two days; predictably, the relentless African heat killed the child. One Belgian UN soldier testified that it was a regular practice to use metal boxes as prison cells, and that other Somalis probably died similarly gruesome deaths.[80]

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78 Ibid

79 THE ECONOMIST; The planet's most wretched places are not always the most dangerous; **http://www.economist.com/node/13035718 Accessed on 16th April 2011**

80. Gerard Prunier; Op cit, pp99-101

Rwanda

The same lawlessness infected the UN mission to Rwanda, which suffered a Cambodia-style genocide earlier this decade. Crossette noted that Rwandans accused UN troops "of illicit trading, hit-and-run driving, sexual harassment and criminal abuse of diplomatic immunity they have bestowed on themselves. The disruptive personal behavior of some troops has been a factor in Rwanda's demand that all peacekeepers be withdrawn from the country...."[81]

Also contributing to that demand is the fact that UN forces in Rwanda actually *abetted* the worst bloodletting in recent memory — the Rwandan genocide of 1994, in which a half-million Tutsis were annihilated in approximately 100 days. "Many of the mass murderers were employees of the international relief agencies," testified Peter Hammond.[82]

In one incident recounted by Hammond, Belgian UN troops stationed in a heavily fortified compound in Kigali "deceived the Tutsi refugees by assembling them for a meal in the dining hall and then they evacuated the base while the refugees were eating. Literally two minutes after the Belgians had driven out of their base, the Presidential Guard poured into the buildings annihilating the defenseless Tutsi refugees."[83]

When the Tutsi-organized Rwandan Patriotic Front drove many of the worst Hutu murderers from Rwanda into the Congo (then called Zaire), the UN intervened militarily on the side of the murderers.

One year after the genocide, wrote Peter Beinart in the October 30, 1995 issue of *The New Republic*, "former Rwandan government militias, often armed and sometimes in uniform, control many UN refugee camps, terrorizing civilians and plotting to reinvade." Janet Fleischmann of Human Rights Watch-Africa reported, "The UN clearly took the lead in assisting these refugees who were in uniform and armed ... and that helped them establish control over the refugee camps." This

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81.Howard Lise; Op cit, p88

82Prof. Jhon Evans; united nations assistance mission for rwanda; http://www.awm.gov.au/units/unit_15687.asp Accessed on 17th April 2011

83 Ibid

development provoked the renowned French humanitarian group *Medecins sans Frontieres* and several other charitable organizations to withdraw from militia-controlled UN refugee camps.[84]

When the UN "peacekeeping" mission to Rwanda finally furled its blue banner in March 1996, the reaction on the part of Rwandans was one of unalloyed relief. "Hundreds of genocide survivors protesting outside the UN headquarters in Kigali cheered ... as the UN flag was lowered to mark the end of the United Nations' peacekeeping mandate," reported a March 3, 1996 Reuters wire service report. Apparently, Rwandans would rather face the prospect of bloody anarchy than submit to the variety of "peace" administered by UN troops.[85]

2.5 Peacekeeping in DRC

As earlier mentioned in the statement of the problem the origin of this second United Nations military presence in the Democratic Republic of the Congo is found in the Lusaka Ceasefire Agreement of the 17th of July 1999 following the United Nations Security Council Resolution 1258 of August 6, 1999, authorizing the deployment peacekeepers in that country just because the war had destructed the country and it involved eight nations which were Rwanda, Uganda, and Burundi on one side and Angola, Namibia, Zimbabwe, Chad, Sudan on the other together with DRC itself.

2.5.1 Locations of MONUC units

The headquarters of the mission are in Kinshasa, DRC. The mission views the DRC as consisting of 6 sectors, each with its own staff headquarters. In 2005-6 the Eastern Division however was formed at Kisangani and took over brigades

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84 Fry, Gavin,Lloyd, David; *Rwanda : the Australian contingent 1994-95*, (Canberra: Australian Army, 1996); p31

85 Christine Cheng; Should Canada's Next Peacekeeping Mission be in the Congo? Canadian foreign policy, DRC, peacekeeping, UN Security Council,1998; p99

in North Kivu, South Kivu, and Ituri, along with two or three of the Sector headquarters.[86]

The approved budget for MONUC, from July 1, 2007 to June 30, 2008, is US$1,166.72 million, the largest for any current UN peacekeeping operation.[87]

2.5.2 Sector headquarters

- MONUC HQ: Kinshasa
- Sector 1: Mbandaka
- Sector 2 and Eastern Division HQ: Kisangani
- Sector 3: Kananga
- Sector 4: Kalemie
- Sector 5: Kindu
- Sector 6: Bunia

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2.5.3 Force and Number

In July 2004 there were 10,531 UN soldiers under MONUC's command. On 1 October 2004, the UN Security Council decided to deploy 5,900 more soldiers to Congo, although UN Secretary-General Kofi Annan had asked for some 12,000. Total strength, on 31 October 2007 was 18,407 uniformed personnel, including 16,661 troops, 735 military observers, 1,011 police, who were supported by 931 international civilian personnel, 2,062 local civilian staff and 585 United Nations Volunteers. The UN has recorded a total of 116 fatalities among MONUC personnel, up to the end of 2007, as follows: 76 military personnel, 9 military observers, 2 UN police, 10 international civilians, and 19 local civilians.[88]

2.5.4 Staff

As of 31 October 2007 MONUC had a total of 18,407 uniformed personnel, including 16,661 troops, 735 military observers, 1,011 police, who were supported

86 Fortna, Virginia; Does Peacekeeping Keep Peace? International Intervention and the Duration of Peace After Civil War. http://www.globalpolicy.org/component/content/article/190/32956.html accessd at 17th april 2011
87 Ibid
88 Ibid

by 931 international civilian personnel, 2,062 local civilian staff and 585 United Nations Volunteers. Major troop contributors are Bangladesh, India, Pakistan, Nepal, South Africa and Uruguay (nearly 10,000). On November 20, 2008, the United Nations Security Council voted unanimously to reinforce MONUC with 3,085 more peacekeepers to deal with trouble in the 2008 Nord-Kivu conflict. They voted after 44 organizations, led by the French Foreign Ministry, petitioned the council to send reinforcements to stabilize the region.[89]

89 Ibid

CHAPTER THREE
RESEARCH METHODOLOGY

3.0. Overview

This chapter describes the various methods employed in carrying out this research design chosen, the study population for the research, the sampling procedure and the sampling techniques used.

In addition, this chapter presents the instruments that were used to collect data as well as discusses the validity and reliability of the data analysis, interpretation and the ethical consideration of the study.

3.1 Research design

By its nature, this study is both qualitative and quantitative. Data were gathered from population at a particular time, surveys that utilized interviews, and observations. In this regard documentation played an important role in the procedure of data gathering.

3.2 Study population

The study population consisted 148 people included representatives of population such as inspectors of police in North Kivu. These ones were selected purposely because of their experience due to their positions. The second commander in charge of army operation (FARDC)in North Kivu. This one has been selected because he was one of the army leaders in CNDP, but also he is aware oh the atrocities committed by his movement, while UN peacekeepers were not willing to protect civilians victim of different abuses. Another was commanding the war in Rutshuru and Kiwanja. This one has been selected because, according to many witnesses, such as Human Rights Watch, soldiers of CNDP, have committed many abuses in Kiwanja. A member of civil society has been selected because of his awareness of the abuses committed against civilians, while governmental soldiers and MONUC were fleeing failing to fight against the well trained and committed CNDP rebels.

The eventual findings of the study were from the representative's number of 148 respondents in North Kivu. The purposive sampling was used and respondents were chosen according to gender, educational level, department leading, and age group, especially who were able to give the information needed. The sample random sampling procedure in terms of to limit the number of respondents which was very large and to save the time and also to select people of realistic fro, North Kivu suffered from non protection by UN peacekeepers.

Female were chosen as a Group which has much suffered from sexual abuses and has experienced the violation of their rights by both sides in war (FARDC and CNDP). The research was also interested to the level of education as a group of people well informed about their protection and who were supposed to protect them.

Table 1 Target Population.

Categories	**Target population**	**Sample size**	**Method of selection**	**Number of interviewees**
Mayors of the Districts	3	3	Purposive	3
Security heads	7	7	Purposive	7
Religious leaders	18	18	Purposive	18
Local leaders	16	16	Purposive	16
Students & pupils	25	25	Purposive	25
NGO Coordinators	17	17	Purposive	17
Members of parliaments	16	16	Purposive	16
Youth representatives	11	11	Purposive	11
Members of MONUC	19	19	Purposive	19
Community representatives	16	16	Purposive	16
Total	148	148	Purposive	148

3.3 Sample and sampling procedure

It was difficult to make a contact with all staff, MONUC, and all people involved in this study. The cost was high but finally they have been met.

The real sample of respondents (out of 148) was used as a real sample of the entire population targeted in this study. View and findings were common as witnesses of the failure of MONUC to protect civilians.

The sampling procedure included three mayors of the districts (Masisi, Rutshuru, and Goma); Seven security heads, three by each districts and one heading them to the Province. Eighteen religious leaders from different religions; sixteen local leaders; twenty five students and pupils; seventeen Coordinators of NGOs; sixteen members of parliament; eleven youth representatives; nineteen members of MONUC; sixteen community representatives. The total number of respondents 148 was from the two Districts. The study population concerned both males and females who were victims of non protection by the UN peacekeepers during the war of 2008.

3.4 Instruments

A self administered interview was used to collect primary data. The researcher considered clarity of questions, using generally adaptable language and setting objectives oriented questions.

