How can the international community protect civilians in Ituri district and the rest of the Democratic Republic of Congo?

An HPG debate

The situation in Ituri District, in the eastern Democratic Republic of Congo (DRC), has led some observers to compare it to Rwanda just before the genocide, and to warn that, if action is not taken, there may be a danger of history repeating itself. There are chilling parallels: mass, ethnically based killings of civilians and a late and possibly inadequate response on the part of the international community.

On 9 July 2003, the Humanitarian Policy Group (HPG) held a meeting at ODI to debate the key issues of humanitarian protection raised by the current situation in Ituri. The meeting forms part of HPG’s rapid research programme, which is intended to inform humanitarian policy on emerging issues.

This report presents an edited summary of the proceedings. The speakers were Anneke Van Woudenberg, Senior Researcher at Human Rights Watch and former Oxfam Country Director in DRC; and James Fennell, an independent consultant, former Vice-President for security firm Armour Group and Emergencies Director with Care UK. The meeting was chaired by Paul Harvey, a Research fellow at HPG.


The situation in Ituri did not just happen in the last six months. The Ituri conflict dates back probably 100 years, with problems between the Hema and the Lendu over land. But the conflict became much larger in 1999, when Uganda started to manipulate what was initially a local-based conflict. This conflict grew in a way that it had never had before, to become incredibly deadly, much more extreme and very ethnically-focused. Since around the middle of 2002, Rwanda and the DRC government have also become involved, making Ituri an international conflict often fought out by a proxy. There are ten armed groups currently operating in Ituri. Alliances shift all the time, but different groups are backed by each of the three major actors.

The outcome for civilians in Ituri has been horrendous, to say the least. Currently, about 60,000 people are thought to have died from direct violence since 1999. Many of you will have heard the figure of three million dead in Congo. This number includes direct violence and indirect violence. In fact, the majority of deaths are from indirect violence. About 800,000 people have been displaced. In its reports, Human Rights Watch has documented war crimes, crimes against humanity and massive violations of international humanitarian law in Ituri by all parties. Violations are really on a very serious scale.

Ituri is important for three predominant reasons. One is that the conflict there risks undermining the whole peace process in the DRC, which is shaky at best. There is also a risk to the whole peace and regional stability of the Great Lakes region. Secondly, what also makes Ituri important is this volatile mix of local-level conflict, and with national jockeying for position, together with this regional dimension. This is not just found in Ituri. It is also found in other parts of eastern Congo, in particular in North and South Kivu. The risk that what we see in Ituri could start to happen in other parts of eastern Congo is real, and very high. The third reason why Ituri is important is this link between economic exploitation or natural resource exploitation in conflict. Three reports by a UN panel of experts document the link between economic exploitation in Congo and the continuation of the conflict. It has been
controversial and it has not been without its difficulties. A host of reports by other independent organisations tend to back up what the UN panel has said. Ituri shows us what happens when you don’t deal with some of these underlying problems. Ituri is rich in natural resources: gold, timber, diamonds in the west, colombo-tantalite, which is used in mobile phones. The Ugandans have been very good at exploiting the riches of Ituri.

Two aspects of humanitarian protection in Ituri are interesting: the complete inactivity, followed by over-activity by the international community. Before April 2003, there was almost no UN or international presence in Ituri; ten UN peacekeepers at most, and normally fewer even than that. The conflict was viewed by members of the international community and by some members of the United Nations as a ‘tribal war’, and so not a situation that required diplomatic attention. There was a belief that, at the diplomatic level, the peace process in DRC was going well. There seemed to be a peace discussion on the table; it seemed to be moving ahead. But Ituri shows what a false sense of security that was.

In 2000 and 2001, a number of reports came out by respected individuals within the UN system saying, ‘this is something we should look at’. In February 2001 – more than two years ago – an internal report in the United Nations described the situation in Ituri as ‘highly explosive. Individuals and groups on all sides are said to be preparing new massacres. Arms are being bought and distributed within and around Bunia. If actions are not undertaken immediately to defuse this tension, large scale, more violent and uncontrollable confrontations will result’. In September 2002, the Secretary-General himself termed the situation in Ituri ‘explosive’.

