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Responsibility to Protect-Engaging Civil Society

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Special Edition: Crisis in the Democratic Republic of Congo

The **Responsibility to Protect**-Engaging Civil Society (**R2PCS**) Project would like to share some recent articles, reports and civil society initiatives addressing the mounting crisis in the eastern part of the Democratic Republic of Congo. Although violence in the DRC has been a prevalent feature of everyday life for much of the past 50 years, the escalation of violence in the past few weeks has led to reports of increased rape, forced displacement, and mass killing, amounting to crimes against humanity one of the four crimes and violations covered by the **Responsibility to Protect**

The five year civil war in the DRC, from 1998-2003, claimed four million lives and subjected countless civilians to displacement, rape, abduction, and torture. Despite the amount of human suffering in Africa's first World War there has not been a cessation of violence since the end of the war, and fragile peace agreements have been broken and violated over and over again. Human Rights Watch now estimates that 5 million people have been killed since 1998, either directly, or through malnutrition and disease.

The latest round of violence, following the dissolution of a UN brokered ceasefire between the government of DRC and Laurent Nkundas rebel forces, has led to massive fleeing and a high increase in rape as a weapon of war. According to UNHCR, at least 100,000 people have been displaced in the last few weeks in North Kivu, resulting in a total of 1 million displaced in the area. Crimes against humanity appear to be undertaken by all armed groups involved in the conflict and have been perpetuated by a culture of impunity. Furthermore, there are fears that the conflict could spill over once again into the DRC's nine neighbors as the Hutu-Tutsi ethnic tensions that are already prevalent and have plagued Rwanda, Uganda, and Burundi, may be reignited.

The **Responsibility to Protect** demands that the international community take decisive and timely action in the face of crimes against humanity, when the government is unwilling or unable to protect its populations. In the past week, there have been media reports and civil society calling for action, some of which are compiled below.

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I.R2P and DRC in the News

1. In Congo, a Little Fighting Brings a Lot of Fear
The New York Times
Jeffery Gettleman
2 November 2008

This vast linchpin of a country at the green heart of the continent, covering 905,000 square miles and bordering nine nations, never goes down alone.

When the Congolese state began to collapse in 1996, it set off a regional war. When it imploded again in 1998, it dragged in armies from a half-dozen other African countries. The two wars and the mayhem since have killed possibly five million people, a death toll that human rights groups say is the worst related to any conflict since World War II.

The worry now is that Congo is on the brink again, with neighbors poised to jump in, which is why the relatively small-scale bush fighting last week attracted some of the most intense diplomatic activity Congo has seen in years. The French foreign minister, the British foreign minister, top United Nations diplomats and the State Departments highest official for Africa all jetted in to the decrepit but important lakeside city of Goma. ()

The rebel victory laid bare the fecklessness of the Congolese government, two years after the most expensive, foreign-financed election in African history, despite the muscle of the largest United Nations peacekeeping mission, with 17,000 troops in the country.

Perhaps even more alarming was the performance of that mission. Not only were the peacekeepers unable to stop the rebels advance the rebels have already turned a captured United Nations base into an impromptu bush gym but they were unable to protect civilians,

which is their mandate.

On Wednesday night, as the rebels encircled Goma, rogue government soldiers plundered, raped and killed in their retreat from the town. This same predatory behavior happened in the 1990s, when Congo was in a similar state of simmering dysfunction.

On Thursday, a family in Goma sat in a small, bare room, staring at the body of a 17-year-old boy, Merci. He was forced at gunpoint to load everything from their home into an army truck, family members and neighbors said. As a parting gesture, before they raced out of town, the government soldiers shot Merci in the back. There were no peacekeepers around, even though a large United Nations base is located a mile or two from Mercis home. ()

John Prendergast, a founder of the Washington-based Enough Project, which campaigns against genocide, said: t is remarkable that 14 years after the genocide in Rwanda, U.N. peacekeeping remains as ineffectual at protecting civilians as it was then. This, despite all the rhetoric about the **responsibility to protect** and never again. Empty slogans for the people of Central Africa.r

Alan Doss, the head of the United Nations mission in Congo, said it had been very difficult to defend the perimeter of Goma and at the same time police the streets with a relatively small force of 900 Goma based peacekeepers. ere certainly stretched, he said. heres only so much we can do.r

The European Union is mulling over the idea of sending more troops. But right now, the emphasis seems to be on forging a durable political settlement with the rebels. The trick is that eastern Congo has always been a headache to rule. And the rebels based in the thickly forested hills around here seem stronger than ever. They are led by a charismatic troublemaker, Laurent Nkunda, who commands a well-trained, well-equipped guerrilla army from an abandoned Belgian farmhouse in the jungle. He is an ethnic Tutsi, and Congolese officials have painted Mr. Nkunda, a renegade general, as a pawn of Tutsi-led Rwanda next door.

