

From Genocide to Regional War: The Breakdown of International Order in Central Africa

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The 1999 crisis in Kosovo has been interpreted as the end of an era of international relations ruled by the UN Charter and the Security Council, and the beginning of a new world order.¹ NATO's air raids against Yugoslavia in order to halt ethnic cleansing and oppression of the Kosovars was indeed the first major military intervention in violation of national sovereignty, which was justified by the need for the protection of human rights.² One would wish that the Kosovo intervention does not remain an isolated case where a conflict between the two major pillars of modern international law--national sovereignty and human rights--is resolved in favour of the latter. The establishment of an International Criminal Court of Justice and the indictment of President Milosevic for crimes against humanity are encouraging initiatives pointing in this direction.

It remains to be seen, however, whether the industrialised countries on both sides of the North Atlantic will defend with similar determination the victims of dictatorship and ethnic hatred in other regions of the world. The relative indifference of the international community towards notorious human rights violations in various parts of the world (Algeria, Myanmar, Tibet, both Congos, Sudan, etc.) sheds some doubt about the willingness of the major global powers to defend the basic rights of life, freedom and human dignity wherever they are threatened. Admittedly, human rights are not and cannot be the only factor to be taken under consideration in case of a foreign military intervention. Nonetheless, "feasibility" and "tradeoffs" are ambiguous arguments when it comes to basic principles. To defend human rights *manu militari* only where it can be done with little casualties, or where it is economically not too damaging, is not only morally questionable, it also has a profoundly negative impact on the nature of international relations. Intervening where it is convenient, but not wherever it is necessary and possible, opens the way for an erosion of state sovereignty which will not be balanced by a corresponding revalorisation of human rights.

This erosion did not start in the Balkans, where previous military action in Bosnia was taken in accordance with UN Security Council resolutions, but in Somalia after the withdrawal of a tragically unsuccessful UN peacekeeping mission. A serious acceleration of this process has recently occurred in Central Africa, where it has been accompanied by a dramatic erosion of human rights that seriously puts at stake the credibility of the international community to impose the respect of a new international order based on universal human rights principles.

The series of conflicts from the Great Lakes region to Angola, which has uprooted several million people, is gradually destroying the achievements of more than three decades of development efforts; entire populations are sinking back into misery, inter-ethnic violence,

<http://www.africa.ufl.edu/asq/v4/v4i1a2.pdf>

illiteracy, and a daily struggle for survival. But while this political and humanitarian disaster has gone largely unnoticed by the international media, it is worthwhile to consider the unravelling of the Central African crisis from the Rwandan genocide to the regional war in the Congo basin in the light of basic principles of international law. It will have a severely destabilising effect on the geopolitical structure of Africa, and probably on the structure of international relations in general.

THE RWANDAN GENOCIDE AND THE REFUGEE CRISIS (1994-1996)

From April to June 1994, hundreds of thousands of Rwandan Tutsi and Hutu opposed to the Habyarimana regime were brutally massacred by the army and extremist militia of Rwanda. This genocide, the second one recognised as such by the United Nations, has silenced the resounding "never again" declarations that followed the end of the Second World War and the capitulation of the Nazi regime. After the extermination of European Jews, the world powers of the 20th century have failed to react to another genocide, this time not behind the frontline established between the Allied Powers and a powerful dictatorship, but in a small country with a weak and ill-equipped army, where western military intervention could have stopped the slaughter within a few days or weeks. There was no risk of an international escalation--the Berlin Wall had fallen five years earlier--and there was no international rivalry over Rwanda, a rather insignificant country somewhere in the middle of Africa. Worse still, the genocide happened literally under the eyes of 2,600 UN peacekeepers.

The reasons that led to this tragic failure have been analysed by a consortium of European and North American donors as well as by the Belgian and French parliaments.³ An investigation of the UN's role was launched in early 1999 by Secretary General Kofi Annan, who was at the time heading the UN department for peacekeeping operations. Perhaps these critical evaluations have contributed to the decision of Washington and its European NATO allies to act in Kosovo before it was too late. None of these investigations, seem to have contributed significantly to a prevention of the steadily continuing breakdown of humanitarian principles and international order that followed the Rwandan genocide and the exodus of several million people in the Great Lakes region.