However it should be noted that other than self administered questions of interview, documentary review was also used to supplement and validate the data collected through the self administered interviews.

3.5 Validity and reliability

Validity is ability to produce findings that are in agreement with theoretical or conceptual values. In other words, to produce accurate results and to measures that are supposed to be measured.

3.6 Procedure

During the research, the researcher secured a latter of introduction from the office of the director of school of Post Graduate Studies and Research (SPGSR). This was to be presented to the administrator of the province of North Kivu, and the mayors of the three districts for admission to carry out the research in those three districts and to ensure our security. The researcher ensured to be at the place of interview at time and answers were always written.

3.7 Data analysis

Data categories were identified and edited, with a view of checking for competences and accuracy. Analyzing the answer with similar or common responses were grouped together so as to determine the level of conformity among various respondents. Conclusions and recommendations were drawn through such converging and non converging views.

3.8 Ethical consideration

To do away with all forms of suspicion before, during and after the field study, we got first the permission from the management of the key respondents. Due to the nature of this study, confidentiality, non judgmental principle and individualization were considered. We used an introductory latter from the school of Post Graduate Studies, backed by the identity card but this were offered when necessary.

3.9 Limitations of the study during data collection and analysis

The research study met a number of problems and limitations. This included: Problems of translation to the respondents whom were willing to discourse the about the atrocities committed against their neighbors, this was largely limited unless there was a translator. Few of the respondents speak the national languages (Swahili and French) while the majority speaks other local languages (mother tongues). Questions of interview were made in English and

this consumed much time to the service of translation which gave double work, and some times it changed the meaning of information.

Long distances for data collection: We had to cover long distances to gather data. This was difficult due to the limited time available. Many parts of the province have poor roads and this forced the researcher to walk by foot for a very long distance.

Insecurity limited the researcher to freely reach all parts of the province where he wanted to interview people. In many areas such as Nyamyirima, Nyakakoma, Kinyana, Nyanzale, and Nyabyondo and the researcher encountered some disappointments.

Some interviewees feared to give the information and they sought for an anonymity for the security reasons.

CHAPTER FOUR
PRESENTATIONS AND ANALYSIS OF FINDINGS

4.0 Overview

Chapter four presents and analyses findings collected Desk research method, Data analysis method, documentary technique, and interview technique. It expresses the realities from the field. In this respect the chapter also concerns with the interpretation and analysis of the findings from the field, hence this was about the supposed realities realities from different sources of research done based on people involved in peacekeeping mission in eastern DRC.

4.1 The extreme environment for peacekeeping

DRC is certainly an extreme environment for peacekeeping—indeed, for trying to protect anyone. The challenges are a violent storm of conflict, geography, poverty, and state failure. The International Rescue Committee has estimated that nearly four million civilians have died as a result of warfare since August 1998, the most devastating death toll in any armed conflict since World War II. The war has engulfed not just the massive DRC, but has crossed its borders into neighboring countries[90].

The DRC has few passable roads and little infrastructure, a plethora of exploitable and valuable commodities, multiple rebel groups, and a dysfunctional government with limited authority outside the capital. In the east, for example, Rwanda and Uganda have sought control over the boundary areas, and backed or opposed different armed groups in the country, resulting in much chaos[91].

In some sense, the DRC may be in the "too hard" category for civilian protection peacekeepers face an environment where consent is partial, governance is limited, spoilers are rife, and the political commitment to peace is low.

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90 William J. Durch; Twenty-first-century peace operations
http://books.google.rw/books?id=lEuAsrRADOoC&pg=PA259&lpg=PA259&dq=DR+Congo+the+extreme+environment+of+peacekeeping&source Accessed on 16th April 2011
91. JP Gaudin; Refugies rwandais au Zaire, ed L'harmattan,Paris 2007,p130

One UN official aptly called the DRC mission not peacekeeping but "conflict peace building." Yet MONUC's experiences illustrate some elements of civilian protection and its requirements. The mission also demonstrates the beginnings of an innovative strategy to integrate differing approaches within an operation, including coercive protection. The question of baseline capacity arises first[92].

4.1.1 The Militias receive arms from UN troops

The allegations, based on confidential UN sources, involve Pakistani and Indian troops working as peacekeepers. The UN investigated some of the claims in 2009, but said it could not substantiate claims of arms dealing. UN insiders told the BBC's Panorama they had been prevented from pursuing their inquiries for political reasons[93].

4.1.2 Gold and ivory affaire

The United Nations Mission in the Democratic Republic of Congo (Monuc) is the global body's largest, with 18,000 troops spread across the country.

The BBC's Martin Plaut, who returned to DRC to follow up his initial investigation into the allegations, says they have managed to bring a measure of stability since they were first established by the UN in February 2000. They have also helped disarm the warring factions, run democratic elections and assisted with reconstruction. But an 18-month BBC investigation for Panorama has found evidence that: Pakistani peacekeepers in the eastern town of Mongbwalu were involved in the illegal trade in gold with the FNI militia, providing them with weapons to guard the perimeter of the mines[94].

Indian peacekeepers operating around the town of Goma had direct dealings with the militia responsible for the Rwandan genocide, now living in eastern DR Congo

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92Ibid

93Janina; Kinshasa: UN Should Address MONUC Abuses in Country http://www.defence.pk/forums/general-defence/15578-pakistani-soldiers-awarded-un-peacekeeping-medals-congo.html accessed at 17th april 2011

94 Ibid

The Indians traded gold, bought illegal drugs from the militias and flew a UN helicopter into the Virunga National Park, where they exchanged ammunition for ivory and gold.

The UN looked into the allegations concerning the Pakistani troops in 2007.

It concluded that one officer had been responsible for dealing in gold - allowing traders to use UN aircraft to fly into the town, putting them up at the UN base and taking them around the town. But the UN decided that "in the absence of corroborative evidence" its investigators "could not substantiate the allegation" that Pakistani peacekeepers supplied weapons or ammunition to the militia.[95]

But returning to eastern DR Congo, the BBC spoke to several residents of the mining town of Mongbwalu, who said they had seen the FNI re-armed. One former militant told the BBC he had witnessed seven boxes of ammunition being brought from the UN camp to re-supply the FNI during a critical fire-fight[96]

Two FNI leaders known as "Kung-fu" and "Dragon", who have been jailed in the capital, Kinshasa, have stated publicly that they received help from the UN. The BBC managed to get into the maximum security jail and both confirmed this. Kung Fu, whose real name is General Mateso Ninga, said: "Yes, it's true, they did give us arms. They said it was for the security of the country. So they said to us that we would help them take care of the zone." The FNI has been described by Human Rights Watch as "some of the most murderous individuals that operate in eastern Congo".[97]

The ethnic Lendu militia was involved in the bitter clashes with their Hema rivals in the Ituri district. UN insiders close to the investigation told the BBC they had been prevented from pursuing their inquiries for political reasons. The BBC's respondent says that in short, the Pakistanis, who are the largest troop contributors to the UN in the world, were too valuable to alienate. [98]

95 BBC NEWS; http://www.unhcr.org/refworld/docid/49ddfa4fc.html Accessed on 18th April 2011
96 Ibid
97 Ibid
98 Ibid

Pakistan has said it has no means of influencing the UN and that there is no evidence that its troops were involved in an illegal gold trade or re-armed militia, describing the allegations as baseless.

The special representative of the UN Secretary-General in DR Congo, Alan Doss, told the BBC that any effort to re-arm militias "would be a great concern to us".

The UN's Alan Doss responds to the allegations:"After all, we've lost lives fighting these militias - let's not forget that," he said." Mr Doss dismissed the allegations of the militia leaders who said they had received weapons from UN troops based in the country. "Militia leaders are militia leaders. They always have their interests," he said. "All I can say is that this investigation didn't confirm that."[99]

4.1.3 The UN has kept quite to these allegations.

After discussions between the UN and India, it was agreed that a UN investigation team would "determine whether the allegations are credible and require full investigation by India and the United Nations". That team identified five areas involving Indian troops in which a UN report says allegations have been "corroborated":[100]

- The illegal purchase of gold from rebels of the FDLR - the former Rwandan army that fled to Congo following their involvement in the Rwanda genocide of 1994
- The use of a UN helicopter to fly into the Virunga national park, to exchange ammunition for ivory with the rebels
- The exchanging with the rebels of UN rations for gold
- The buying of drugs from the rebels
- The failure to support the disarmament of this rebel group.

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99 Ibid

100 Maria Kiani; Pakistani soldiers awarded UN peacekeeping medals in Congo http://www.civpol.org/modules.php?name=News&file=article&sid=1085&mode=thread&order=0&thold accessed at 17th april 2011

It says there is sufficient evidence to take action against three named Indian peacekeepers over attempts to trade in gold (some of which turned out to be counterfeit) and the unlawful detention of one of the traders.