Though it is unclear how actively Rwanda might be supporting Mr. Nkunda, Rwandan meddling here would be far from unprecedented. Congo has suffered a long history of exploitation, going back to the Belgian colonial times. Rebel groups and foreign forces have annexed large swaths of the country to extract gold, diamonds, tin and timber. At times, too, the Congolese government has invited its neighbors in, trying to find defenders at critical moments. ()

Congo analysts say that Mr. Nkunda may have some legitimate political goals and Congolese ones at that. For starters, he seems determined to eliminate the Hutu death squads who participated in the massacre of 800,000 people in Rwanda in 1994 and then fled into Congo, where they continue to brutalize with impunity. The Congolese government has promised to disarm the squads. But the rebels and many Western diplomats say the government is actually giving the Hutu death squads guns.

he Congolese Army is working hand in hand with these killers, said Babu Amani, a spokesman for the rebels.

The rebels want to play a bigger role in governing eastern Congo and even possibly to carve the territory into ethnic fiefs. () A summit meeting has now been called between Rwanda and

Congo. Aid organizations are urging the United States to put more pressure on Rwanda, its ally, to rein in Mr. Nkunda. Diplomats are shuttling between Congo and Rwanda, trying to get the two sides to focus on peace treaties they have already signed, so another regional war does not break out.

here will be a summit, Professor Vlassenroot said. nd there will be a nice document coming out of it. But it wont change anything. What Congo needs, he said, is a true change of culture that would end the long tradition of corruption and criminally inept government and the attendant rebellions. Given the decades of unending crisis here, no one sees that happening anytime soon.

Source: http://www.nytimes.com/2008/11/03/world/africa/03congo.html?pagewanted=1&_r=1&ref=world

2. Think Tank: We are Betraying Congo

The Sunday Times

Andrew Mitchell

2 November 2008

The terrible images beamed into our living rooms from the Democratic Republic of Congo last week are eerily similar to those from Rwanda in 1994. A United Nations mission under fire and under pressure, surrounded by terrified and angry civilians whom the UN is unable to protect. Tens of thousands of people walking barefoot amid the bright green undergrowth, fleeing to safety. The panicked evacuation of foreign aid workers. Tales of rape, murder and pillage.

It is not surprising that the images are similar, for this crisis has its roots in the bloody legacy of the 1994 genocide. As the Hutu-supremacist Interahamwe militia were forced out of Rwanda by the Tutsi-dominated Rwandan Patriotic Front, hundreds of thousands of mainly Hutu refugees flooded into camps across the border in what was then called Zaire. The world flew in aid to help the refugees - but many of them were killers.

Since then, many have returned home to Rwanda to face justice and reintegrate into society. But a hard core of about 8,000 former enocidaires and their sympathisers remain in eastern Congo, still nursing their genocidal ideology. They have menaced their own people, led raids into Rwanda and exploited Congos minerals to buy guns. The Congolese government has repeatedly pledged to fight and disarm them. But in fact it has divvied up lucrative mineral mining operations with them and even fought alongside them. The governments failure to get to grips with them has allowed General Laurent Nkunda, the renegade Tutsi officer, to claim a spurious legitimacy and say that he is fighting to protect his Tutsi kinsmen.

What is to be done? Three years ago in New York the worlds leaders embraced, with great fanfare and razzmatazz, a new doctrine of the **responsibility to protect**, pledging that human lives are more important than national borders. If this is to be anything more than a bumper-sticker slogan we need to take action now in Congo.

The 17,000-strong UN force in Congo is the worlds biggest peacekeeping operation and 18

different nations have contributed troops. But they are deployed in a country the size of western Europe. They have proved unable to take on the well equipped former Interahamwe.

The UN troops guarding the key city of Goma are reportedly lightly armed and unable to stop the fighting. Many Congolese are infuriated by the UNs failure to protect them and desperate civilians have stoned the UN compound and passing tanks. The UN is only as strong as its member states. Its forces on the ground should be beefed up urgently. There must be no repeat of the international cowardice of 1994.

To stave off disaster Alan Doss, Congos UN chief, has issued an urgent call for 2,000 extra troops, including police, air assets and special forces. His request must be granted. This truly is the acid test of the international communitys commitment to the **responsibility to protect**.

Britain does have real influence in the troubled region. We are the biggest aid donor to Rwanda, spent 80m in Congo last year and give aid to every one of Congos nine neighbours. The government must push hard for a stronger UN, an immediate ceasefire from all fighters and guarantees of security for humanitarian agencies. ()

However, the Congolese government has been either unable or unwilling to deliver on its promise. These cancerous militias must be tackled - and that includes the Lords Resistance Army in the northeast. Ensuring they are fully disarmed and disbanded - something that the UN has been unable to achieve as a result of a lack of political will - should be the priority for the international community. Rwanda, too, must do all it can to deescalate the situation and must not get dragged further into the conflict. It is pretty simple: without a stable Congo there wont be a stable Africa. The failure by the international community in Rwanda 14 years ago, when nearly a million people were butchered, should be seared onto the conscience of the world. Five million have died in Congo in recent years. ()

Source: <http://www.timesonline.co.uk/tol/news/world/article5062869.ece>

3. The Beginning of Hope or the End of It
The Huffington Post
Eve Ensler
31 October 2008

Eve Ensler is the playwright of The Vagina Monologues and founder of V-Day, which is a global day to campaign to end violence against women and girls. Her reflection; reprinted below; was published on 31 October 2008 in The Huffington Post.