More than three million Rwandan refugees fled to Zaire and Tanzania, mostly Hutu who feared the revenge of the FPR.⁴ The UN High Commissioner for Refugees and non-governmental aid agencies were overwhelmed by the sheer size of this humanitarian disaster and had to accept, *nolens volens*, the establishment of huge refugee camps in walking distance from the Rwandan border, in a blatant violation of international humanitarian rules. Very quickly it became apparent that the camps were controlled by the same people who had perpetrated the massacres of Rwandan Tutsi and moderate Hutu. The army of the *ancien régime* of Kigali and the extremist *Interahamwe* militia had emigrated under the cover of the refugee exodus and prepared for a return to Rwanda with military means. The refugee camps were turned into military bases from which regular cross-border incursions were launched in order to destabilise the new Rwandan government.

The attitude of Kinshasa towards this flagrant abuse of its territory was a mixture of complacency and political arson. Zairian troops were sent to the east to provide security in and

around the refugee camps, but many officers and soldiers collaborated or made business with the Rwandan extremists. A UN report on arms trade to the former Rwandan Armed Forces (ex-FAR), published in March 1996, established that arms deliveries negotiated by one of the major instigators of the genocide, Theonest Bagosora, had benefited from connivance, if not co-operation, of Zairian authorities.⁵

The alarming appeals by Sadako Ogata, UN High Commissioner for Refugees, and Emma Bonino, the former EU Commissioner for Humanitarian Assistance, who denounced the abuse of emergency aid as an alibi for political in-action, were left unanswered. The international community assisted passively at the diversion of humanitarian aid to finance the rearming of the extremist Hutu militia. The spread of the genocidal ideology in the vicinity of the camps led to mounting tensions among ethnic communities in eastern Zaire. During 1995 and early 1996, attacks against ethnic Tutsi in Northern Kivu multiplied, and thousands were driven from their homelands and forced to emigrate. Most went to Rwanda, where a combination of the external security threat and the unhealed trauma of genocide led to generalised insecurity and a rapid deterioration of the political climate. The north-western provinces became a war-zone; 2,000 people were killed when the new army emptied a camp of internally displaced people in Kibeho in April 1995; more than 100,000 genocide suspects were arrested and kept in abominable conditions in prisons and municipal detention centres. A number of political figures from various parties, whom the FPR had invited in July 1994 in a remarkable gesture of political openness to participate in a coalition government, were forced to resign and went into exile.⁶ By attacking both Rwanda and ethnic Tutsi communities in eastern Zaire, the ex-FAR and *Interahamwe* contributed to the hardening of the ethnic polarisation of Rwandan society and succeeded in exporting their extremist ideology to the country of asylum.

THE ESCALATION OF THE KIVU CONFLICT (1996/7)

On the 9th of October 1996, the Vice-Governor of South Kivu, Lwabanji Ngabo, summoned all *Banyamulenge* (ethnic Tutsi of the highlands to the east of the Rusizi river and Lake Tanganyika) to leave the country. He thus sparked off an escalation of a scope nobody could yet imagine: a war of seven months, involving troops from Zaire, Rwanda, Uganda and Angola as well as logistic support from Zimbabwe, leading to the ousting of President Mobutu and his entire political *entourage*.

However, the war between Rwanda and Zaire did not come as a surprise. Vice-President Paul Kagame told diplomats in early 1996 that if the international community was unable or unwilling to stop the delivery of weapons to the ex-FAR and *Interahamwe* and the military training in the refugee camps, the Rwandan government could decide to take preventive military action. Furthermore, the notorious corruption of the Mobutu regime had left Zaire a hollow state that only continued to exist thanks to the skilful manipulation of political opponents and foreign allies by the master of Gbadolite;⁷ once the external support had faded because of the end of the Cold War, and as soon as the internal manipulation was hampered by organised democratic opposition, the country was precipitated into protracted political instability.⁸