Massacres were going on, of which the UN and the international community had information. One took place in Nyakunde town, about 50 kilometres to the south of Bunia, the capital of Ituri, in September 2002. Before the massacre happened, expatriate doctors from the hospital in the town warned the UN of impending trouble, but the UN’s response was that it could do nothing. Two weeks later, a well-planned massacre was carried out in Ituri; it lasted for ten days. Lendu, together with the army of one of the major rebel groups in eastern DRC, the RCDML, murdered every Hema they could find: men, women, children, even hospital patients in their beds. Once people started to hide, they started a systematic room-by-room search of the hospital and the town’s houses, killing more than 1,200 people.
In April 2003, things started to change in Ituri. There had been significant pressure by the international community for Uganda to withdraw from this part of Ituri. The pressure was consistent, it was exerted by the United Nations as well as the US and the UK, and eventually it led to the withdrawal of Ugandan forces from this particular area of combat. But it also created a power vacuum, which the United Nations was not ready to deal with. Two weeks before the withdrawal, it started to realise that things may not be as they seemed, and tried to have a contingent of Uruguayan troops deployed as quickly as possible.

These troops did deploy, and a week before the Ugandans actually withdrew the Uruguays were more or less in place; there were about 400 in the town of Bunia. But they were guard units, and did not have any combat experience. Most spoke no French or English. Locals called them ‘note-takers of the dead’ because, when the fighting started, they could do little save take notes. They tried to do what they could, but they did not know what they had got themselves into. They were Uruguays; they did not know Ituri, did not know the history. They had been there, at best, a week or two when fighting erupted and thousands of terrified civilians cowered around the UN compound. With a weak and ambiguous mandate, the Uruguays were overwhelmed.

The European Union and the United Nations reacted – extraordinarily quickly under the circumstances – and within a month a French-led force had deployed to Bunia. The contingent has done a great deal to bring some kind of stability to the town, but this is limited to Bunia. There is no protection for the tens of thousands of people outside the town. The majority of the population of Bunia – perhaps three-quarters of its 300,000 inhabitants – are no longer there. They all fled when the fighting took place. For the majority of the inhabitants of Ituri, there is no security at all. Reports of massacres continue.

Protecting all of Ituri is a very hard proposition under the circumstances. But a lot more can and should be done.

There is a debate within the Security Council about the UN mandate, because we now face a very strange situation. We have an EU-led interim emergency multinational force in the town of Bunia, with a Chapter VII mandate from the United Nations Security Council. This means that it can use force to protect civilians. We have the United Nations MONUC mission in Ituri, which covers all of Congo, but has a Chapter VI observation mandate. Some call it
Chapter 6.5 because there is a small, ambiguous clause which states, in effect: ‘maybe if you feel like it and you really think you can and you happen to have a gun in your hand that day and that civilian is killed in front of you, you could intervene if you felt you really wanted to intervene’. I exaggerate, of course, but the clause is ambiguous. The question now is, what happens on 1 September, when the multinational force is due to leave Bunia, leaving the UN presence? Will the mandate be strengthened so that it is similar to that which the French-led force had? That debate hopefully will be concluded by the end of July, but if that does not happen we will be back to square one.

Let me touch on a few of the other humanitarian and human rights challenges besides this issue of mandate. One is access and the blocking of aid. Only a handful of humanitarian agencies have been able to work in Ituri (I think no more than eight are currently operating). The only UN presence is the Office for the Coordination of Humanitarian Assistance, which has faced many problems but continues to work. The deliberate blocking of aid by armed groups has become a regular occurrence in Ituri. At best, access outside of the town has been sporadic. Groups block aid because they believe that it is helping their enemies.

Over the past year alone, Human Rights Watch has documented more than 30 cases where humanitarian workers have been harassed, arrested, beaten or expelled from Ituri. In one example, a Belgian missionary who has worked in Ituri for more than 40 years was harassed and eventually expelled from Ituri province by the Hemia Union of Congolese Patriots because he had helped Lendu in need of food and a place to stay. OCHA has been operating in Ituri since 1999. Two heads of office have been expelled from Ituri for petty reasons, one laughably for ‘arrogance and malicious language’.