I spent the last month in the Democratic Republic of Congo (DRC), much of my time in Goma. There, I was privileged to be part of the first public testimonies where women survivors of rape and sexual torture came forward in front hundreds to bravely break the silence on the terrible atrocities done to their bodies and souls during the twelve-year conflict that has embroiled the DRC. The conflict, a virtual proxy war fought between the Congolese government, former Hutu Genocidaires from Rwanda, and ethnic Tutsis is the largest the world has seen since WWII. () Now that I have returned to the US, and there is full scale war with Nkunda's troops threatening

to take Goma, I receive emails and calls by the minute from people on the ground who have been rendered speechless and thrown into despair. Where is the world? they ask me. Why is no one coming to defend us? I wonder: What stops the world from intervening on behalf of the people of the Congo?

12 years later, 5.4 million are dead, over 300,000 raped. What about this conflict doesn't move the world to action? Is it that the Congolese people no longer exist in our imagination, since they were decimated by the colonialism and brutality of King Leopold of Belgium? Is it that the vast resources of the Congo--coltan for our cell phones, for example--are all that the West is paying attention to? Is it simply racism--that unless white people are involved in the conflict the world does not intervene? Or, is it because so much of this war is being waged on the bodies, genitals and reproductive organs of women and that the world still does not give a damn about women? Right now, in America, we are living in the center of a potential paradigm shift. A definite, burgeoning movement. A time of Hope. With the upcoming elections, we could redefine America's standing in the world by enacting foreign policy that is based on the universal understanding that we are all interconnected. () We use the words and slogans "Never again" and "Not on our watch", but right now thousands are being displaced, raped, murdered in Eastern DRC.

"The Responsibility to Protect" requires that we, as the international community, particularly America, intervene where governments cannot protect their own people, demand that more UN peacekeeping troops are deployed and seriously focused on the mission of protection. Where the world sees to it that leaders are brought to the negotiating table to find solutions to the conflict so that the people of Congo are no longer pawns in this economic and ethnic battle. Where the world delivers plentiful resources to Congolese women and girls, who have survived the unthinkable.

The Congo is the heart of Africa and Africa is the heart of the world. Right now Eastern Congo is about to spin out of control and tumble into full-scale war. Let the DRC be the place where the paradigm actually shifts. Where we usher in a time of Hope. We have to do more than we have ever done before. The time to act is now.

Source: http://www.huffingtonpost.com/eve-ensler/the-beginning-of-hope-or_b_139423.html

2. Why Congos Peacekeepers Are Coming Under Fire

TIME Magazine

Alex Perry

28 October 2008

There can be no greater indictment of a peacekeeping mission than when it is attacked by the people it was sent to protect. But that is what's happening to the U.N.'s biggest peacekeeping mission, the 17,000 blue helmets in the Democratic Republic of Congo (D.R.C.) known by the French acronym MONUC. ()

Hundreds of thousands of Congolese have fled renewed fighting in the eastern part of the country in the past few weeks. Government forces are pitted against rebel groups that have operated in the area since crossing the border from neighboring Rwanda at the end of the genocide there in 1994. In some ways such as how the conflict has sucked in armies from across Africa and how it has often descended into a fight over the region's plentiful natural resources the war in Congo is immeasurably more complicated than the one in Rwanda. But in other ways, it's a direct sequel. The rebels now advancing on Goma, for instance, are led by

General Laurent Nkunda, an ethnic Tutsi fighting remnant Rwandan Hutu militias. In all, according to humanitarian NGO the International Rescue Committee, the war in Congo which escalated into a full-scale civil war in 1998 that lasted until 2003, and still erupts periodically, as now has killed 5.4 million people, mostly through hunger and disease.

The moral imperative for an international response is clear. It's set out in the **Responsibility to Protect** (R2P), a doctrine adopted by the U.N. World Summit in 2005 the largest gathering of world leaders in history that made clear that a nation forfeits its right to sovereignty if it unleashes or is unable to prevent massive human-rights abuses on its soil.

R2P

was born from the collective shame over global inaction during atrocities in places such as Cambodia, Rwanda and Srebrenica. The most striking current example of R2P in effect is in Darfur, where the U.N. has agreed to deploy 26,000 peacekeepers to end genocide. It is a mission that, if fully staffed, would supercede that in the D.R.C. as the biggest in the world. "The concept is focused on mass atrocity crimes," says Gareth Evans, who heads global-conflict watchdog the International Crisis Group and who launched a book,

Responsibility to Protect

, in Washington on Tuesday. "The whole point is to develop an international reflex response that goes, 'Of course we have to do something. Let's figure out what.' " ()

Peacekeeping is tricky, no doubt. Alex De Waal [program director at New Yorks Social Science Research Council and author of several books on Africa] is among those who have questioned whether we might have set our sights too high, and whether, while peacekeeping might work in small countries like Sierra Leone or East Timor or Kosovo, there may not be the resources to make it work for vast nations like the D.R.C. or Sudan. Evans, a former Australian Foreign Minister, is among those who believe that just because something is difficult, "it doesn't mean you abandon it." Says Evans: "In Congo, the problem is insufficient resources. Maybe MONUC has to be reinforced and upgraded. In Darfur, you have a lackluster result, yes, but you had to have peacekeepers with a mandate that was accepted by the government. A full-bore invasion [would have had] catastrophic results." Evans is also keen to highlight "unheralded, unclaimed"

R2P

successes like in Kenya this year and in Burundi in the early years of the decade both cases in which strong diplomatic intervention prevented ethnic clashes from descending into wider ethnic wars.