It says that there is insufficient evidence to act against Indian peacekeepers over the other allegations. The memo, from the UN's Vladislav Guerassev, says the allegations "may have the potential to damage the reputation of the Indian military and the United Nations". Therefore it says the Indian authorities "may wish to consider other avenues of inquiry, which fall outside the purviews of the (UN's Investigation Division) investigations."[101]

In response to the allegations the Indian High Commission in London told the BBC that the allegations over trading in gold were a "trivial case" and that the three soldiers concerned were being investigated by the UN's Office of Internal Oversight Services (OIOS). If found guilty, they would face disciplinary action, the High Commission said. It also said that the OIOS "has affirmed that there is no evidence of any other allegation against the Indian troops in DR Congo" including the allegations of "the arming of a militia".[102]

The BBC first reported into allegations of corrupt practices by Pakistani peacekeepers in the DR Congo last year. These took place in a different area of eastern Congo to the activities of the Indian troops. Now the BBC has found evidence that a UN enquiry into what took place in the gold mining town of Mongbwalu appears to have been blocked for political reasons. Those close to this investigation told the BBC that elements of the investigation were suppressed for fear of alienating Pakistan, which is the largest troop contributing country to the UN.[103]

When the BBC last year published the first allegations that Pakistan peacekeepers had illegally traded in gold, as well as providing weapons to some of Congo's most notorious militia, the FNI, the reaction of the Pakistani authorities was one of denial. In May 2007 the military spokesman at the time, Maj Gen

101 Ibid
102 Ibid
103 Ibid

Waheed Arshad, said the reports were "not only malicious but misleading and distorted" and without evidence.[104]

The UN's own report, dated 2 July 2007, which it has never published, concludes that the Pakistani contingent in Mongbwalu did indeed trade in gold with a group of Indian traders based in East Africa. The UN goes on to hold just one Pakistani army officer responsible for what took place. It is hard to believe that one single officer, based in an isolated Congolese village, could organise a trade involving an estimated $7m in gold passing through four countries, but that was the UN's conclusion.[105]

On the question of re-arming the FNI militia the UN report, which removed the names of those involved, was unequivocal: "In the absence of corroborative evidence, (the UN's Investigation Division) could not substantiate the allegation that (Pakistani peacekeepers) deployed to Mongbwalu had supplied weapons or ammunition" to FNI fighters. [106]

Travelling back to eastern Congo the BBC has now found evidence the UN says it was unable to discover. The BBC interviewed several residents of the town, who told us they had seen FNI militia who were disarmed one day, in the town the next day with the same weapons. The BBC spoke to a man whose family members died fighting for the FNI. The FNI commanders - these were Dragon Masasi and Kung Fu Nyinga - took a vehicle to meet and negotiate with one of the Pakistani officers," he said. "They went in and came back with seven boxes of ammunition. After receiving these boxes, all the militia - including my young brothers - took their arms to go and attack the Congolese army."[107]

In fact the UN had compelling evidence of its own, which it failed to refer to in its report. This was the testimony of a Congolese army officer involved in the disarmament process. He told the investigators during three interviews that he had repeatedly seen militia disarmed, yet had seen them with the same arms soon thereafter. Asked why this was, he put it down to what he called the "thirst

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104 Ibid
105 Ibid
106 Michael Fleshman ; Tough UN line on peacekeeper abuses
http://www.un.org/ecosocdev/geninfo/afrec/vol19no1/191peacekeep.htm accessed at 15th april 2011
107Ibid

for gold" on the part of one of the Pakistani officers. Unofficially UN officials now accept that the trade in gold and the re-arming of the FNI militia did, indeed, take place.[108]

And one Pakistani officer is reported to have been disciplined. The UN's Department of Peacekeeping Operations says it has been sending Pakistan "notes verbal" since last year in an attempt to discover what disciplinary measures these were, but has received no reply. In response to the latest BBC report, the current Pakistani military spokesman, Maj Gen Athar Abbas, said the BBC was showing a "biased attitude towards Pakistan".

Maj Gen Abbas said there was "no evidence" of Pakistani troop involvement in the illegal exploitation of gold or the rearming of a militia. "One needs to ask what interests Pakistan peacekeepers could have in doing that" he said. He also argued that the BBC was wrong to rely on the evidence of Mateso Ninga, a "criminal in the prison". He also denied that the UN had been prevented from investigating the allegations.

4.1.4 Prostitution by members of MONUC

Activities of prostitution and defilement are rampant solely in the areas occupied by MONUC. visiting MONUC Barracks at Mushaki, I was surprised when they were surrounded by grass thatched houses occupied by young and old women purposely for sexual business. When I asked them why they have come to dwell on that very place they responded saying that there was a great market for prostitution and beer. According to these women , every sexual round cost over $ 50.I also asked young girls bellow 18 years of age that I found there about their educational feelings .

They strongly believe that people go to School in order to get jobs in future and make money and that for them they earn much money from this sexual activity with MONUC. These prostitutes are very significant in business transactions between MONUC and smugglers. They act as mediators and they benefit in every mission.

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108 Ibid

The market in prostitution including child prostitution thrives wherever blue berets decamp. According to Gould, records of UN peacekeeping missions document that "brothels have sprouted nearby and in one case allegedly inside UN compounds. In the latter case, prostitutes were allegedly employed by the UN and were reportedly even shipped on UN planes to fornicate with a UN staff member in hotels paid for by the UN."[109]

Last December a UN study on children in war reported that blue berets had been involved in child prostitution in six of the 12 countries which had been studied. In country after country unfortunate enough to attract the UN's "humanitarian" intervention, "the arrival of peacekeeping troops has been accompanied with a rapid rise in child prostitution," the document reported. Following the signing of a peace treaty in Mozambique in 1992, for example, "soldiers of the United Nations operation recruited girls aged 12 to 18 years into prostitution."[110]

4.2 The weaknesses of the DRC Government

Weaknesses of the DRC' government to address the problems of the eastern has remained a contributing factor to all these MUNUC evil acts in eastern Congo. This raises questions to many people: Mainly why are MONUC peacekeepers in eastern Congo, What have they done that the Government of the DRC cannot do to bring peace in the region?

Actually the root causes of all these prevailing problems in DRC was the governments weaknesses to supply the hutu refugees who had left their country after committing genocide with military weapons and other necessary facilities, and later lone their integration in the government's army.

These Rwandans who formed a rebel group known as FDLR did not leave behind their genocidal ideas, and they continued committing atrocities like killing, raping, and defiling the Congolese population whom they found occupying some areas of eastern Congo.

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109 Ibid
110 Ibid

As a result of this, many problems were born in eastern Congo such as rebellions, ethnic problems, foreign attacks from neighboring countries.

When the problem became wide the government was unable to overcome the problem, and this called the security council to have this problem on its table to seek the solution. By the Lusaka ceasefire agreement UN peacekeepers were sent in DRC.

Like the Congolese government, UN peacekeepers have done little if not nothing to overcome this problem. In their presence in eastern DRC, more rebel groups continued to be formed such as CNDP which was formed in 2004, and continued to gain more strength in the presence of these peacekeepers, PARECO, and

Mayimayi which were formed by the DRC's government to fight a long side with them against CNDP which was gaining control of many areas day by day.

Government's alliance with these factions was known by these peacekeepers. They also knew the bad acts of these factions that had allied with the government. For example they knew the killings, rapes, looting, and torturing done by those different factions with the government.

The Congolese government formed these factions after realizing the weaknesses of the UN peacekeepers in the eastern Congo.

Finally the militias used the arms captured from the government' soldiers to kill the civilians claiming that they are protecting themselves because of the incompetence of the government to provide security and to promote the right to peace. This shows haw the central government is not interested in the protection of the local people and their rights.

Another very important point is that the government of DRC has habit of not punishing its soldiers who commits serious crimes (war crimes and crime against humanity). It started early in 1996 after the war that overthrown the President Mobutu Seseseko. During that period Zaire by then had a lot of Gangs in the army and police who later integrated themselves to army of Laurent Kabila the father of the current president. As it is earlier mentioned in this chapter, the government has continued cover up some strong FDLR members who committed

genocide in Rwanda and ran to DRC where they have continued to massacre innocent citizens, while the Congolese government is well aware of these criminals but still keeps its ear deaf.

It is very sad to see such people holding strong posts in the Congolese army. D R Congo has become a harboring place for the criminals. Who ever commit grave offenses runs to the army of DRC for security and higher ranks.

Many examples are those people such as Mayanga who was integrated in the army and was awarded the high rank of colonel after many years of shedding blood of innocent Congolese.

Brigadier General Bosco Ntaganda who is under international arrest warrant for war crimes and crime against humanity which he committed in Ituri, but now he is the deputy regional commander in charge of operations in North and south Kivu.

Colonel Innocent Zimulinda is presumed to have killed many civilians in Kiwanja during the war between CNDP rebels and the DRC's government. He is now holding a strong post in the army (FARDC) as sector commander.

4.2.1 Roadblocks

The government did not show difference from the rebel groups as in some areas it also created roadblocks to persecute people. The good example is the well known roadblock that was situated at Mugunga where many innocent Tutsi people were killed by the government soldiers claiming that they were CNDP sympathizers. This was mainly done by the FDLR who were integrated in the Congolese army (FARDC), since their enemy is a Tutsi even up to today.

Furthermore, there was a MONUC barracks in two kilometers from this road block at a place called Mubambiro (SAKE). During that time MONUC would conduct patrols every hour while people were persecuted in their presence and other atrocities such us looting, rape, and killing innocent people. Civilians would report all this to MONUC expecting positive responses but in return no help they would get from these peacekeepers.

This is contrary to the article 16 of the Congolese constitution which says: "The individual is sacred. The state has the obligation to respect and protect him or her." [111]

These barbaric acts are also seriously prohibited by the African Charter on Human and People's Right, especially article four, six and twelve. Its article four says: "Human beings are inviolable. Every human being shall be entitled to respect of his life and the integrity of his person. No one may be arbitrarly deprived of rights."[112]

Its article six says: "Every individual shall have the right to liberty and to the security of his person. No one may be deprived of his freedom except for reasons and conditions previously lied down by law."[113]

We will remind that during the period of war between government and CNDP every tutsi person that would be seen in Goma town would be arrested by the army and handed over to the civilians who would stone him up to death. This is witnessed by so many examples where by the tutsi community did not enjoy their right of movement.