Other incidents have been significantly more serious. In one, documented in the Human Rights Watch report on Ituri, six members of the ICRC were killed in August 2001. Human Rights Watch had access to police files and other information about these killings, and it appears to have been a conspiracy between extremist Hema leaders and soldiers of the Ugandan army, who specifically target and kill humanitarian workers in Ituri. This makes providing humanitarian assistance, and providing any kind of international presence, exceedingly difficult.
Another key challenge for humanitarian and human rights organisations is the issue of justice. I am not aware of any individual in Ituri who has been held to account for any of crimes that have been committed. These crimes are of a very serious nature: crimes against humanity, war crimes and other massive violations of human rights. The government has adopted the Statute of Rome and is introducing legislation into parliament which will ensure that the International Criminal Court will have jurisdiction. But that only covers crimes from July 2002 until the present. Moreover, crimes are not just being committed by Congolese. They are also being committed by individuals from neighbouring countries, by Angolans, Zimbabweans, Burundians, Rwandans and Ugandans, to name just the immediate, usual suspects.

There will need to be very serious consideration of how a justice mechanism can be established, which will deal with these crimes against humanity, war crimes and other crimes committed prior to July 2002. Human Rights Watch certainly believes that this is important, and needs to be on the overall agenda of peace and reconciliation in Congo. These people need to be held to account; if the Congolese are going to build any kind of just and sustainable democratic society, this will need to happen. This will probably require some kind of ad hoc feature, a type of tribunal.

In conclusion, a quick word on the overall political process. I mentioned at the beginning the challenges that I think Ituri poses to the shaky peace process in Congo. There are also some challenges specifically in Ituri. A lot of hope and expectation has been placed on the interim administration created by all parties in Ituri several months ago, pushed through by the United Nations and permanent members of the Security Council. This interim administration includes both moderates and extremists, but is probably the best that could have been created under the circumstances.

The administration consists of courageous people who would like to make a difference, but they have very little in order to be able to do that. Most have no political experience; they do not have the kind of infrastructure they need and they have only recently found an office where they can work. Most have no paper or pencils. I spoke to the President of the Interim Assembly recently, and she told me that she was sleeping on a table because she could not go home as her house had been looted and was in an insecure area. We are creating space by
having an international presence in Ituri and, hopefully, creating some stability so that
dialogue can take place. But unless there is support for that dialogue, this process will fail.

A number of things need to happen. The first is a Chapter VII mandate for MONUC that
allows it to use force to protect civilians. This is critical. Second is pressure on the parties
who back these groups in Ituri: pressure on Uganda, Rwanda and the DRC government to
stop sending arms, stop supporting groups that are responsible for massive violations of
human rights. This message needs to be clear and strong. The third is a political process in
Ituri and in the DRC more widely that is supported, that has what it needs to run an
administration. The fourth requirement is justice. Without all of these four components,
moving forward in parallel, the peace process will continue to be shaky and could actually
move backwards.
**War as ‘politics by other means’**

*James Fennell, former Vice-President for Humanitarian Services, Armour Group*

A resource-based analysis has defined the interpretation of conflict in Africa. The analogy of ‘fire fighting’ has become synonymous with this approach: fires are ‘fuelled’; fires are put out by starving them of fuel. Peace-building is predicated on the removal of this fuel and the resolution of the resource ‘issues’ that are deemed to be at the root of conflict. This analysis concludes that, once people recognise an improvement in their resource status, they will have a vested interest in sustaining peace.

Humanitarian assistance is often interpreted as ‘fuel’. Unconditional humanitarian protection and assistance were largely discredited in Zaire/Tanzania 1994–96. These interventions are deemed to have ‘fed the fire’. However, it can also be argued that peace-building processes have ‘fed the fire’ of conflict in the Great Lakes region. The Arusha accords were undoubtedly an unwitting catalyst to genocide in 1994; it can be argued that similar unforeseen violent impacts have flowed from other peace-building processes in the region, including the Lusaka ceasefire agreement, the inter-Congolese dialogue initiative and the recent agreement on an interim government brokered in Sun City.

Nevertheless, the key conclusion drawn from the Rwandan genocide (a conclusion which has defined humanitarian policy in the region) was not that peace-building processes could have genocidal side-effects, which, if they were to be forestalled, required humanitarian assistance and protection in equal measure, but rather that humanitarian assistance and protection were an impediment to political action. In other words, the conclusions focused on the impacts of genocide not the causes.