But then there's Somalia. Somalia is the world's biggest humanitarian crisis, in which 3.5 million people more than one-third of the population are now on the brink of starvation after 17 years of civil war. If we have a responsibility to protect anywhere, surely Somalia would be top of the list. But Somalia has attracted no offers of help from the West, and only a few thousand African Union troops. It is not as if the world has no interest in what happens in Somalia; anarchy has fostered not only a starvation catastrophe and international piracy, but also Africa's most dangerous Islamists, who have bombed U.S. embassies in Kenya and Tanzania. And that's the problem: the dangers of Somalia override any noble notion about saving others. Evans says the "main point" of his book is to "clear away the debris and skepticism about the scope and limits of R2P." Here's hoping his writing is exceptional.

Source: <http://www.time.com/time/world/article/0,8599,1854483,00.html>

3. When Reality contradicts Rhetoric: Civilians Protection in the DRC

allafrica.com

Dr. Joseph Yav Katshung

30 October 2008

Dr. Joseph Yav Katshung is a Human Rights Lawyer and a Transitional Justice Advocate. He is also the UNESCO Chair for Human Rights, Good Governance, Peace, and Conflict Resolution at University of Lubumbashi in DRC.

In September 2005, world leaders at the United Nations endorsed a historic declaration that the international community has a **responsibility to help protect** populations from genocide, ethnic cleansing, war crimes and crimes against humanity and expressed a willingness to take timely and decisive action when states anifestly fail to protect their own populations from these threats.

Despite the collective shame and regret expressed over genocides and related atrocities, gross violations of human rights, and mass killings continue in the Great lakes region of Africa and in DRC in particular. Conflict, violence and religious radicalism continue to undermine the maintenance of peace and security and the promotion of human rights in the region. Civilians bear the heaviest brunt of acts of terror, wars, and criminal violence. How best to effectively respond to this threat, is the central question this brief sets out to discuss.

Protecting civilians in the DRC: A nightmare?

A clear picture of civilian suffering in the DRC has just been painted in the second Cross-Cutting Report of the Security Council Report dealing with Protection of Civilians. It is clear from this report that ver the past 14 years, the DRC has experienced continuous instability and a civil war that took an extremely heavy toll on the civilian population. The numbers are vast: from the spill-over from the Rwandan genocide in 1994, to the 1996-1998 and the 1998-2003 civil wars and the ensuing political transitions, millions of civilians died of conflict-related causes and hundreds of thousands of others were displaced. The second civil war alone is estimated to have led to the death of between 3.3 and 5.4 million civilians, which ranks it as the worlds deadliest conflict since World War II. The war involved dozens of rebel groups-both Congolese and foreign, including Rwandan nocidaires, the LRA and the Angolan UNITA-in addition to other African countries: Rwanda, Uganda, Burundi, Sudan, Angola, Zimbabwe, Chad and Namibia. ()

With political will, rhetoric can be transformed into reality

With sufficient political will - on the part of Africa and on the part of the international community rotecting civilians in Africa can be enhanced. Governments must not wait to act until images of death, destruction and mass displacements are shown on TV screens. With political will, rhetoric can be transformed into reality. Without it, not even the noblest sentiments will have a chance of success. Political will is also needed from the international community. Whenever the international community is committed to making a difference, it has proved that significant and

rapid transformation can be achieved. Yet significant progress will require sustained international attention at the highest political levels over a period of years.

On a continent where gross human rights abuses and violence are rampant, African leaders have not demonstrated the will to exercise the African Unions right to intervene to stem gross human rights violations in either a concerted or consistent manner. Yet the involvement of the international community and of African states in particular in seeking to promote peace and security remains ad hoc and inconsistent. Generating the political will to protect civilians remains therefore a priority in Africa. With sufficient political will - on the part of Africa and on the part of the international community protection of civilians in Africa can be enhanced. Genocide and other related atrocities are not only a dark legacy of the past but a threat to the present and future of many societies.

It is Time to Demonstrate that Civilian Protection is a Shared Responsibility!

It should be noted that civilian protection is not just a responsibility of the government, armed forces, and other security apparatus but rather a collective and shared responsibility of the state, civil society groups and the international community. In this regard, the responses to protect civilians should immensely benefit from Václav Havel's sagacious words, we live in a new world, in which all of us must begin to bear responsibility for everything that occurs. Besides a strong commitment, effective protection of civilians requires resources. Over time, civilian protection must not only become a norm but also a practice. Its success as a norm will rightly be judged on whether it has reduced the vulnerability of civilian populations to armed conflict, and on the extent to which human rights and humanitarian obligations are observed and enforced. Successful implementation of protection strategies requires the development of a comprehensive and holistic approach to security combined with the necessary political will.

Source: <http://allafrica.com/stories/200810310726.html>

4. EU Battle group Must Be Deployed to Conflict in Congo

The Irish Times

Rory Keane

1 November 2008

Dr. Rory Keane is an expert commentator on peacebuilding and security issues. He has written extensively on the European Unions Security Policy. The following article was published as an opinion piece, with Dr. Keane writing in his own capacity.