In spite of this structural weakness, the war did not immediately lead to a wholesale violation of Zaire's national sovereignty and territorial integrity. First of all, the military campaign by Rwanda and Uganda in eastern Zaire did contain a genuine Congolese component, crystallised in a coalition of four movements opposed to the Mobutu regime, the *Alliance des Forces Démocratiques pour la Libération du Congo-Zaire* (AFDL), even if most military operations were conducted or commanded by Rwandan and Ugandan soldiers.⁹ In addition, the rebellion supported by Kampala and Kigali spent considerable time to consolidate its power on a narrow strip of land from Lake Tanganyika to the Sudanese border, and this did not seem to pose a serious threat to the Government, which retained control of 85% of the national territory, including all major cities.¹⁰ Furthermore, the AFDL rebellion counted only some 3,000 to 4,000 combatants, whereas the combined Zairian security forces numbered officially more than 100,000. Until the fall of Kisangani, nobody in Kinshasa took the security challenge in Kivu very seriously.

In December 1996, President Museveni proposed to Mobutu's special security advisor a 12-point peace plan, which was explicitly based on the respect for national sovereignty and territorial integrity of Zaire, in accordance with international law. Kinshasa rejected the plan; Prime Minister Kengo announced on 20 January 1997 "a total and crushing counter-offensive" ("*une contre-offensive totale et foudroyante*"). This counter-offensive backfired not only on the Mobutu regime, but also on the principle of inviolability of national borders, established by the UN and OAU Charters and specifically reaffirmed for Africa in the Cairo Declaration of 1964 of the OAU.¹¹ After taking Kisangani in mid-March 1997, Rwandan and Ugandan troops walked all the way across the country to Kinshasa.

Despite a flurry of diplomatic activities to negotiate a political settlement, involving the UN, US and EU Special Envoys, as well as President Nelson Mandela and Mwalimu Nyerere, nobody in the international community bothered any more about the foreign military intervention.¹² Even in Zaire itself, the Rwandan and Ugandan troops met little resistance from government soldiers, who preferred to flee or to join the ranks of the rebels instead of fighting for a dictator hated by the Zairian people. In the end, everybody was relieved that the war did not cause too many victims and that Mobutu, his family, and his *entourage* were leaving the country. Kabila and his foreign allies were received by cheering masses in the Zairian capital. The donors were hoping that the new government would engage in a vigorous policy of national reconciliation and reconstruction, and generally agreed "to give Kabila the benefit of the doubt".

INTERNATIONAL REACTION TO THE CRISIS AND TO THE ESTABLISHMENT OF THE "NEW CONGO"

The EU, the leading donor of former Zaire, now re-named Democratic Republic of Congo, nonetheless subordinated the offer of development aid to two essential conditions: respect for human rights and a clear commitment to democracy.¹³ There were good reasons to be suspicious about the new leadership in Kinshasa. The AFDL military advance had been accompanied from the very beginning by massacres and persecution of refugees amply documented by concurrent reports from humanitarian agencies.¹⁴ There was considerable

argument about the number of the victims, but even the most cautious estimates amounted to tens of thousands being systematically attacked, driven into the forest, and denied vital humanitarian assistance. Mass graves were discovered and rumours abounded about rebel troops burning corpses in order to destroy compromising evidence of their sanguinary campaign.

Even before the attack of the refugee camps in mid-November 1996, the international community was fully aware of the risk of another major human rights catastrophe involving Rwandan victims, only two years after the genocide of the Tutsi. The United Nations was compelled to react. On 15 November 1996--for the first time since the Somali debacle--the Security Council decided to launch a military intervention in order to stop a humanitarian disaster (UNSC Resolution 1080/1996). Canada offered to lead this multinational force designed to facilitate the delivery of humanitarian aid and the voluntary repatriation of Rwandan refugees and other displaced people.

The decision was taken very quickly--little more than a month after the beginning of the conflict--but it came too late: Two days before the Security Council decision was taken, Rwandan and rebel troops attacked the refugee camps and triggered a geographical explosion of the conflict, which had until then been confined to parts of North and South Kivu. The majority of the refugees returned to Rwanda, but tens of thousands fled westwards into the rainforest, and in the course of the following months, across Zaire to half a dozen countries of the region with the AFDL forces at their heels. While the military experts of several Western countries spent weeks discussing the modalities of deploying the multinational force, the crisis spread over a vast area and reached a degree of complexity that was totally incompatible with the original mandate. The multinational force never materialised.