Further more when you look at the Universal Declaration of Human Rights you realize that there was no difference between the government and rebels. Its article three talks about the right to life, its article five prohibits torture; cruel and inhuman treatment, and article nine prohibits the arbitrary arrest.

All these above prohibited acts as referred to by the Congolese laws and the international laws, were always committed by the governmental army. It is unfortunate that perpetrators up to today remain unpunished and the Congolese government is not willing to prosecute them.

Our opinion is that following the case of Major Ntabakuze Ex-FAR (see www.unictr.org) who was found guilty of genocide and crimes against humanity was sentenced to 35 years of imprisonment; And so those Congolese perpetrators should be prosecuted for those alleged crimes.

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111 The Constitution of the Democratic Republic of the Congo

112. African [Banjul] Charter on Human and Peoples' Rights, adopted June 27, 1981, OAU Doc. CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982), entered into force Oct. 21, 1986

113 . Ibid

4.2.2 Different factions acting in DRC and their atrocities.

The Democratic Republic of Congo has suffered two wars since 1996. At its height, the second war involved the armies from seven African nations and multiple rebel groups. According to the International Rescue Committee, an estimated 5.4 million people died between 1998 and 2008, most from preventable diseases as a result of the collapse of infrastructure, lack of food security, displacement, and destroyed health-care systems. The formal conclusion of the war in 2003 did not bring an end to conflict in the region.[114]

The dense jungles of eastern Congo remain home to numerous rebel organizations, which have complex histories and agendas. Responsible for perpetrating mass atrocities against civilians, including massacres, rapes, and abductions, five rebel groups stand out as having caused the greatest destruction and suffering in recent years. These are the FDLR, CNDP, and LRA, PARECO, and MAIMAI. At times, each organization has received government support from different countries in the region including DR Congo, and many of the rebels have profited generously from the continued exploitation of the DRC's abundant natural resources. All prey on the civilian population.

Spread thinly across northeastern Congo, the largest UN peacekeeping force in the world (MONUC) is largely unable to halt attacks. The Congolese Armed Forces, themselves responsible for committing widespread atrocities in 2009, is increasingly an impediment to achieving peace and security in the region.

4.2.3 Democratic Liberation Forces of Rwanda

Comprised of approximately 7,000 combatants, the FDLR is a rebel group that operates out of North and South Kivu Provinces of eastern Congo, where it has committed widespread atrocities against civilians, including massacres and extreme sexual violence, and conducted extensive illegal exploitation of natural resources.

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114 Kabala Ntubiba ; La technique de la guerilla et son imact sur sur les personnes protegees par le DIH. ULPGL2002. P55

The International Crisis Group (ICG) identified the FDLR as being one of two rebel groups among the dozens based in eastern Congo in early 2009 that possesses the highest military capabilities and causes the most civilian suffering in the region. (The ICG identified the other as the CNDP, which has largely since disintegrated although members of the FDLR are often identified as perpetrators of the 1994 genocide in Rwanda, the majority of FDLR rebels are post-genocide recruits drawn from refugee camps in eastern Congo. The FDLR is commanded in part by ex-officers and civilians who took leadership roles in the Rwandan genocide and is supported by a network of expatriates who share the group's ideology.[115]

Although the FDLR did not emerge until 2000, its history begins six years earlier in the aftermath of the Rwandan genocide when one million mostly Hutu refugees fled across the Congolese border and settled into refugee camps. Using these camps to regroup, perpetrators of the genocide terrorized local populations and launched incursions into Rwanda. From this group emerged a succession of Rwandan Hutu organizations that — under different names — kept pursuing the goal of sparking an insurgency inside of Rwanda. In the early 1998, the FDLR conducted cross-border raids into northwestern and southern Rwanda. Even after the second Congo War officially ended in 2003, the Rwandan government consistently threatened to send its army into the Congo to forcibly disarm the FDLR.[116]

As with most developments in eastern Congo, the FDLR's behavior related intimately to the region's wider political and economic dynamics. The Congolese government supported FDLR activities as a means to limit Rwandan influence in the east. Rwanda authorities, meanwhile, aided the FLDR's primary rebel enemy,

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115 Africa Report N°165 16 Nov 2010 .Congo: No Stability in Kivu despite Rapprochement with Rwanda http://www.crisisgroup.org/en/regions/africa/central-africa/dr-congo/165-congo-pas-de-stabilite-au-kivu-malgre-le-rapprochement-avec-le-rwanda.aspx Accessed at 18th April 2011

116 NITED NATIONS PUBLICAYION; Year book of the United Nations http://books.google.rw/books?id=o2Va21wfwvIC&pg=PA180&lpg=PA180&dq=the+congolese+militias+receive+arms+from+monuc Accessed on 18th April 2011

the CNDP. As Congo and Rwanda manipulated the rebel groups in pursuit of their competing interests, the Congolese civilian population suffered greatly.
Congolese government's support to the FDLR was contrary to the provisions of their own constitution, whereby its article 33says: "All persons legally enjoying the right to asylum are prohibited from undertaking any subversive activity against their country of origin or any other country from the territory of the Democratic Republic of Congo."[117]

4.3 DRC Solving the FDLR Problem.

The continued existence in the Democratic Republic of the Congo of 8,000 to 10,000 Hutu rebels with links to the 1994 genocide in their home country, Rwanda, is a key source of regional instability. Though too weak to imperil Rwanda's government, and though many of its members are not themselves *genocidaires*, the FDLR gives Kigali justification for continued interference in the Congo and threats to invade.

It remains a menace to Congolese and Rwandan civilians and a potential tool with which hardliners in Kinshasa could sabotage the Congo's fragile peace process. New urgency is required from the Government in Kinshasa, Rwanda and the wider international community alike to solve the FDLR problem once and for all - non-violently if at all possible, but by military force (by the new Congolese army, with international support) if necessary.
On 31 March 2005 in Rome, representatives of the FDLR announced the movement was willing to cease military action against Rwanda and return home. This declaration followed negotiations with representatives of Congolese President Kabila, sponsored by the Community of Saint Egidio, and appeared to present an opportunity to remove one of the main obstacles to peace and security in the Great Lakes. In the same declaration, the FDLR denounced the Rwandan genocide and committed to working with the instruments of international justice.[118]

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117 The Constitution of the Democratic Republic of the Congo

118 Ibid

More concretely, it stated that, provided it was assured of unspecified "measures of accompaniment", it would transform its struggle from a military to a political one; voluntarily demobilise and repatriate its troops to Rwanda; and seek the repatriation of all Rwandan refugees. The FDLR and the Congolese Transitional Government issued a timetable that envisaged demobilisation would begin by early May 2005 and repatriation would be completed by the end of June.

If peaceful avenues for disarming the FDLR are exhausted, the only solution left will be a military one. The UN Mission in the Congo (MONUC) will not undertake this task; the new Congolese army, which would ultimately have to do the job with UN and other international help in logistics and training.

4.3.1 Joint operations by Rwanda and D R C

In January 2009 DRC has accepted a joint military operation against the FDLR in its main North Kivu stronghold, while Rwanda would undermine support for General Laurent Nkunda and transfer CNDP leadership to General Bosco Ntaganda. In January 2009, Ntaganda agreed to integrate CNDP troops into Congolese national army in exchange for CNDP being given key military and political positions.[119]

Rwandan and FADRC troops launched operation "Umoja Wetu" against FDLR 20 January to 25 February 2009, but ended with scant results. FDLR avoided direct confrontations by dispersing in Kivu forests; only marginally weakened in North Kivu, remained intact in South Kivu. Less than 500 fighters surrendered to MONUC during the first three months of 2009 (MONUC estimated FDLR's strength to 6,500-7,000 fighters by end of 2008). FDLR regrouped and began new recruitments immediately after Umoja Wetu's end, and started retaliating against civilians who "collaborated" with operation.[120]

On 2 March 2009 the government announced "Kimia II" offensive against FDLR, led by FADRC with MONUC support; led to modest achievements against the Rwandan rebellion, including increasing the disarmament rate of FDLR

119 Africa Report N°165 16 Nov 2010; op cit
120 Human Rights Watch ; Attacks on Civilians in Eastern Congo, December 2009

combatants. Gregoire Ndahimana arrested in North Kivu August 2009; indicted by the International Criminal Tribunal on war crime charges.[121]

As a result of the two military offensives, MONUC reported to the UN Security Council that it had demobilized close to 1,400 FDLR combatants during the first eleven months of 2009. On 17 November 2009 German police arrested two top FDLR political leaders, Ignace Murwanashyaka and Deputy Straton Musoni; both were part of the FDLR support network that continues to operate from Europe, North America and some African countries. [122]

Kimia II officially ended 31 December 2009; heavily criticized for causing civilian suffering, failure to neutralize FDLR and delaying long-awaited security sector reform (SSR). MONUC, now numbering 22,000 troops, criticized for failing to protect civilians from human rights violations committed by both FDLR and FARDC. Human Right Watch recorded that 1,400 civilians killed January-September 2009, either by FDLR combatants or rogue FARDC units; 7,500 rapes, 9,000 burned buildings and 900,000 new IDPs reported in North and South Kivu due to the military offensives.[123]

FDLR has maintained majority of its combatants and ability to retaliate against civilians. December 2009 UN report concluded that Kimia II had failed to dismantle the organisation's political and military structures on the ground in eastern DRC.[124]