Tens of thousands of refugees are reported to be on the roads of North Kivu (eastern Democratic Republic of the Congo, or DRC) and some charities have pulled out of the city of Goma, despite a ceasefire announced by rebels on October 29th. ()

Down the line a durable peace will only come about through a regional approach steered by the governments of Kinshasa (DRC) and Kigali (Rwanda). For durable peace, sensitive questions will need to be tackled, including thorny issues such as the possibility for Hutu rebels to return to Rwanda, proper regulation of natural resources, protection for minorities and a workable form of

cross-border regional co-operation between DRC and Rwanda. However, in the short term, discussions on a durable peace are not on the radar, as the AK-47 continues to rule the region.

Today, diplomats and development actors urgently need to turn to peacekeepers as stabilisation becomes priority number one. An under-trained, under-equipped and underfed DRC army is not able to stabilise the situation, while the Monuc (UN mission) is doing its best, but remains overstretched. Military reinforcement is therefore urgently needed.

On paper, the EU is ready and equipped to respond to this type of urgency. EU battlegroups now exist, but have never been used. Their purpose is to respond to requests from the UN to undertake rapid intervention in a hostile environment, including support for the provision of urgent humanitarian aid. The challenge now for the EU and its active French presidency is to deploy an EU battlegroup in the next 15 days to eastern DRC. If the EU fails this test it will call into question the wisdom behind creating battlegroups and, more significantly, will call into question the will of the EU to protect the most vulnerable.

French foreign minister Bernard Kouchner has long been an advocate of the **responsibility to protect** citizens - in places like Darfur - when states are unable or unwilling to protect their own citizens. There are indications that he, along with Belgium - the former colonial power in DRC - may well push for the deployment of an EU battlegroup to Goma, in line with the **responsibility to protect** doctrine.

The most credible option would be to deploy the Franco-German battlegroup, which includes 2,300 soldiers. However, its deployment could be stalled by the German Parliament, which would need to vote for such a deployment in line with the German constitution.

The challenge, therefore, for the EU French presidency is to encourage Germany and fellow EU member states to enable a deployment by mid-November. If successful, an EU battlegroup can help transform the **responsibility to protect** from word to deed. More importantly, rapid deployment will enable displaced families to cautiously return to their homes in places like Goma.

Source: Unavailable

II. UN Security Council Presidential Statements

The UN Security Council issued the two following Presidential Statements on 21 October and 29 October 2008. The 21 October statement offers recommendations to the government of the DRC calling for cooperation between the FARDC and the FDLR, and an open dialogue between Rwanda and the DRC. The statements also denounce the abduction of children into the LRA as a war crime. They congratulate MONUCs resolve to reconfigure and buffer their forces. The 29 October Statement pays particular attention to the Goma and Nairobi Peace Processes, and calls on all parties to observe their commitments. They note the recent ceasefire by Laurent Nkunda, and call on him to make sure that the ceasefire is successfully and effectively observed

by his forces.

The Security Council has been criticized by NGOs, such as Human Rights Watch and Amnesty International, for not doing enough to put DRC on their agenda. While they welcome the steps taken forward by the Security Council in addressing the situation, they feel that the SC is not doing enough to ensure the protection and security of civilians. The Amnesty International letter to the Security Council from 23 October, seen below, is in direct response to the first Presidential Statement.

Amnesty International Letter to the SC Concerning DRC: <http://www.amnesty.org/en/library/info/AFR62/008/2008/en>

1. Security Council Presidential Statement
21 October 2008

Source: http://www.responsibilitytoprotect.org/index.php?module=uploads&func=download&file_id=620

2. Security Council Presidential Statement
29 October 2008

Source: http://www.responsibilitytoprotect.org/index.php?module=uploads&func=download&file_id=621

III. Featured Letter from Global Centre for the Responsibility to Protect

1. Open Letter to the Security Council Concerning the Situation in DRC
Global Centre for the **Responsibility to Protect**
3 November 2008

In 2005, world leaders agreed that the international community has a **responsibility to protect** populations from genocide, war crimes, ethnic cleansing, and crimes against humanity. The current perilous situation in eastern Democratic Republic of Congo (DRC) with its long suffering civilian population again at serious risk from mass atrocity crimes demands that the Security Council takes urgent action to deliver on that responsibility.

The resumption of fighting two months ago between Laurent Nkunda and his rebel group and the Congolese armed forces has led to the displacement of a million people in North Kivu, an estimated 200,000 of whom were displaced in the last few weeks, some of them used as a human shield by Nkunda in his advance on the regional capital, Goma. Human rights groups report that Congolese government troops have engaged in rape, looting and stealing vehicles, as they flee from Nkundas forces. Humanitarian organizations, who have been forced to cease operations, say that Gomas 600,000 residents are at risk from attack and lack of access to food and medical care.

Human rights violations currently committed by the parties in conflict in North Kivu have clearly crossed the thresholds laid out by the responsibility to protect norm adopted by the General

Assembly at the 2005 World Summit. The violations include: forced displacement that is not for clear military objectives or to protect civilians; rape as a weapon of war; and the killing of civilians including on the basis of ethnicity.