After Kabila's exultant arrival in Kinshasa, the international community was at pains to forget the humanitarian catastrophe and AFDL's role in it, despite the gratitude for having accomplished what the combined pressure of the Zairian civilian opposition and the donor countries had failed to achieve--to get rid of Mobutu.¹⁵ The UN and the EU insisted in an independent investigation of the allegations of massacres by the AFDL; Kinshasa resisted. The issue of the human rights investigation quickly became the main bone of contention in the relations between the international community and the government of Kinshasa. In addition, the Democratic Republic of Congo soon became notorious for the harassment of opposition politicians, human rights activists, and journalists. Within weeks, the illusion of an early improvement of the human rights situation had faded.

Developments in the political field were equally disturbing. When Kabila was sworn in as President, he issued a decree giving him unlimited legislative and executive powers as well as the right to nominate and sack the supreme judges.¹⁶ Rarely in contemporary history has a new head of state so bluntly ignored the principles of separation of powers and concentrated the main functions of state authority in his hands. The opposition parties and civil society, which had worked towards democratic change by peaceful means for six years, found themselves the victims of a bitter irony. By the time the former dictator, Mobutu, would have relinquished power by natural death (he passed away in Morocco on 7 September) his successor had firmly established himself as the supreme ruler of the "new Congo."

TOWARDS REGIONAL ESCALATION (1998)

Another irony was soon to follow--the unwillingness or inability of President Kabila to rally the major political forces of the country around him in order to establish a broad-based transition regime soon made him unpopular with his former allies. Not that they were excessively concerned about democracy, on the contrary; a genuine and rapid democratisation process in Congo would have put more than one regime of the region into the embarrassing position of explaining to its population and to the donors its own reluctance to engage on a similar path. But Congo's neighbours and Kabila's allies feared regional destabilisation. Kabila's *bras de fer* with the internal opposition and the international community, the tensions between various ethnic communities in the new army, and the deteriorating security situation in Eastern Congo were observed with growing anxiety in neighbouring capitals. The *Banyamulenge* mutiny and the Butembo massacre in February 1998 turned out to be the precursors of a political earthquake that was going to hit Central Africa with the outbreak of the second rebellion later in the year.¹⁷

By the time the Congolese government proposed to hold a regional conference on "Solidarity and Development in the Great Lakes region", in May 1998, the relations between Kinshasa on the one side, and Kampala and Kigali on the other had already soured too much to mend the fences. The proposals made for this conference by Kinshasa were very reasonable and reflected many of the ideas circulating in diplomatic chancelleries in Europe as well as at the UN, but President Museveni and Vice-President Kagame declined the invitation to the meeting.¹⁸ The summit, which should have coincided with the first anniversary of the AFDL victory, was called off a day before the planned opening.

Interestingly, the proposals for the conference were presented to the diplomatic missions in Kinshasa by Foreign Minister Bizima Karaha, who was considered to have the confidence of Kigali. One wonders whether this was an act of hypocrisy or whether Karaha, like the other Congolese Tutsi of the new regime, decided only after the aborted summit to abandon Kabila and, about a month later, to quit the capital.

In either case, the former allies of the Congolese President had decided to turn their back on him long before the mutiny of the 10th battalion in Goma, on 2nd August. The Rwandan and Ugandan concerns about a rampant deterioration of the security situation in Congo, compromising the stability of the entire region, were shared by the Angolan Government. Luanda was afraid that the remainders of several former armies were recruited or financed by rebel leader Savimbi, who could try to form "a coalition of the outcasts". Indeed, a string of rebel groups along Congo's eastern border, pockets of ex-FAR soldiers and *Interahamwe* in the east and south and in several neighbouring countries of the Democratic Republic of Congo, a devastating war of attrition among the militia of Congo-Brazzaville, all added up to an explosive mixture, with the government in Kinshasa at the political, and the Kivu Provinces at the geographical, centre of the powder keg.¹⁹