4.3.2 Rape as a method of war by FDLR

In eastern Congo, rape is so prevalent as a method of war, both by armed militias and by the Congolese Army itself, that the UN calls it the "rape capital of the world." It's also now become much more common among civilians in the war-torn areas. The lingering violence in eastern Congo is one of the reasons the UN

121 Ibid
122 Human Rights Watch; Nouvelle Crise au Nord Kivu; 2009, P5
123 Ibid
124 Ibid

deployed some 18407 peacekeepers in what is the most expensive peacekeeping mission in the world.[125]

Yet, as the UN peacekeeping mission winds down at the insistence of Congo's government it is cases like the Luvungi mass rapes that raise questions about whether the government is ready to pick up its "primary responsibility" for security and protecting Congolese civilians from still-present armed groups.If it is not ready, human rights activists ask, then what is the purpose of the UN peacekeeping mission?[126]

"The situation in the Congo is getting more and more horrific, and this is just one case that we know about in which rape is used as a weapon of war," says Sipho Mthathi, the office director of Human Rights Watch in Johannesburg. "The issue of civilians being attacked is there whether the UN attacks these militias or not. So as far as we are concerned, this requires urgent action. Either the UN figures this out, or they must be disbanded and something else should be put into its place.[127]

4.4 National Congress for the Defense of the People

A rebel group in the Kivu Provinces of eastern Congo, the CNDP was formally established by General Laurent Nkunda in December 2004. A familiar figure in the region, Nkunda has been leading a rebel faction as early as December 2003.

Ostensibly dedicated to defending the rights of Tutsi civilians in North Kivu and Congolese Tutsi refugees in Rwanda, militias associated with Nkunda clashed with the Congolese army early after the DRC's first multi-party elections in 2006. In a peace process facilitated by Rwanda, Congolese President Joseph Kabila and Nkunda negotiated the integration of Nkunda's men into five brigades within the national army through a process known locally as *mixage*. The agreement ultimately collapsed in May 2007 under opposition from both CNDP and Congolese

125 Human Rights Watch; The prosecution of sexual violence in Congo war;Goma;2009
126 Ibid
127 Ibid

government hardliners. This led to a new escalation in violence as rebel loyalists in the new brigades helped strengthen Nkunda's control over the region.

As the Congolese army struggled to defeat the CNDP and recapture authority over the mixed brigades, the CNDP dedicated itself to the eradication of the FDLR. The CNDP considered the FDLR a powerful rebel group in eastern Congo that at times operated in collaboration with the Congolese army — to be preparing another genocide against Tutsi.

The atrocities perpetrated by men under Nkunda's command over the past decade are also well documented: the massacre of several hundred deserters in Kisangani in 2002; days of pillage in Bukavu after it was seized by the CNDP in 2004; and, in November 2008, the massacre of hundreds of unarmed civilians in Kiwanja, a tiny village northeast of Goma, during fighting to seize control of North Kivu.[128]

After aborted peace agreements and fresh clashes in 2007 and 2008, increased international pressure finally compelled the DRC and Rwanda to address the deteriorating situation together. Rwanda and DRC agreed to form a joint operation against all rebel factions operating in eastern DRC. On January 21 2009 rwandan forces entered eastern DRC via Kabuhanga boarder.

On January 23, 2009, Rwandan forces arrested Nkunda in Bunagana. Furthering the disintegration of the CNDP, Bosco Ntaganda, Nkunda's chief of staff, announced he had taken control of the CNDP forces. Agreeing to integrate his faction into the Congolese army, Ntaganda was given a position as deputy commander of the joint military offensive, despite being indicted by the International Criminal Court on charges of war crimes. On March 23, the remaining CNDP faction signed a peace treaty with the government, agreeing to become a political party in exchange for amnesty.

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128 Marcus Bleasdale ; UN Peacekeeping Force Knowingly Supports Abusive Military Operations http://www.hrw.org/en/news/2009/11/02/eastern-dr-congo-surge-army-atrocities accessed at 18th 2011

4.4.1 Summary Execution

In control of Kiwanja, CNDP combatants were repulsed by mayi mayi pro Government rebels who were dressed in civilian clothes for few hours. Later alone CNDP troops re organized themselves and came back defeating mayimayi, went house to house, searching for young men and teenager boys whom they suspected of being Mai Mai combatants. They targeted several neighborhoods, such as Buhunda, Buzito, Buturande, Mabungo, Nyongera, and Kachemu, possibly because some of the heaviest fighting had taken place in those areas.[129]

Based on more than 100 interviews with family members, those who helped bury the dead, and other Kiwanja residents, Human Rights Watch estimates that at least 150 people were killed on November 4 and 5 in Kiwanja. Most victims had bullet wounds to the head or wounds caused by machete, spear or club, indicating they had been summarily executed rather than killed in the cross fire or by rocket and mortar shells. At least 14 of the victims were children, 8 were women, and 7 were elderly.[130]

International humanitarian law prohibits the summary execution or mistreatment of any person in custody, whether civilians or captured combatants. When committed deliberately or recklessly, such acts are war crimes.

According to witnesses, CNDP soldiers forced doors open, demanded money and cell phones and then shot or otherwise killed the men or boys whom they found. They slaughtered them in front of their families in their houses, just outside their homes, or in the street nearby. Some women were killed, including those who tried to protect other family members.

One woman whose husband was killed told a Human Rights Watch researcher what happened. She said: "On Wednesday [November 5], 10 CNDP soldiers showed up outside my house in Mabungo neighborhood. My husband didn't see them, and he tried to leave the adjacent kitchen to reach me in the main house. But as soon as he stepped outside, the soldiers shot at him – once in the eye and once in the stomach. All of his insides came out. My husband was a

129 Human Rights Watch; The prosecution of sexual violence in Congo war;Goma;2009m op cit
130 Ibid

farmer. He was 50 years old, and he never helped the Mai Mai. We had no weapons".[131]

Another elderly woman described other killings. She said: "I fled to a nearby house to hide when I saw the soldiers coming. In the house there were seven boys. Some of them had leaves on their heads [as Mai Mai often did], but they had no weapons. The soldiers demanded that the boys open the door, but they were scared and did not answer. I ran into the bedroom and curled up into a small ball under the bed. I heard the soldiers break down the door and then the screams of the boys as they shot them. They did not try to arrest them, they just shot – bam, bam, bam. The soldiers came into the bedroom. I was trembling all over. One of the soldiers grabbed my leg and pulled me from under the bed. He raised his gun to shoot me, but another said to leave me as I was just an old woman. When they left, I went into the other room and saw the bodies of all the young boys. Four of them were brothers. They were all dead".

In another case, CNDP combatants killed an elderly couple when the wife tried to leave her house to go to the toilet. The neighbor, who saw the killings, said:

"I could not flee Kiwanja after the CNDP told everyone to leave because my wife was pregnant. I live close to where the CNDP had their camp, and I heard them say anyone leaving their house was suspect and that anyone poking their head out of a window should be shot. After a day hiding in our houses, I heard my neighbor say she had desperately to go to the toilet and she left her house. A soldier asked her where she was going, and when she told him she was going to the toilet, he shot her. Then her husband opened the door to see what had happened and they shot him dead as well. They were both about 60 years old. They were not Mai Mai. They were just an old couple who could not run away. I later helped to bury them".

According to several witnesses, CNDP combatants dragged bodies of those killed in the street into houses and then locked the doors, in an apparent attempt

131. Human Rights Watch; Killings in Kiwanja, Goma, December, 2oo9

to hide the dead. Witnesses also told Human Rights Watch researchers that bodies were found in latrines.

After the mass killings on November 5 CNDP combatants continued to summarily execute Kiwanja residents. Witnesses told the researcher that CNDP combatants killed six persons between November 8 and November 16. Most victims were shot to death while going to their farms outside Kiwanja to look for something to eat, or while returning to their homes in Kiwanja after spending days sheltering outside the MONUC base. Another four people were summarily executed in early December just outside Rutshuru, plus one other in Kiwanja, all by CNDP soldiers.

All these these cases should not remain unpunished. I nstead Congolese jurisdictions should step in the foot of the UNICTR in the case of Major Ntabakuze, The Appeals Chamber affirmed Ntabakuze's convictions for genocide, extermination and persecution as crimes against humanity, as well violence to life as a serious violation of Article 3 common to the Geneva Conventions and of Additional Protocol II pursuant to Article 6(3) of the Statute for the killings perpetrated at Nyanza hill on 11 April 1994 and at the Institut africain et mauricien de statistiques et d'économie around 15 April 1994. However

4.4.2 Sexual Violence

As it is often the case during combat in eastern Congo, women and girls were targets of sexual violence. CNDP combatants raped at least 16 women and girls in their homes, on their farms or on the roads in the weeks following the CNDP's takeover of Kiwanja and Rutshuru.

A 16-year-old girl who was raped by a CNDP combatant, said: "The day the CNDP arrived in Rutshuru, they pillaged my neighborhood, shoot and killed two boys, so I decided to flee to Goma. I ran through the farms on the edge of Rutshuru and met two soldiers with guns and spears. They stopped me in the farm. I was alone. One of the soldiers spoke Kinyarwanda, and the other spoke Swahili. They said, "We're going to kill you." Then they put a knife on my arm. I said, "No, please spare me." Then they said, "The only way we can spare you is if we rape you." They cut my clothes off with the knife. One of the soldiers raped

me from 4 pm until 7 pm. There was blood everywhere. Then when the second soldier wanted to start, there were lots of gunshots nearby and they left, saying that if I fled they would kill me. After that, I managed to escape and made it to Kibati [a large camp for displaced people outside Goma]. I'm still in a lot of pain, but I don't have any medicine and there's no one here to treat me.