Yet the situation could get even worse if the fragile ceasefire reached by the parties breaks down. The risk of Nkunda resuming the offensive and occupying Goma, now defended only by a small contingent of UN troops, and of the Congolese government mobilizing Rwandan Hutu rebels to regain lost ground, presents the real possibility that the campaign of violence could threaten the lives of hundreds of thousands more. It could lead to ethnic violence against Tutsis in South Kivu and north Katanga, and a campaign of revenge killings by Nkundas forces. Escalation of the conflict may also draw neighboring Rwanda into the conflict once again, reignite the regional war, and lead to a major humanitarian catastrophe among a population that already lacks essential food, adequate shelter and medical care.

The **responsibility to protect** norm reaffirms the commitment of a state to protect its populations from genocide, war crimes, ethnic cleansing, and crimes against humanity and includes the imperative that states should assist the host state in protecting the population from these atrocities. The norm also recognizes, however, that in cases where a state manifestly fails to protect its populations, the international community must be prepared to act in a timely and decisive action. The failure of the Congolese government to effectively protect its population has made this one of the most desperate situations on earth. It is past time that the **responsibility to protect** norm be applied meaningfully in DRC.

The Security Council must now deliver on the UNs commitment to act in a timely and decisive manner to save people and avert the risk of mass atrocity crimes.

It is essential that the Council use the full range of applicable measures at its disposal. The current crisis stems from the Security Councils past political failures to tackle genocide in Rwanda and the ensuing conflicts in the eastern DRC and wider Great Lakes region. This includes a failure to ensure the implementation of the November 2007 Nairobi declaration between the governments of DRC and Rwanda, and the January 2008 Goma agreement between the parties to the conflicts in North Kivu. A step change in political engagement is required from the Security Council to press Nkunda and the Congolese to sustain the ceasefire, and to insist to the Rwandan and Congolese governments that they uphold existing obligations and commitments to stop supporting Nkundas insurgency and Rwandan Hutu rebels, respectively.

The Special Representative of the Secretary-General in Congo has called for reinforcements for the UN mission which is struggling to fulfill its mandate to support the Congolese government to protect its citizens. There is widespread consensus on the urgent need for increased international military presence in Goma, to provide better protection for the civilian population, to deter the parties from breaking the ceasefire, and to provide space for the essential political dialogue. The Security Council must take swift decision on this point.

A UN Special Envoy should also be sent to the region immediately to provide the required

leadership and coordination of international efforts to reverse the current escalation and coordinate the implementation of the Nairobi declaration and Goma agreements. It is essential that there be effective disarmament and disbanding of all armed groups and militias in north Kivu, both foreign and national, and the restoration of sustainable civilian state authority in North Kivu. It is crucial that such an envoy receive the support of Security Council members Heads of State.

The Security Council must also apply other measures at its disposal to avert these crimes. It must enforce compliance with the sanctions regime it has put in place, involving an arms embargo and targeted sanctions, including against those that recruit child soldiers or use rape as a weapon of war. And it must recognize the centrality of tackling the impunity of those responsible for Rwandas genocide, as well as war crimes and crimes against humanity in DRC - including widespread sexual violence and recruitment of child soldiers - which has made the region so vulnerable to further mass atrocity crimes. The Council should express support for ongoing trials by the International Criminal Court of militia leaders in the DRC, and encourage the Office of the Prosecutor to renew and reinvigorate investigations that may lead to new indictments of figures involved in the current violence.

The 2005 agreement on the **responsibility to protect** was meant to mean never again to atrocity crimes. Eastern DRC is a test of international resolve to save lives -- now.

Signed:

Jan Egeland, Director, Norwegian Institute of International Affairs, former UN Under-Secretary-General for Humanitarian Affairs, and member of the International Advisory Board, Global Centre for the Responsibility to Protect

Thelma Ekiyor, Member of the International Advisory Board, Global Centre for the Responsibility to Protect

Gareth Evans, President of the International Crisis Group, former Australian Foreign Minister, and Co-Chair of the International Advisory Board, Global Centre for the Responsibility to Protect

Rama Mani, Councillor of the World Future Council, Member of the International Advisory Board, Global Centre for the Responsibility to Protect

Juan Mndez, President, International Center for Transitional Justice, former UN Secretary-Generals Special Adviser on the Prevention of Genocide, and member of the International Advisory Board, Global Centre for the Responsibility to Protect

Mohamed Sahnoun, President, Initiatives of Change-International, Special Adviser to the UN Secretary-General, and Co-Chair, International Advisory Board, Global Centre for the Responsibility to Protect

Monica Serrano, Executive Director, Global Centre for the Responsibility to Protect

Thomas G. Weiss, Director of the Ralph Bunche Institute for International Studies , and member of the International Advisory Board, Global Centre for the Responsibility to Protect

Source: <http://www.responsibilitytoprotect.org/index.php?module=uploads&func=download&fileId=623>

IV. Civil Society Initiatives on DRC

1. Oxfam calls for EU troops to support UN peacekeepers in Congo

Oxfam International

2 November 2008

The situation is currently too unstable to reach many of the people who have fled to escape the fighting. European ministers meeting in Marseille tomorrow (Monday, 3 November) must agree to provide European troops to support the UN peacekeeping force in eastern Congo.

While the ceasefire declared by General Laurent Nkunda's National Congress for the Defence of the People (CNDP) is holding, it is very precarious and the situation is still very tense. With thousands of people displaced in inaccessible areas outside the town of Goma, it is difficult for aid agencies to provide help to those that desperately need it.