Directly flowing from this analysis, UNHCR threw the protection book away in 1996–97 when it colluded in the enforced repatriation of Rwandan refugees from Zaire and Tanzania. This policy, so alien to humanitarians at the time, now defines the limits to humanitarian action: *humanitarian assistance and protection are now provided only where they are perceived not to impede peace-building processes*. Arguably, humanitarianism is now a ‘coherent’ component of a political process, with the object of achieving stability through peace-building. Assistance and protection are subsidiary to this aim.
War is politics, and peace is politics. Making war is a political project, and building peace is also a political project. Political projects attempt to engineer the future. But the implementation of political projects can have unforeseen outcomes: peace can lead to war, just as war can lead to peace. Humanitarian protection should safeguard people from the outcomes of political projects. Humanitarians protect people from present danger. Humanitarians are required to police the moral boundaries of political projects, and as such can impede and even block their implementation. Humanitarian and political action are logically linked, yet their objectives are quite different. If humanitarian action is bound to a political project, it immediately loses its neutrality, and more importantly, it will inevitably fail to protect people from whatever negative outcomes flow from that project.

To conclude. Peace-building projects in the sub-region have had unforeseen negative outcomes, sometimes genocidal outcomes. This dictates that humanitarian protection is essential in equal measure to peace-building to safeguard people from such outcomes. But the opposite conclusion has been drawn by policy-makers, and humanitarian protection has been discarded as an impediment to peace-building.

This policy shift may have directly contributed to more than three million excess deaths in the Congo. If lives are to be saved once more, humanitarians must become disentangled from the peace-builders, reassert their independence from political projects and patrol ever-more diligently the moral boundaries of political action.
Questions and comments from the floor

Questions and comments are unattributed

Could you clarify what you mean by peace-building? Would you define it as locally driven, and locally driven? If that is the case, can it only be concerned with future peace at the cost of current suffering?

Response (Fennell): The point is not that peace-building is an inappropriate act, but that it is inappropriate for humanitarians. It should be done by peace-builders. Peace-building – whether you’re encouraging people to develop their own political structures for peace or whether you’re imposing some sort of peace as in Iraq at the moment – is nevertheless a project, which has an outcome, which is designed to change the world in which those people live. So peace-building is absolutely necessary, at a local level as well as internationally, transnationally and nationally. The issue is whether or not peace-building is an appropriate function for humanitarians, or whether humanitarians need to focus on their principal function of protecting people from the impacts of politics.

The key is, why have more than three million people died in the Congo over the last ten years? Why has it been the world’s worst humanitarian crisis, much worse than Yugoslavia, much worse than Iraq, Afghanistan, much worse even than Somalia? And yet, so little has been done in terms of providing protection for those people, and providing them with assistance. Part of the reason for this is that most of the resources have been put into attempts to rebuild peace. The problem has been located as the war, but those processes themselves have created their own humanitarian impact. Many of these deaths are partially to do with the processes involved in attempting to promote peace.

The key is the separation of peace-building and humanitarian action, both protection and assistance. The issue is not just delivering assistance, but also providing military forces to protect people, forces with a simple mandate not to create peace but to protect non-combatant civilians. This has been neglected because it has been seen as interfering in the peace-building process, because of what happened in Goma. It was perceived that humanitarian assistance was contributing to war, which undoubtedly it does; it’s not perfect. But that is not a reason not to do it at all, and only to do peace-building.
In the long term, do you think protection will rely on having a stronger government in Kinshasa, because the DRC is viewed by others in the sub-region as a free-for-all because of the weakness within the government? What role can the UN and other international organisations play?

Response (Van Woudenberg): A stronger government would certainly help. One of the difficulties is the free-for-all, and not knowing who to deal with and who has influence in order to push protection issues. On the other hand, strong governments by their nature are not there for the protection of civilians; many may in fact actively harm their people. So yes, it helps, but hopefully they’ll be a representative and responsible government.

Just by being there, is humanitarian assistance not part of a political project, part of the dynamic of conflict? Is the choice ultimately between being there or not being there, or is it a choice between certain ways of providing humanitarian assistance, perhaps with some knowledge of the context?

Response (Van Woudenberg): While I was with Oxfam, I remember huge debates about the nature of intervention in Ituri. To remove oneself from politics is exceedingly difficult in a context like Ituri; when you are there, the definitions of neutrality and impartiality seem to change; it can be very difficult to remove yourself from that situation and to say, ‘we are here and we are not with the Hema or with the Lendu’. It is I think a reality that we work inside a political box, and it is very hard to go outside of that box. Sometimes it is impossible, and the choice is a stark one between being there or not being there. This takes you into a whole different debate about the consequences of not being there: if you leave people to suffer because the intervention is going to be difficult.