Displaced people and a health center employee told Human Rights Watch researchers that CNDP soldiers raped six women and girls inside the camp for displaced people at the MONUC base in Kiwanja on November 27.

Our mind about this serious crime it thah Congolese tribunals should be inspired by the case of HATEGEKIMANA; On 6 December 2010, Trial Chamber II of the UNICTR convicted Hategekimana as a superior of rape as a crime against humanity for the rape of Nura Sezirahiga. Hategekimana was sentenced to a single term of life imprisonment.

4.4.3 Forced recruitment and abduction of adults and children

All parties to the conflict in North Kivu have forcibly recruited civilians, including children, and forced them to serve as soldiers. These children have been sent to the frontlines or are used as porters, guards. According to child protection workers, many of those recently recruited are "re-recruits" who have already gone through demobilization programs but who received limited support to integrate back into their communities.

Following their takeover of Rutshuru and Kiwanja, the CNDP forcibly recruited many young men and boys into military service. Other men and boys, often accused of being Mai Mai sympathizers, were abducted by the CNDP.
On November 30, for example, CNDP combatants abducted four children, all brothers, at 3 a.m. in the Mabungo neighborhood of Kiwanja. They took the boys to an unknown location. The next day, they brought back one child who was ill but kept the three who were healthy.[132]

Local residents told Human Rights Watch researchers that the CNDP uses local authorities to forcibly recruit young men and boys into military service.

132Human Rights Watch; Attacks on civilians in Eastern Congo; December 2009

According to MONUC officials, they intervened in several cases to obtain the release of boys and men recruited by force by the CNDP.[133]

Continuing fear of recruitment keeps many local residents from resuming the usual activities of daily life. Men and young boys often hide in their homes instead of working in the fields or spend their nights outside the MONUC base in Kiwanja to avoid being pressed into military service. Many others have fled to Goma or other areas outside of CNDP control. For example CNDP in Kichanga and Kirolirwe would visit Schools searching for young boys to serve in army. This was done while MONUC was there watching without any intervention and MONUC barracks was in a half kilometer from these schools.

International humanitarian law prohibits all parties to an armed conflict from arbitrarily depriving any person of their liberty, including through abductions and forced recruitment. Parties must treat all civilians humanely-arbitrary deprivation of liberty is incompatible with this requirement. International law prohibits any recruitment of children under the age of 18 by non-state armed groups or the participation of children in active hostilities. The recruitment of children under the age of 15 is a war crime.

4.4.4 Destruction of camps and forced return

Before the CNDP takeover of the area, some 27,000 displaced people were registered in camps for displaced people and in unofficial sites, such as schools, churches or mosques in and around Rutshuru and Kiwanja. More than 25,000 other displaced people were living with host families. Many of these displaced people fled the area ahead of the CNDP advance.[134]

On October 29, CNDP officials said in a public meeting that they would not permit displaced people's camps in their territory, that all displaced people must return home, and that the camps would be destroyed. CNDP combatants went directly to the Kasasa and Nyongera camps and instructed Kiwanja residents to

133 Ibid
134 Ibid

dismantle them and keep the spoils (plastic sheeting, wooden frames and any belongings left behind by the displaced people).[135]

According to witnesses, CNDP combatants either participated in the destruction or stood by and watched. Some witnesses said that CNDP forces burned shelters at Nyongera, Kasasa, and at camps and other sites in Rutshuru where many shelters were made of grass. One man who lived at Nyongera camp in Kiwanja told a Human Rights Watch researcher what happened. He said: "I decided not to run when the CNDP came as I did not know where to run to. There were only a few of us left in the camp and then the CNDP soldiers surrounded the area. They told the local people to help them destroy the camp. I heard it myself. The soldiers started some fires. I didn't know what to do. Where were we supposed to go? We decided to seek shelter at a school but I didn't feel safe there so we moved to the area outside the MONUC base. We were there for days with nothing, sleeping out in the open. I feel like we are no better than animals who are herded from one place to another.

CNDP soldiers and officials used threats and intimidation to attempt to force displaced people to return home, even though many did not believe it was safe to do so. On November 9, CNDP leader Laurent Nkunda at a public rally at Rutshuru stadium told his audience that he did not want any camps in areas under his control because they could provide hiding places for bandits.[136]

According to witnesses interviewed by Human Rights Watch researchers, CNDP combatants and local authorities told the people at the make-shift camp outside the MONUC base in Kiwanja to leave on at least three occasions between November 6 and 11.

They declared that CNDP was in control and that they would not be protected by either the government or MONUC at the site. During one of those meetings on November 11, the local leader (Chef de Cité) made good on his threats by destroying two shelters with a machete. The CNDP told the displaced people to leave the camp before 10 am of the next day to their homes, warning

135 Ibid
136 Human Rights Watch ; World Report 2009; p11

that they would feel the CNDP's "pressure" if they did not comply. The next day almost all of the displaced people had abandoned the camp.

But many had no place to go and within days thousands had returned to the MONUC base. By November 30, some 12,000 people were at the base, many of whom had received little, if any, assistance.

In all these circumstances described above, civilians informed MONUC about the destruction of the camp by the CNDP soldiers forcing civilians to return home but MONUC did not render any assistance instead it would that they had not enough force to exert pressure on CNDP to stop it from what it was doing. Following the case where by The Appeals Chamber of the International Criminal Tribunal for Rwanda, On 1 November 2010, Trial Chamber II of the Tribunal convicted Kanyarukiga of genocide and extermination as a crime against humanity based on his participation in the planning of the destruction of the Nyange church in Kivumu commune, Kibuye prefecture, Rwanda, on 16 April 1994, which resulted in the death of approximately 2,000 Tutsi civilians, The Trial Chamber sentenced Kanyarukiga to 30 years of imprisonment, so the Congolese tribunals should imitate the same thing.

Therefore one would wonder if MONUC would respond like this to civilians. What was the purpose of its presence?, What was the use of those strong weapons that they carried with them if they were not to protect Congolese civilians?

International humanitarian law prohibits the destruction of civilian objects, such as homes and shelters, schools and religious centers, unless and only for such time as they are being used for military purposes.

It is very clear that CNDP rebels also committed many atrocities such as murder, rape, forced recruitment, or enlisting children under the age of fifteen years into the armed forces or using them to participate actively in hostilities. All the above abuses committed by members of CNDP are prohibited by the Congolese laws as well as the international laws.

It is quit absurd that up to now children that were recruited into CNDP rebels were also integrated into the FARDC army and are still serving, while this is contrary to the article 41of the Congolese constitution which protects the rights of children, especially on its paragraph six which says: "The public authorities have the obligation to ensure the protection of children in the difficult situation and to bring the authors of acts of violence against the children and their accomplices to justice."[137]

The government of DRC did not show any difference at all since they did not respect their own constitution. The government would have disintegrated those children from army and punish the authors of this crime as well as murderers, rapists,... as provided in articles seven and eight of the Rome Statute of the International Criminal Court.[138]

4.5 Pro Governmental Rebels

As the government of DRC had failed to fight against the rebels of CNDP, it had created other rebel groups to act on the side of the government so that those rebels could help to defeat the members of CNDP.

4.5.1 Coalition of Congolese Patriotic Resistance .

PARECO was a rebel group created by the government to fight a long side with it against the CNDP. Created in march 2007 to join other various ethnic based maimai militia. Pareco included the maimai from Congolese hutu, hunde, and Nande ethnic groups.

The human Rights Watch testified that throughout 2007 and 2008, PARECO collaborated closely with FDLR, and received substantial support from the Congolese government, particularly during the battle against CNDP. After a short time, pareco combatants, especially those of hutu origin joined the Congolese army with its military commander MUGABO BAGUMA Sadam. PARECO

137 The Constitution of the Democratic Republic of the Congo Adopted by the National Assembly on May 13, 2005, and approved by the Congolese people by the referendum of December 18 and 19, 2005.

138 Rome Statute of the International Criminal Court

did many lootings of goats and cows in many areas of Masisi and in all these situations, the population would seek help from the MONUC which was operating within the area but in vain. Sometimes the tutsi community were wondering whether MONUC came to protect some tribes and ignore others.

Congolese civilians have been left to die as the UN peacekeepers are incapable of fighting against the well armed and efficient rebels forces and often end up fleeing. UN peacekeepers have chapter VII mandate that allows them to use all necessary means to protect civilians and humanitarian workers under the imminent attack of violence as well as to ensure the security necessary for the operation of the UN and the oversight of the peace process.

That's why VAN WOUNDERNBERG said "the UN peace keepers should be asking hard questions about the role of its peace keepers in supporting abusive operations"[139].

In December 2008 the UN Human Right Council has passed the resolution calling for immediate end to all Human Rights violations in Democratic Republic of Congo. The council underlined that the government had the primary responsibility to make every effort to strengthen the protection of the civilian population and to investigate and bring to justice perpetrators of violations of human rights[140].
PARECO would do all these abuses while the MONUC was very well aware that it was pro government. Some leaders of this movement would go on battle at the end of the day sleep in the towns controlled by the government. An example to this is that SENDUGU Museveni who was the chair man of that rebel group was staying in the town of Goma during the war, but would not be arrested by the government.