Kigali, Kampala, and Luanda could have come to similar conclusions in the analysis of this situation; their respective security interests did not seem to be incompatible. Why, then, did the second Congo rebellion lead to a regional war, opposing three countries of Southern Africa to the Rwando-Ugandan coalition, and threatening the security of practically all neighbours of the

ailing giant of Central Africa? A combination of factors provides elements to answer this crucial question. Among these factors are rumours that three leading Mobutist generals with longstanding contacts with Savimbi were seen in Kigali around the time when the rebellion started. Furthermore, the decision of Rwanda and Uganda to launch a rebellion against a recent SADC member was taken without proper consultation of the other countries concerned. Angola, with its aspiration to become a regional power, might have found it difficult to accept that Museveni and Kagame play the kingmakers in Kinshasa. Zimbabwe's and Namibia's precipitation to assist Kabila motivated probably by financial interests in Congo also put Luanda into a delicate position. Taking the side of the rebels would have meant to accept a split within SADC and to offer Savimbi a welcome opportunity to find new friends in the region.

The main reason, however, appeared to be the parachuting of Rwandan, Ugandan and rebel troops at Kitona on the lower Congo river, without involving Angola. Luanda might have remained relatively indifferent towards a Rwandan and Ugandan military campaign in eastern Congo, where it has no direct interest, but the lower Congo region was a totally different story. The oil-rich Cabinda enclave is vital for the economic survival of the Angolan regime, and it is equally vital for Luanda to prevent chaos in its immediate neighbourhood, which could be exploited by the Cabinda separatist groups, or even by Savimbi's UNITA. The situation in Congo-Brazzaville was bad enough to tolerate a further deterioration of the security situation in Cabinda's vicinity. Hence, Angola entered the war on Kabila's side, and the stage was set for a regional confrontation.

THE SILENT DISMANTLING OF INTERNATIONAL LAW

The escalation sometimes described as "Africa's first World War" presents a number of paradoxes and it has led to worrying developments with regards to the relations among countries in the region and with the international community. The most striking paradox is evident in the mutual accusations of the belligerents of the first hour. Kabila denounced the aggression and the violation of his country's national sovereignty, with feigned obliviousness to the fact that it was exactly the same type of aggression by the same countries that had brought him to power. Rwanda and Uganda claimed the Congolese government had been unable to ensure the security of their common borders, expecting that the international community would forget that they had never totally withdrawn their troops from eastern Congo and that a Rwandan officer had commanded the new *Forces Armées Congolaises* (FAC) precisely during the time when the relations deteriorated.²⁰ Finally, the international community had a certain comprehension for Rwanda's and Uganda's security problems, but it was rather ridiculous to make the world believe that their national borders had to be defended on the banks of the lower Congo river.

Unlike the first Congo rebellion, this second one immediately targeted Kinshasa and Kabila. It was an outright aggression, although it was never recognised as such by the United Nations Security Council, which remained divided over the issue of the responsibility for the Congo crisis. Not until the 9th of April 1999, eight months after the beginning of the war, did the Security Council find an awkward compromise formula with the term of "uninvited forces" (UNSC Resolution 1234/1999). At the same time, the United Nations was also reluctant to

criticise the military intervention of Kinshasa's allies, which is controversial in the light of international law. Article 51 of the UN Charter confirms the inherent right of individual or *collective self-defence, until the Security Council has taken measures necessary to maintain international peace and security*. However, Article 53 clearly states *that no enforcement action shall be taken under regional arrangements or by regional agencies without the authorisation of the Security Council*.²¹ Consequently, the intervention of Angola, Namibia and Zimbabwe to rescue Kabila appears to be in contradiction with the UN Charter.

Ignorant of or indifferent to prevailing international law, the heads of state of SADC and the Central African countries supported this intervention.²² SADC's endorsement would have remained controversial had the issue not been discussed only a week before South Africa's and Botswana's military adventure in Lesotho. President Mandela viewed the Congo intervention of Angola, Namibia, and Zimbabwe with suspicion, a suspicion shared by some other SADC countries, which feared a spill-over of the conflict into Southern Africa. But South Africa would have been in an embarrassing position to vote against the resolution supporting the Congo intervention and then do the same in Lesotho a few days after.²³ The SADC decision was therefore dictated by *Realpolitik* and an accidental coincidence between the Congo and the Lesotho crises. This coincidence left no room for a careful assessment of the long-term interests of all the countries concerned, let alone for a debate about the legitimacy of a regional intervention in the light of international law.