That’s not an answer, and I’m not sure what the answer is. But it was something that we dealt with every day, and I came to the conclusion – and I believe that this is still the case for humanitarian agencies operating in Ituri – that you have to work within the political box. It’s the only way to do it. Within that box, you can set boundaries about what you will do and what you won’t do, with whom you will negotiate and whom you will not negotiate with. Do you talk to an extremist Hema of the UPC Group, or do you not? Who guarantees your security? Who do you talk to when you have to have those guarantees of security; when you want to travel to a place where thousands of displaced people are, but you need to be able to have some degree of security to be able to go? While we have to work within the ‘box’, we
still need to find ways to set conditionality. But what do you use as your reference point, and what conditionality can you actually put to work in those circumstances? I wish I had an answer, but I didn’t find while I was in the DRC, and I’m not sure I have one today.

**Response (Fennell):** Everything is political: absolutely, it is. Humanitarianism has its own politics too. I was defining politics in a narrow sense as political projects, which are about the political future of the Congo, how the Congo should be constructed, what types of institutions it should have, the shape of its political future; humanitarians need to be separate from that.

**Justice is not an obviously humanitarian notion. Where do the speakers believe justice and a concern for justice fit with the protection agenda?**

**Response (Fennell):** Absolutely, justice is important, but it is not the job of humanitarians; a narrow definition of humanitarianism is necessary because otherwise agencies become fashion victims. They jump from one thing to another. There’s a need for agencies to promote justice, to ensure that judicial procedures are promoted, and push perhaps for a tribunal in Ituri. It’s a requirement but it’s not either/or. You don’t say: ‘we’re fed up with humanitarianism because all our humanitarian assistance is diverted? and it’s contributing to war so we’re going to do justice instead’. We need to do all of these things. Part of the problem is that the mandates of aid agencies are so malleable and unaccountable that we tend to throw the baby out with the bath water. Let’s not do any humanitarian assistance, we say; let’s do peace-building instead. The consequences of this are profound, particularly when it’s taken on board by the United Nations.

**Response (Van Woudenberg):** There are clearly tensions here. Nevertheless, justice is vitally important. You cannot build a just and democratic society without justice as a core component.

Two days ago, I was in Brussels. A senior diplomat told me: ‘we are considering pushing for Toma Lubunga (the head of an extremist Hema group) to have a position in the new transitional government in Kinshasa, because that way we’ll get him out of Ituri and will hopefully give him a place in the peace process. Is Human Rights Watch going to push for him to be taken to a tribunal?’. Our position on this is: look at Charles Taylor and all the difficulties that have been thrown up there. Having criminals as the head of governments is not the way to create a solution that is going to last. It is the job of Human Rights Watch to
keep pushing that justice has to be done. Maybe that’s not this month, maybe that’s not six months from now, maybe that’s further down the line. But for a society to be able to rebuild, those who have committed these crimes have to be held accountable.

_Could the two speakers, as representatives of both the human rights project and the humanitarian project, comment on how they can cooperate in support of the people of Ituri?_

Response (Fennell): There is no problem with working alongside each other. There is no issue about whether or not there should be a political project to encourage peace in the Congo, albeit the direction in which it goes may well raise questions. Brokering a ceasefire, getting the Inter-Congolese dialogue going and so on, these are good things. The point is not that the two projects are mutually exclusive, but that a fine line should be drawn between them. Humanitarians should not be promoting peace, and perhaps peace-builders should not be promoting humanitarianism.

_Could you provide more evidence concerning the involvement of outside countries and their support for Uganda, Rwanda and the DRC? And are you actually saying that, if politicians do not commit the necessary resources and troops to sort out DRC’s problems, then they should not get involved at all?_

Response (Anneke Van Woudenberg): Our position on this is that those countries that have close relations with Uganda or Rwanda and the DRC government have obviously been involved in this conflict since 1999. What we need to do is look at those countries which have influence over Uganda particularly. It is clear that the British and American governments, as the two largest bilateral donors, probably have immense influence if they choose to exercise it. What we try to show in the Human Rights Watch report is that these countries have not done that adequately. As such, they bear a responsibility. If they’re not doing enough to exercise their influence and their considerable leverage over these countries to stop them committing human rights abuses across their borders, or even in their own countries, and if they just blindly keep giving them assistance, then in our opinion this is contributing to the conflict in Ituri. Does that mean cutting aid? We certainly don’t believe that cutting aid to programmes that assist poverty is the way to go on this. But there are many other tools available to international diplomacy. There are many ways in which more effective leverage can be brought to bear.
You mentioned the reports by the panel of experts on exploitation and the mining convention. What response has come from the Security Council or from individual countries?