Critical analysis shows that PARECO were not rebels as such because they acted along side the government and their lootings were sidelined by the government. We remind that this was contrary to the article 34 of the Congolese constitution which asserts that: "Private property is sacred. The state guarantees

139 K. Ntubiba; Latechnique de la guerilla et son impact sur le personnes protégées par le DIH; ULPGL; Goma; 2001; p45.
140 Ibid

the right to individual or collective property acquired in accordance whith the law or customs."[141]

According to its second paragraph it is said: "No one may be deprived of his or her property except for reasons of public utility and in return for prior payment of justice compensation under the conditions established by law."[142]

These acts of looting are alsoseriously prohibited by the international laws such as the African charter on Human and People's Rights on its article fourteen which says: "The right to property shall be guaranteed. It may only be encroached upon in the interest of public need, or in the general interest of the community and in accordance with the provisions of appropriate laws.[143]

It quite absurd that the governmental army instead of retaliating with the rebels on war, for them they would concentrate on looting people's properties. One would wonder if they would do this for the public need or in the general interest of the community.

The article seventeen of the universal declaration of Human Right says: "Every one has a right to own property alone as well as in association with others. No one shall be arbitrarily deprived of his property."[144] As we have continuously mentioned the Congolese government is not showing any will to punish the authors of these crimes instead they were given promotions and good posts in the government.

The article one of the Congolese constitution, on its first paragraph says: "The Democratic Republic of Congo is within its borders of 30 June 1960, a state based on the rule of law..." DRC pretend to be a state of law. How can it be a state of law when it doesn't prosecute the well known authors of different atrocities?

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141 The Constitution of the Democratic Republic of the Congo Adopted by the National Assembly on May 13, 2005, and approved by the Congolese people by the referendum of December 18 and 19, 2005.

142 Ibid

143. African [Banjul] Charter on Human and Peoples' Rights, adopted June 27, 1981, OAU Doc. CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982), entered into force Oct. 21, 1986

144 Universal Declaration of Human Rights, Adopted on December 10, 1948 by the General Assembly of the United Nations

We will remind that DRC has adhered and is still bound to the Universal Declaration of Human Rights; The African Charter on Human and People's Rights; The United Nations conventions on the Rights of the Child and the Rights of Women; The Rome Statute of the International Tribunal Court.

4.5.2 Mayimayi

Mayimayi came and took place in 1964, during the rebellion launched by Pierre MULELE and Laurent Desire KABILA. Mayimayi was a slogan used on battlefield by Mulele's rebels, the Simba which means lions. They believed certain rituals they had undergone provided protection to them. Confronted with their enemies they shouted saying "mayi, mayi mulele" which means water of mulele in believing to imply that the bullets would turn to water on their bodies.

4.5.3 UN Backing Congo's Disastrous Operations

The United Nations is finally having to confront what most observers already know: Its limited but unconditional support for a Congolese army operation to disarm Rwandan Hutu rebels in eastern Congo has made a bad situation worse. The army attacks have made no real progress against the rebels, and have been accompanied by serious human rights violations, and have prompted massive reprisals against the civilian population.

The Congolese and United Nations must abandon this approach and move to a comprehensive strategy that matches targeted military actions with civilian protection, respect for human rights and expansion of responsible state authority to the region.

The UN mission has been supporting these offensives with food, fuel and logistics. The leaked report confirms that these operations have so far failed miserably to root out the militias. Instead, they have aggravated an already devastating humanitarian crisis.[145]

145Human Rights Watch; Selling Justice Short, Why Accountability matters for Peace; 2009

It is not just that the Congolese forces are unable to protect local civilians from reprisals, including massive killings and rape used as a weapon of war but they have no interest.

The report documents credible evidence that government soldiers, notably the anti-Rwandan rebels recently reintegrated into the army, themselves have been raping and killing civilians by the thousands. The ill-disciplined Congolese army is part of the problem in eastern Congo far more than part of the solution.[146] The UN peacekeeping mission Monuc has 18,000 troops in the Congo at a cost of $1.4 billion a year, the largest and most expensive UN mission in the world as said in chapter two.

But as their support for the Congolese attacks indicates, the mission has lost direction and a sense of purpose. Joseph Kabila, Congo's president, has asked for a withdrawal plan to be presented to him by June 30, 2010, by the 50th anniversary of Congo's independence.[147]

Because of this, one may also wonder what did the UN security council do after realizing that MONUC is not performing its mission as it is stated in its mandate. Does the UN security council follow up the performance of its peacekeepers it sends in missions? If so what are the positive changes to keep civilians from different atrocities? If they don't then their presence will be meaningless and a wastage of resources of the UN.

146 Ibid
147 Ibid

CHAPTER FIVE
DISCUSSIONS, CONCLUSIONS, AND RECOMENDATIONS

5.0 Overview

This chapter presents the discussion of the study, conclusion of the research, lastly recommendations of the examined problems in this research. It further more analyses the limitations of the research and proposes the areas for the future researchers.

5.1 Discussions

In this section of discussion the researcher presents the main points of the findings, as given in chapter four in relation to the introduction and the literature review.

The international rescue committee estimated that nearly four million people died since August 1998. One UN official aptly called the DRC mission not peace keeping but conflict peace building. Yet the MONUC experience illustrate some elements of civilians protection and its requirements. The Mission also demonstrates the beginning of innovation strategy to integrate different approaches within an operation. However, lack of interests limited this as it had earlier been planned on paper. The theory on ground presents the MONUC's failure to restore peace in DRC based on its insufficient troops and willingness. But on the point of insufficient troops is not correct because the united Nation's Mission in DRC is the global body's largest with seventeen thousand troops spread across the country.

The BBC Martin Plant who returned in DR Congo to follow up his initial investigation into allegations that the MONUCs were involved in mineral trading rather than keeping peace said that they have managed to bring stability since they were first established in Feb 2000. He also says they have helped to disarm the warring factions and assisted in the reconstruction.

The reality on ground today is that even CNDP which was the greatest threat to the government of DRC but later accepted to lay down their weapons

and integrate themselves in the government forces was not as a result of MONUC's pressure. This happened due to the joint plan by both government of DRC and Rwanda to fight all negative forces in eastern Congo whereby FDLR and the CNDP were the major target. The MONUC did little if not nothing in the implementation of this plan.

Furthermore eastern Congo continues to be the operational area for the negative forces up to today. FDLR and Mayimayi have continued to be threats to the lives of the Congolese population in the area.

The UN peacekeepers operating around the town of Goma are busy having direct dealings with the militias responsible for the genocide of 1994 in Rwanda, now living in eastern DRC. UN people trade the underground minerals, ivory, and illegal drugs from the militias in exchange of ammunitions.

It is quit absurd that mother countries of these UN peacekeepers seem to be in support of the illegal actions committed by their soldiers in UN mission apparently occupying eastern Congo. The Indian authorities were not satisfied by the UN's investigations division's report about the involvement of the three UN Indian peacekeepers in eastern Congo, in gold and ivory trading, instead wishes to consider other avenues of inquiry outside the purviews of the UN's investigation's division.

5.2 Recommendations

While much attention has been rightly focused on the unacceptable levels of violence in the East, the DRC government and the international community should redouble their political commitments to building a functioning state for the whole DRC, recognizing that the two endeavors are inextricably linked. An erosion of democratic space, stalled reforms in key areas and an inability to provide basic services, reduce violence and manage the conflict in eastern DRC are all serious risks to peace and stability.

Recommendations to the DRC Government:

- Restoring rule of law and combat corruption, respecting article one of the section one of chapter one of the constitution which says that: "...The Democratic Republic of Congo is a state based on the rule of law...", if not so its constitution would be a mere written document that is theoretical but not practical since it is not put in practice.
- If the government of the DRC fails to judge perpetrators, then the International Criminal Court should hurry to intervene since it is supported by the article one of the Rome Statute of the International Criminal Court which says: "An International Criminal Court is hereby established. It shall be a permanent institution and shall have the power to exercise its jurisdiction over persons for the most serious crimes of international concern, as referred to in this statute and shall be complementary to national jurisdictions..."[148]
- Implementing an effective anti-FDLR strategy including an agreement between Rwanda and the DRC on an end-state for the group;
- Implementing the agreements between the DRC government and the Congolese armed groups including completely integrating the former combatants of all ex rebels into the FARDC;
- Ensuring safe and fair refugee returns and establishing mechanisms for peaceful resolution of conflicts and reconciliation;

Recommendations to UN Security Council:

- And improving local governance, supporting development of a regime combating illegal trade in weapons and minerals, and sustaining stabilization of regional relations. special criminal laws governing UN Peacekeepers on ground. Then it should have a serious follow up so that whoever commit a crime will be punished or judged according to the law.
- The UN Security Council should seek for well trained and committed soldiers, who don't fear to fight against murderers; soldiers who can perform their duty properly.

148 Rome Statute of the International Criminal Court, op cit.

Recommendations to MONUC:

- MONUC should stop backing abusive operations such as Kimya I and Kimya II; because it is shameful to see peacekeepers supporting murderers, rapists, and looters. It should also stop its involvement in minerals trade because this is the pull factor which leads the to ignore their duty.
- MONUC should finally stop its cooperation with rebels such as FDLR which is the first movement disturbing Congolese people.

5.3 Conclusion

Theories of UN peacekeepers (MONUC) roles in eastern DR Congo have been discusses. Its findings showed that the presence of MONUC in eastern DRC has done little if not nothing as far as restoring peace is concerned. For over eleven years they have spent in the region;

The actors and violators to peace in eastern studied and found that MONUC and the government of Congo were both peace actors and violators of that peace. In this issue each one was driven by its own interests and the most important was to retrieve or to take back the mineral resources;

The DR Congo failure to maintain the stability and the organization of its army has continued to drag this region in insecurity.