Additional troops would assist the UN peacekeeping force, MONUC in the essential task of keeping the people of Congo safe. MONUC was already stretched before the recent round of intense fighting began and has clearly struggled to maintain security. With insecurity elsewhere in the Kivu provinces and eastern Congo, there is a serious risk that redeployment of troops from these areas to Goma would leave these civilians vulnerable to attack.

The European Union is well placed to rapidly provide the additional troops that the people of Congo desperately need. Given the fragility of the ceasefire and fears for another outbreak of intense fighting around Goma, more troops must be deployed as soon as possible, said Juliette Prodhon, head of Oxfam in Congo.

The European troops should work in close consultation with local communities and agencies working to help vulnerable people. Their role should not be to provide aid directly -- what they can do is help to create a secure environment where people are safe from attack and humanitarian agencies can get assistance to people who so desperately need it.

Deployment of European troops should be combined with sustained diplomatic pressure to achieve a political solution to the conflict and immediate steps to improve MONUC's ability to protect civilians. Oxfam is calling for a high-level special envoy to be immediately appointed to unify international peace efforts and address the underlying causes of the conflict.

Political engagement at the highest level is needed to unify diplomatic activities we have seen over the weekend. Agreements have been signed in the past by all those involved in the conflict. Inconsistent support by world leaders has contributed to their failure. A high-level envoy can provide the leadership to ensure that the world does not look away from Congo as it has done so many times before, said Prodhon.

Oxfam today started trucking water to people sheltering in the area of Kanyabayonga, north of Goma and continues to provide water and sanitation to 65,000 people in four camps in Goma.

The situation is currently too unstable to reach many of the people who have fled to escape the fighting. They are dispersed over a wide, inhospitable area. Many are hiding in the forests and bush without access to shelter, water, food and medicines. We need to be able to get there so

that we can help them said Proghan.

Source: <http://www.oxfam.org/en/pressroom/pressrelease/2008-11-03/oxfam-calls-eu-troops-support-un-peacekeepers-congo>

2. A Peaceful Resolution to the Crisis in the Congo
Open Society Initiative for South Africa
31 October 2008

OSISAs petition, open to NGOs and Civil Society Organizations, calls for a peaceful resolution to the conflict in Eastern Congo, as well as a lasting peace. Below are the recommendations by OSISA, and the linked attachment includes background information and a call for urgent action. Please email Roshnee Narrandes at RoshneeN@osisa.org if you would like to sign on.

We issue this open letter to all citizens of this continent, and in particular to our heads of states and governments, members of parliament in the respective countries, the United Nations and senior leaders within the SADC and African Union secretariats, demanding that they take urgent action to broker a political solution to the long-standing crisis in the DRC.

To this end, we call upon:

- () 1. The Mission des Nations Unies en Rpublique Dmocratique du Congo (MONUC) to fully implement its mandate, including invoking Chapter VII of the UN Charter that allows MONUC to use force if necessary to protect the people of the Kivus;
2. The African Union to immediately call an emergency Summit to address the crisis;
3. The United Nations and the African Union to monitor the implementation of the Great Lakes Pact with immediate effect;
4. The DRC government and Parliament, to fully comply with their constitutional duty to protect their people without any discrimination.
5. Countries surrounding the DRC to refrain from fuelling conflict;
6. Civil society in Africa, particularly in Angola, Rwanda, Uganda and Burundi to hold their governments accountable to the AU Constitutive Act and to begin this process through the convening of A Civil Society Peace Summit to take place urgently in the DRC. ()

Source: <http://www.responsibilitytoprotect.org/index.php?module=uploads&func=download&fileId=622>

3. New Statement by the Enough Project: Averting Renewed Regional War in Eastern Congo
ENOUGH Project
Press Statement
31 October 2008

The offensive by the rebel Laurent Nkundas National Congress for the Defense of People, or CNDP, has dramatically worsened the crisis in the eastern Democratic Republic of the Congo. This latest fighting threatens to once again draw Congos neighbors directly into the fray in a damaging escalation that would effectively undo a six-year regional and international effort to

stabilize the Democratic Republic of the Congo and the Great Lakes region. ()

The situation continues to change by the hour, but Nkundas declaration of a temporary and conditional ceasefire offers a momentary window of opportunity. A senior U.N. envoy must engage the parties to develop a sustained, structured dialogue, sequencing a ceasefire, the withdrawal of forces, and political talks. Support for this process will require forceful and coordinated action by diplomats and their direct engagement with both parties. It is also critical that the U.N. Security Council immediately take steps to bolster MONUC so that it has the political clout and military capabilities to assert itself as a protector of Congolese civilians. MONUC must be prepared to respond forcefully to aggression from any side.

The world must also help ensure an end to impunity for any war crimes and crimes against humanity. When forces loyal to Laurent Nkunda last menaced a major Congolese city, occupying Bukavu in South Kivu in 2004, they engaged in widespread rape and pillage. The fact that no one was held accountable for those crimes has undeniably contributed to behavior around Goma at present.