Response (Van Woudenberg): The response, of course, has been nothing. Governments have played this quite well, because by prolonging the mandate of the UN panel, you put off the need to take action. Three UN panel reports clearly showing the link between economic exploitation and the conflict and literally no action by any government, either against the players in the region, the individuals who have been named, or against the multinational companies that were named.

That said, two actions have been taken in the region. The Porter Commission produced a weighty and very interesting report that was critical of the Ugandan government, particularly with regard to operations in Ituri. The Rwandan government has also announced that that it will establish a Commission of Enquiry to follow up the UN Panel’s report.

Does either speaker have any thoughts about how mechanisms to govern the use of natural commodities could be introduced? This seems to be a problem in many countries, where reform of these violent, political economies is a recurrent theme. But we seem to have very limited mechanisms available to address this.

Response (Van Woudenberg): On the governance of natural resources, this has of course been a massive debate in Congo. The World Bank is implementing a project in the DRC trying to put together a Code of Conduct for mining companies intending to invest in DRC. This mining code Canadian mining companies, including a firm mentioned in the UN Panel report, have stated that they can restart operations in Congo, and so is going to provide an important framework for economic governance in the country.

A lot more needs to be done. Codes and legislation are one thing, but there is as yet no government in place that can actually carry these through. The challenge is to get local people more involved in natural resources, but most of these resources are in the east, where conflict is still going on.

Another question is how we work with the Bretton Woods institutions, which provide the framework for investment. Their involvement is interesting, but it isn’t necessarily the solution. There will never be enough coming in to match what a gold or copper mine can
produce. In Angola, the oil companies returned very rapidly after peace was supposedly in place. I think we’re about to see the same thing in DRC.

Response (Fennell): This question of resources is extremely difficult. While I was there, up until 2001, the most important source of foreign currency was not the exploitation of diamonds but royalties on pop music. So to some degree, it is a misunderstanding to see the Congo as this huge, wealthy place full of diamonds and gold and copper; certainly there are significant such resources, but most are inaccessible. There is no infrastructure, and hardly any of the human capacity to exploit those resources. Exploitation does take place and this area certainly needs to be policed, at least at the level of the Security Council. But those are not, in my view, the major issues that underpin the conflict or cause the conflict to continue. This could be much better dealt with through protection. MONUC should have been much larger. There should have been intervention at various times, on a much greater scale, to protect people from the impacts of the various political changes that they’ve undergone. If MONUC had been effective and had gone beyond monitoring, and had sufficient forces to create security, or at least a limited number of safe havens in the Congo, they would also have had the reach to police the various areas where exploitation of natural resources has taken place, or at least to bear witness to these activities so that the perpetrators could be exposed.

What level of discussion is happening in the Security Council concerning the role of MONUC? This seems to have been overtaken by events, and to have become effectively outdated with the discussions around the new mandate. What is Human Rights Watch pressing for with regard to MONUC, and what do you think the limits realistically are?

Response (Van Woudenberg): We are lobbying on a Chapter VII mandate. We are lobbying for much more capacity for MONUC, and we are trying to highlight what the difficulties are. We are also lobbying for a much stronger human rights component within MONUC, with more assistance from the High Commissioner for Human Rights and more assistance by MONUC, specifically in Ituri but also in other parts of the Congo. MONUC soldiers will probably be some of the first people who come across evidence of war crimes and crimes against humanity; there is a need to protect that evidence, as we’ve seen in Iraq. There is also a need to keep monitoring what is going on there; the need to have adequate information so that political decisions can be made.
The role of MONUC is changing. That is clear, and it was very evident in the latest report from the Secretary-General on MONUC’s role, which had it moving away from monitoring what was the former ceasefire line to working more on mobilisation and peace-building. What that’s going to result in, I’m not yet sure.

You talked about a Chapter VII mandate so that MONUC could provide security for the civilian population. In the past, MONUC has had more or less a Chapter VI-plus, explicitly allowing it to act under a Chapter VII mandate and protect civilians where they are deployed. What more can be done so that they will protect civilians, considering that in some ways they have already had the mandate? And do peacekeeping capitals decide, or does the DPKO?