In general, part of the problem stems from the fact that the UN Charter remains silent about what to do if there is a stalemate in the Security Council, which prevents the United Nations from taking the necessary measures referred to in Chapter VII of the UN Charter to maintain or restore peace and security. Such a stalemate had not been foreseen by the founding fathers of the United Nations, although it became the structural feature of the Security Council during the four decades of the Cold War.

The original vision of a UN acting efficiently as the guardian of international peace and security, as enshrined in the Charter, appeared to be materialising immediately after the fall of the Berlin Wall, when the UN launched its first real "peace enforcement" missions according to Chapter VII in Kuwait and Somalia. However, the failure of the latter mission to restore a lasting peace has shaken the renewed confidence in the UN to deal with complex military and political conflicts, although this failure can probably be attributed to the inability of a restricted humanitarian mandate to address the broader nature of this crisis.

The reluctance of the Security Council to approve "peace enforcement" missions and to provide them with the necessary resources--a reluctance tragically demonstrated in the Rwandan genocide--does not remove the challenge that massive human rights violations pose to the international community. If a global society is to be built upon basic human values, then these values have to take precedence over national sovereignty in all parts of the world. In other words, crimes against humanity have to justify the crossing of national borders. However, the new rules of the game for such "crossing of borders" have yet to be established, and this is what UN Secretary General Kofi Annan called "the dilemma of humanitarian intervention".

With the Kosovo intervention, NATO has crossed a threshold and decided that preventing crimes against humanity justifies military action against a sovereign state, even without the blue flag of the United Nations. This humanitarian legitimacy, as one could call it, will be difficult to

defend, if the powers intervening in Kosovo continue to tolerate human rights violations in other parts of the world. From a moral point of view and according to all relevant international conventions, all human beings enjoy the same basic rights and are therefore equally entitled to international protection. This right of protection must not be biased by economic or political "convenience". As Kofi Annan says, in order to remain credible, the humanitarian legitimacy has to be applied wherever there is a just cause, and where an intervention is possible.²⁴

In Central Africa, the human rights situation is dramatic and well known-- ethnic massacres in eastern Congo, abduction and enslavement of people in Northern Uganda and Southern Sudan, widespread laying of landmines, denial of humanitarian assistance to people in dire need in Angola and Congo-Brazzaville.

In spite of these extremely grave violations of human rights, the UN Security Council has been reluctant to decide upon an intervention with an extensive mandate, although this is explicitly called for in the Lusaka peace agreement.²⁵ This reluctance, and the relative indifference of the international community, may be explained by the complexity and the immense geographical scope of the Central African crises, which would require resources possibly beyond the capacity of those countries that could provide troops for a UN intervention. But "letting the crisis burn out", i.e. allowing it to linger on until the belligerents reach physical exhaustion, will eventually lead to a *de facto* establishment of different and ultimately racist human rights standards. The Kosovars and the people in East Timor are entitled to international protection against ethnic cleansing, but the peoples of Africa have to sort out their problems on their own, whatever happens to them. This is the unpleasant aspect of the "African solutions to African problems".

In this situation, where military leaders and warlords are making the law, old and new concepts emerge. Considering the perspective of protracted foreign occupation of both Congos, certain experts talk of the establishment of *protectorates*.²⁶ In Somalia and Southern Sudan, the belligerents have shown a surprising capacity to wage low-intensity civil wars with an economy based on a permanent precarisation of the populations and the highjacking of humanitarian aid. In Angola, a similar concept of "sustainable warfare", although based on highly valuable resources --crude oil, diamonds--allows for an alternation of low and high intensity war. Both result in the total destruction of infrastructure, the perennialisation of poverty, the blocking of all development perspectives, and ultimately the systematic denial of basic human rights to millions of people. International investors are retreating towards certain key cities or areas and concentrate on the well-targeted exploitation of certain strategic resources, preferably offshore. With this trend continuing, relations between Africa and the rest of the world will end up resembling pre-colonial times--*retour à l'Afrique des comptoirs*.