What the United States must do:

Working with partners in the United Nations, European Union, and African Union, the United States should the following immediate steps to help defuse the current crisis:

1. Speak directly to all parties in the conflict: The Assistant Secretary of State for Africa is in the region and is well placed to support a U.N.-led dialogue between President Kabila and General Nkunda. The United States must also encourage the ongoing discussions between the Congolese and Rwandan governments. A dtente between the two countries is critical for easing tensions in the short-term and dealing with root causes of conflict in the long term.
2. Urge all armed groups and regional governments to avoid cross-border adventurism: The United Nations Security Council should be prepared to enact targeted sanctions against any party that crosses national borders to engage in hostilities.
3. Support MONUCs efforts to fulfill its mandate and protect civilians at risk from violence. The U.S. should use all available resources to support the redeployment of MONUC forces to Goma, and support multilateral efforts to give MONUC the capabilities required for it to ake robust action to protect citizens at risk and deter any attempt to threaten political process by any armed group, as called for by the U.N. Security Council. The European Union, or EU, is best placed to lead this effort, but the United States military has assets in Uganda and Djibouti that could assist an EU-led effort.
4. Promote accountability for war crimes and crimes against humanity: All sides must be held to account for the crimes committed, and the International Criminal Court must work with MONUC to investigate war crimes and crimes against humanity by all sides. The United States must also make clear to the Congolese government that the behavior of its security forces during this crisis will weigh heavily in consideration of future foreign aid and security assistance from the Unites States.

5. Address the long-term problem: Work through the Security Council to assure political and financial support for a sustained international stabilization effort in eastern Congo.

Source: <http://www.enoughproject.org/node/1249>

4. Call for Action to Stop Fighting in DR Congo

Press Release

Women for Women International

30 October 2008

Women for Women International is an organization that promotes stability and sustainability for women who have survived deadly conflict, in the hopes that it will encourage strong and lasting civil societies. Women for Women International does this by providing women survivors of war, civil strife and other crises, resources and tools to ove from crisis and poverty to stability and self-sufficiency The press release reprinted below is from a panel on the Democratic Republic of the Congo, hosted by Women for Women International and attended by various experts. The group called for humanitarian assistance and international leadership in preventing further atrocities in the countrys Eastern provinces.

Press Release: <http://www.womenforwomen.org/news-women-for-women/files/Women-for-wo-men-concerned-about-fighting-Goma.pdf>

Panel Report from 30 October, with **R2P** mentioned: http://www.prweb.com/releases/DR_Con go/women_in_congo/prweb1554744.htm

5. DR Congo: International Leaders Should Act Now to Protect Civilians

Human Rights Watch

Press Release

30 October 2008

The United States, European Union, and African Union should urgently intensify diplomatic efforts to protect civilians and bolster the UN peacekeeping force in eastern Congo, Human Rights Watch said today. As a result of the fighting in North Kivu, which resumed in August after the collapse of a January peace deal, tens of thousands of civilians are fleeing fighting between government troops and combatants led by the rebel general Laurent Nkunda.

International leaders who successfully intervened before should act quickly to prevent the crisis in North Kivu from reaching catastrophic proportions, said Anneke Van Woudenberg, senior Congo researcher at Human Rights Watch. Diplomats from Washington, Brussels, and Addis Ababa helped broker the ceasefire at the start of the year. Now the most senior members of their governments must back them up to bring an end to this crisis.

Rebel troops led by Nkunda took the town of Rutshuru on October 28, 2008, causing thousands of people to flee. Late on October 29, the rebels stopped just short of Goma, capital of North Kivu, after Nkunda announced a unilateral ceasefire. A rebel spokesman had said that their forces expected to take Goma in the next few days. Close to the Rwandan border, Goma is home to more than 500,000 people, including thousands of people displaced by earlier fighting.

On the night of October 29, government soldiers created chaos in Goma. At least 20 civilians were killed, including 5 children, and more than 13 people were injured when soldiers looted shops, attacked civilian homes, and stole vehicles. Soldiers reportedly raped women in their homes and elsewhere. In one case, soldiers raped three family members at their home and then shot dead a male relative. ()

Heavy fighting since then has displaced more than 200,000 people, according to UN estimates. Currently an estimated 1 million people are displaced in the province of North Kivu alone. Human Rights Watch researchers documented the deaths of at least 70 civilians and injuries to another 150 since the start of the fighting in August, figures that probably represent a small percentage of total civilian casualties.

Peacekeepers with the UN Mission in Congo (MONUC), which is supposed to protect civilians, have been struggling to keep Nkundas troops from Goma. In recent days crowds in Goma and other places have stoned UN troops, angry that they are not doing more to help them.

N peacekeepers are too few and too ill-equipped to protect civilians in this difficult terrain, said Van Woudenberg. ember states have to deploy more peacekeepers with greater military muscle if they want to end this crisis and avoid further humanitarian disaster. ()

enior diplomats should insist that President Kabila put an immediate end to the targeting of Congolese Tutsi and hold to account those responsible for abuses against them, said Van Woudenberg. ts up to the Congolese government, not Nkunda, to protect its Tutsi citizens, as it protects all other citizens.

Last night, the UN Security Council called for respecting the ceasefire as well as prior agreements between the parties. It urged Kinshasa, Nkundas group, and the Rwandan government to renew efforts to find a political solution. It also encouraged member states to explore ways to provide more troops to strengthen the UN peacekeeping force by the start of next week.

Source: http://hrw.org/english/docs/2008/10/30/congo20107_txt.htm

Special thanks to Emily Cody for compiling this listserv