Response (Anneke Van Woudenberg): They had a 6.5 before, and there was an article in there about the protection of civilians. The problem is that it was so ambiguous; what we’re asking for this time – and a whole host of organisations; Humans Rights Watch is not alone – is much more clarity and much stronger language on the Chapter VII.

Mandate is not the only problem. It’s the quality of the troops; it’s the logistical capacity that they have; it’s the finances that go behind them; it’s that whole capacity that also needs to happen and that’s definitely been missing in Congo. Although they’ve had this clause of protection of civilians, Ituri is not the only place where we’ve seen them fail. You will remember Kisangani in June 2002. A huge Moroccan brigade closed their doors as no more than 500 metres away people were being beheaded and their bodies thrown off a bridge because they had tried to launch an uprising against the rebel groups that were in control of Kisangani. When people came to tell them what was happening, it was Morocco’s national day and they were all partying. So Ituri is not the only place where it hasn’t worked. There also needs to be much more concerted action in terms of the capacity that MONUC has. It is easy for Europe and the United States to criticise, but until the French mission very few Western troops have been deployed; so it’s mandate plus capacity.

As for who decides these questions of mandate – we tried to get an answer to this, and couldn’t. What happens when a mandate is given, and should contributing countries sign up to implement that mandate? Do they water it down, do they weaken it? There is a difficulty, it would appear, between the mandate that the UN Security Council gives a UN peacekeeping operation and the bilateral agreements that are made between troop-contributing countries
and the DPKO in New York. In Ituri, Uruguayan peacekeepers were saying ‘we can only use force if our headquarters back home tells us that we can’. So it’s a bureaucratic process. Despite that ambiguous clause, they could have used force had they been courageous enough to do so.

*What has been the media’s role in highlighting atrocities in the DRC?*

**Response (Van Woudenberg):** I remember, when I lived in Congo at the height of the war, that it was incredibly difficult for journalists to get into the country. In fact, for years trying to bring a camera into Congo was so controversial and difficult and you never got the permission to do it; you couldn’t film anything if you did get in, and I think that contributed to a failure to understand what was going on in Congo. There were never any images that went with the words. Ituri was a classic example of this, but it was exactly the same in North and South Kivu; a number of agencies tried to help journalists to get in, but it was hard to do. That’s one of the reasons – though by no means the only one – why Congo has been a forgotten emergency.

*What is depressing is that we seem to go round in circles. Do the speakers believe that we have learnt anything at all? When you said that the reports went in to the UN, and nothing was done, I was reminded of 1994 and Rwanda, when the teams went in and they did nothing. Could it be a sovereignty issue once again? According to Hans Corell, the UN Under-Secretary-General and Legal Council for the UN, the General Assembly has said that humanitarian concerns can overrule questions of sovereignty.*

**Response (Anneke Van Woudenberg):** Have we learnt anything? Yes and no. What was so interesting about the last couple of months in Ituri, and one of the main reasons why the multinational force came to Ituri, is because people remembered Rwanda in 1994. It came up so many times in discussions. The Secretary-General’s personal involvement in ensuring that the French-led force arrived stems from this, when he was head of DPKO. His involvement in this has been very personal and very strong. He rang up national leaders saying ‘we need troops to be sent to Congo’. So in that sense, some of those lessons have been learned.

The problem is that the UN always acts when it’s almost too late. In this particular case, thousands of people had died before they actually started to do something about it. When UN peacekeepers started getting shot at and the televisions in our homes started to show what was going on, and it started to find its way onto the front pages of the newspapers, then action...
was taken. I’ve been lobbying on Ituri issues for years, and what I have learned is that, unless you secure international attention and some very serious political will, all the fine reports that we produce mean very little.

What is remarkable is that, despite the incredible difficulty in providing humanitarian assistance, a core of around eight organisations have stayed, through thick and thin. Local people respect the humanitarian agencies who work there, and these agencies have tended to find ways to work. It’s not perfect and it’s difficult and it’s hard. But I’m always struck by the nature of the community in Ituri, and in many other places in Congo and elsewhere. There is something quite unique there, in the way that they work together and the way that they have found of getting around some of these very difficult challenges of impartiality, neutrality and politics.

One thing that has struck me about Ituri is that, despite the difficulties, agencies there have found a way to get information out. This again is where the handover has worked quite well. Others can criticise more vocally, more loudly from the outside, whereas those inside have to be more cautious and pragmatic about what they can and can’t say. I think Ituri also shows where it can work in very difficult circumstances. It’s not perfect, but it’s functioning.