But not only investors and diplomats are pulling out of much of Africa. The international community as such is doing the same, taking in its baggage the basic human rights which are supposed to be universal. What is left behind is an area where international order has ceased to exist, because nobody is ready to uphold it when it comes under threat. If Joseph Conrad travelled today to the interior of Congo, he would probably recognise a familiar environment.²⁷

The Kosovo and East Timor crises have created a strong motivation for changing international law with a view toward giving more weight to human rights and curtailing abusive interpretations of national sovereignty. At the same time, the international community

ignores the plight of millions of people in Central Africa. Today, this region is marginalised more than ever before in contemporary history. Not only has it become irrelevant in terms of international trade, much of it has also slipped into lawlessness and is scourged by the combined dismantling of international order and human rights. The OAU military observer mission in Burundi and the UN mission to Angola (MONUA) were terminated in 1996 and 1998 respectively, at the outset of renewed escalations of violence in both countries. The planned inquiry into allegations of massacres of Rwandan refugees in former Zaire in 1996 and 1997 was systematically boycotted by the regime in Kinshasa;²⁸ the human rights observer mission in Rwanda was unilaterally cancelled by the government in Kigali in July 1998, officially because of a lack of agreement on the future of this mission. The international community bends to the pressure of local military leaders, and behind the frontlines of various conflicts in Southern Sudan, Rwanda, Burundi, both Congos and Angola, human rights violations with frightening proportions are regularly reported by humanitarian agencies.

We are about to establish human rights *intra muros*. The industrialised countries (and their immediate neighbourhood) on the one side, the least developed countries on the other, in the uncontrollable suburbs of our global village. Unconsciously, the world leaders are abandoning the fundamental principle of human rights--their universality. Human rights are universal, or there are no human rights.

Notes

1. Ignacio Ramonet, "*Nouvel ordre global*", in *le Monde diplomatique*, June 1999.
2. In the course of history, many military interventions were (partly) justified by, or more often conducted under, the pretext of protectionist purposes. Outstanding examples are the Crusades and the "Indian wars" that led to the westward expansion of the United States. However, such interventions were usually aiming at the protection of one's own kin or members of religion, not at the protection of human rights in a universal sense, and they were often accompanied by massacres and other forms of violence that would today be considered as massive violations of human rights.
3. "The International Response to Conflict and Genocide: Lessons from the Rwanda Experience", published by the Steering Committee of the Joint Evaluation of Emergency Assistance to Rwanda, Copenhagen, 1996; "*Rapport de la Commission d'enquête du Sénat belge sur les événements au Rwanda*", Bruxelles 1997; "*Enquête sur la tragédie rwandaise (1990-1994)*", *Assemblée Nationale Française*, Paris 1998.
4. *Front Patriotique Rwandais*, the rebel movement that attacked Rwanda in October 1990 and eventually ousted the Habyarimana regime in July 1994, thus putting an end to the genocide.
5. Report of the International Commission of Inquiry [into arms trade to the ex-FAR], New York 1996 (UN doc. S/1996/195 of 16 March 1996). Bagosora was arrested on 9 March 1996 in Cameroon and is awaiting trial before the International Criminal Tribunal for Rwanda in Arusha.
6. The Prime Minister and the Ministers of Justice, Interior, and Information left the Government in August 1995, accusing it of ethnic exclusion.