The government of DR Congo concentrated in destroying the prevalence of CNDP rebel group and forgot to deal with the sources of evil acts in east which is the presence of FDLR in the region.

BIBLIOGRAPHY

A. GENERAL BOOKS

Alison Des Forges *; Aucun temoin ne doit survivre*, (No witness Will remain) ed Karthala,Paris 1994

Amnesty International*; Les violations des Droits humains dans un contexte des conflits armes;(The violations of humanrights in the context of armed conflicts*) 2009

Amnestey International; *L'armement utilise dans les violations des droits humains ,Goma (Means used in violation of peoples rights).* 2009

Bridges, Donna and Debbie Horsfall. 2009. "*Increasing Operational Effectiveness in UN Peacekeeping: Toward a Gender-Balanced Force.*" *Armed Forces & Society*, May 2009.

Christine Cheng; *Should Canada's Next Peacekeeping Mission be in the Congo? Canadian foreign policy, DRC, peacekeeping, UN Security Council,1998*

Ciara Damgaard; *Individual Criminal Responsibility for Core International Crimes,* Librairy of Congress, Berlin 2006

Colette Braeckman; *Le Dinosore*, Librairie Artheme, Paris 1997

Dallaire R; *Shake Hands With the Devil*; Quebec 2oo3

Dandeker, Christopher and James Gow.. "*The Future of Peace Support Operations: Strategic Peacekeeping and Success*; 1997; vol. 23

Donald CF. Bradd. C. Haye; *Beyond traditional peacekeeping*, New York 1995

Fortna, Virginia Page and Lise Morjé Howard; *Pitfalls and Prospects in the Peacekeeping Future*; 2008 vol. 11

Fry, Gavin,Loyd, David; *Rwanda : the Australian contingent 1994-95*, Canberra: Australian Army, 1996

Gerard Prunier ; *The rwandan Crisis, History of a genocide*, Fountain Publisher, 2nd ed, Kampala 1994

H. Hakizimana; *Du droit des Refugies en Droit Interne* Congolais;UNIGOM; Goma 1998

Harbottle Michael; *The Impartial Soldiers*, London, Oxford University Press1997

Heininger Janet E; *Peacekeeping in transition: The United Nations in Cambodia,* New York 1994

Hirsch John. & Robert B. Oakley; *Somalia and Operation Restore hope: Reflections on Peacekeeping and Peacemaking*, Virginia, Institute of Press,1995

Howard, Lise Morjé; *UN Peacekeeping in Civil Wars*; Cambridge University Press; 2008

Human Rights Watch; *Nouvelle Crise au Nord Kivu; (New crisis in North Kivu)* Goma 2009

Human Rights Watch; *The prosecution of sexual violence in Congo war*;Goma;2009

Human Rights Watch; *Attacks on civilians in Eastern Congo*; December 2009

Human Rights Watch ; *World Report 2009*

Human Rights Watch; *Selling Justice Short, Why Accountability matters for Peace*; G0ma 2009

Jean Chopra Eknes; *Fighting for hope in Somalia: Peacekeeping and Multinational Operations*, Norwegian Institute of International Affaires,1995

Jean Pierre Gaudin ; *Refugies rwandais au Zaire, (Rwandan refugees in Zaire*) ed l'Harmattan, Paris 1997

Jean Claude Willame; *Qui gouverne le Zaire?, (Who governs Zaire?)* ed l'Harmattan, Paris 1997

Kabala Ntubiba ; *La technique de la guerilla et son impact sur les personnes protegees par le DIH. (The technics of guerilla and its impacts on persons protected by the IHL*) ULPGL2002

Mark. M; *Peacekeeping in Africa*, Institute of Security Studies June 1998, p55

Miller, Eric: "*The Inability of Peacekeeping to Address the Security Dilemma*," 2010.

M. Muhindo; *Le Congo-Zaire, d'une guerre a l'autre;de liberation en occupation. (The Congo-Zaire from a war to another, from liberation to an occupation).* ULPGL ; Goma 2003

Pierre Hallen & Janos Riez; *Patrice Lumumba ente Dieu et Diable, (Patrice Lumumba between God and the devil).* ed l'Harmattan, Paris1997

Pushkina, Darya (June 2006). "*A Recipe for Success? Ingredients of a Successful Peacekeeping Mission,* June 2006

Reed, Brian and David Segal; *The Impact of Multipl Deployments on Soldiers' Peacekeeping Attitudes, Morale and Retention*; 2000; vol. 27

Rubuye Floribert ; *Du renouvellement du mandant de la MONUC cas de la resolution 1756 (The renewal of the MONUC's mandate. The case of resolution No 1756)* ; ULPGL 2009

Thomas Turner; *Congo Wars, Conflict, Myth and Reality*, London,2008

ELECTRONIC REFERENCES

Rakshak C Bharat; Protecting Civilians and Consolidating Peace in DRC http://www.bharat-rakshak.com/HEROISM/Salaria.html.

Louis Charbonneau (2008-11-18). "More peacekeepers won't bring peace to Congo - UN". Reuters. http://www.reuters.com/article/homepageCrisis/idUSN18289517. CH .2400

Angela Balakrishnan; Extra 3,100 UN troops to be deployed to Congo". The Guardian. http://www.guardian.co.uk/world/2008/nov/20/congo-unitednations

Africa Report N°165 16 Nov 2010 .Congo: No Stability in Kivu despite Rapprochement with Rwanda http://www.crisisgroup.org/en/regions/africa/central-africa/dr-congo/165-congo-pas-de-stabilite-au-kivu-malgre-le-rapprochement-avec-le-rwanda.aspx

NITED NATIONS PUBLICAYION; Yearbook of the United Nations
http://books.google.rw/books?id=o2Va21wfwvIC&pg=PA180&lpg=PA180&dq=the+congolese+militias+receive+arms+from+monuc
Marcus Bleasdale ; UN Peacekeeping Force Knowingly Supports Abusive Military Operations http://www.hrw.org/en/news/2009/11/02/eastern-dr-congo-surge-army-atrocities
Paula Kirman; Peacekeeping vs. Peacemaking.
http://www.suite101.com./content/peasekeeping-vs-peacemaking
Rod Smith; Peacemaking Vs Peacekeeping.
http://rodesmith.com/2006/02/27/peacekeeping-peacemaking
Fortna, Virginia; Does Peacekeeping Keep Peace? International Intervention and the Duration of Peace After Civil War.
http://www.globalpolicy.org/component/content/article/190/32956.htm
William J. Durch; Twenty-first-century peace operations
http://books.google.rw/books?id=lEuAsrRADOoC&pg=PA259&lpg=PA259&dq=DR+Congo+the+extreme+environment+of+peacekeeping&source
Janina; Kinshasa: UN Should Address MONUC Abuses in Country
http://www.defence.pk/forums/general-defence/15578-pakistani-soldiers-awarded-un-peacekeeping-medals-congo.html
BBC NEWS; http://www.unhcr.org/refworld/docid/49ddfa4fc.html
Maria Kiani; Pakistani soldiers awarded UN peacekeeping medals in Congo
http://www.civpol.org/modules.php?name=News&file=article&sid=1085&mode=thread&order=0&thold
Michael Fleshman ; Tough UN line on peacekeeper abuses
http://www.un.org/ecosocdev/geninfo/afrec/vol19no1/191peacekeep.htm
THE ECONOMIST; The planet's most wretched places are not always the most dangerous; http://www.economist.com/node/13035718
Prof. Jhon Evans Attamills; UNITED NATIONS ASSISTANCE MISSION FOR RWANDA; http://www.awm.gov.au/units/unit_15687.asp
UN Report on Reform, July 1997. http://www.un.org/reform/track2/part2.htm

Harmon Snow, Keith; Belgian Paratroopers To Crush Rising Congo Rebellion? http://www.consciousbeingalliance.com/2009/12/belgian-paratroopers-to-crush-rising-congo-rebellion/.

http://www.cnn.com/2008/WORLD/africa/11/20/congo.un.troops/index.html

Denis M. Tull ; Peacekeeping in the Democratic Republic of Congo: Waging Peace and Fighting War

http://www.informaworld.com/smpp/content~content=a910740659~db=all~order=page

UNHCR; Democratic Republic of the Congo: UN peacekeepers rescue kidnapped police http://www.unhcr.org/refworld/docid/4d4ba5961a.html

Peacekeeping and Protection of Civilians.

http://www.un.org/en/peacekeeping/issues/civilian.shtml

APPENDEX. A

QUESTIONNAIRE USED IN INTERVIEW

1. Name:.....(Not necessary)
2. Sex:

   M: ☐

   F: ☐

3. Level of education:
   a. Primary ☐
   b. Secondary ☐
   c. University ☐
   d. No one ☐
4. Have you ever heard about UN Peacekeepers(MONUC) in DR Congo?
   a. Yes ☐
   b. Non ☐
5. If yes what do you know about it?
6. What does MONUC help in our country?
7. Did MONUC help to protect civilians during the war opposing the government with CNDP?
   a. If yes how?
   b. If not how?
8. Did MONUC help the rebels? If yes how?
9. Have you ever heard MONUC members abusing Congolese people?

   If yes explain.

QUESTIONS TO MONUC MEMBERS.

10. Have you fulfilled properly your duties as it is stated in the mandate?

11. What kind of challenges have you got while performing your work?

12. Have you ever heard about MONUC members caught in illegal practices?

13. What do you think UN should do to help Peacekeepers to perform properly their task?

14. According to you who are responsible of the abuses committed against civilians?



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