7. Gbadolite, called the "Versaille in the jungle", was Mobutu's lavish residence in Equator province.
8. See Endnote 15 below.
9. Kampala and Kigali denied or banalised for several months their intervention, but Kagame finally admitted, in an interview published in the *Washington Post* of 9 July 1997, that Rwanda had planned, led, and directly fought the rebellion that toppled Mobutu.
10. It is interesting, in this respect, to look at the main dates of this first Congo rebellion. The AFDL fought for five months before taking Kisangani, the major city not too far from the eastern border (15 March 1997); once this city had fallen, the rebellion crossed the huge country in only two months (arrival in Kinshasa on 17 May 1997).
11. This declaration consecrates the acceptance and inviolability of African national borders that were largely established by colonial powers.
12. Four days before the rebel troops and their allies arrived in Kinshasa, Nelson Mandela made a last-minute attempt to mediate a cease-fire in order to prevent a blood-bath in the Zairian capital (such fears turned out to be unfounded). Mandela, accompanied by UN and US diplomats, waited in vain on a South African vessel anchoring in the port of Pointe Noir; Kabila did not turn up.
13. Conclusions of the Amsterdam EU summit, 16/17 June 1997.
14. The UN Rapporteur for Human Rights appointed by the Commission for Human Rights, as well as an investigative team appointed by the UN Secretary General, were prevented throughout the civil war and after the seizure of power by the AFDL to carry out an independent inquiry into the allegations of massacres. The team appointed by Kofi Annan nonetheless prepared a report drawing largely on information and testimony from humanitarian sources. It was presented to the UN Security Council in June 1998 (S/1998/581). The report concludes that "*the massacres committed by the AFDL and its allies during the period October 1996 to May 1997 and the denial of humanitarian assistance to displaced Rwandan Hutus were systematic practices involving murder and extermination, which constitute crimes against humanity.*"
15. From early 1992 onwards, a group of opposition parties led by the *Union pour la Démocratie et le Progrès Social* of Etienne Tshisekedi, tried to coax the Zairian Government into democratic reform. A *Conférence Nationale Souveraine* and a transitional parliament (*Haut Conseil de la République*) were established. However, Mobutu managed to manipulate the process to avoid concessions that would have curtailed significantly his power. The "transition" dragged on with little progress for six years, before it was aborted by the AFDL rebellion.
16. *Décret-loi constitutionnel* of 28 May 1998.
17. In mid-February 1998, a group of *Banyamulenge* soldiers refused to be affected to several contingents in various regions of Congo, and left the new Congolese armed forces (FAC). On 20 February, an inexperienced FAC contingent recently deployed to North Kivu entered Butembo after an attack of the local *Mai-Mai* militia. The *Mai-Mai* had already left, but the soldiers took revenge on the population considered to be complices. NGO sources estimate that several hundred civilians were killed.

18. A Conference document entitled "*Sommet des Chefs d'État sur la solidarité et le développement dans la sous-région des Grands Lacs*" was given to diplomatic mission at the beginning of May 1998.
19. e.g. Gérard Prunier, "*Une poudrière au coeur du Congo-Kinshasa*", in *Le Monde Diplomatique*, July 1998.
20. James Kabare (or Kabarehe, as his name is sometimes spelled), became (interim) chief-of-staff of the new army after the arrest of Masasu Nindaga, one of the four founding fathers of AFDL, in November 1997. Kabare was only replaced by Celestin Kifwa on 13 July 1998, three weeks before the outbreak of the second rebellion.
21. The following wording in Article 53 that provides for an exception to this rule *with regards to any state which during the Second World War has been an enemy of any of the signatory of the present Charter* (i.e. Nazi Germany and its allies) is today outdated. In any case, no interpretation of this article would make this exception applicable to any of the countries intervening in Congo.
22. Summits of Mauritius and Libreville, on 13/14 and 24 September respectively.
23. On 22 September, security forces from South Africa and Botswana entered Lesotho upon request of its President who had lost control over the country after civilian unrest and an army mutiny.
24. Kofi Annan, "*Deux concepts de la souveraineté*", *Le Monde*, 22 September 1999.
25. The Lusaka cease-fire agreement was signed on 10 July 1999 by the belligerent states militarily involved in the Congo war, and by the two rebel movements at the end of July and August respectively. It calls upon the UN to dismantle a series of "non-statutory forces" including the ex-FAR/*Interahamwe* and UNITA.
26. Mwayila Tshiyembe, in a presentation at a *colloquium* of the Mario Soares Foundation on the Great Lakes region and Southern Africa, Porto, 21-23 May 1999.
27. Joseph Conrad was the author of the famous novel *Heart of Darkness*, which describes the travel of a young man into the interior of the Colonial Congo, where he discovers the inhuman world of merciless colonial agents, hostile tribal warriors, and greedy ivory traders.
28. See endnote 14. After the outbreak of the second Congo rebellion, the government in Kinshasa invited the UN investigators back to the country; although this looks pretty much as a political manoeuvre, it would be worthwhile to launch this inquiry now and to make an attempt to end impunity in the region.

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