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"A Critical Assessment of the UN's Moral Responsibility in the 'Spill-Over' of the Genocide from Rwanda to the Democratic Republic of the Congo".

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Acknowledgment

Abstract

Although institutional (moral) responsibility constitutes a critical component of contemporary international politics, it remains an uncharted field of inquiry in the field of International Relations. The primary objective of this dissertation is to put forward a theoretical argument upon which to build a theory of institutional responsibility, which will enable us to critically evaluate the UN's moral responsibility in the world's deadliest conflict since World War II, namely the conflict in the Democratic Republic of Congo (DRC) which traces its origins in the "spill-over" of the Rwandan genocide in 1994. An analytical presentation of the background of the conflict and of the objectives and actions of the parties involved is vital in the effort to critically assess the UN's moral accountability in this conflict. Enquiries related to the UN moral responsibility, guarantee the efficient prevention of new holocausts or genocides in the future. Indeed the UN was primarily founded on the slogan "Never Again". Thus the theoretical engagement in this field has some very tangible and humanitarian implications. The critical stance towards the UN, adopted in this dissertation, is a constructive critique which has as primary objective the more efficient functioning of the UN in the future.

I.   Introduction

Preliminary remarks

A key rationale behind this analysis is the conviction that issues related to morality, ethics, and international normative theory, should be central in the study of International Politics. Hence, this dissertation is an effort directed towards this path. Many reasons justify why institutional (moral) responsibility constitutes a critical component of contemporary international politics. In the aftermath of World War II, Intergovernmental Organizations, Non-Governmental Organizations (NGOs) and Multinational Corporations (MNCs) became central actors in international political life. Gradually the subject of politics was redefined. International politics is not any more exclusively a "struggle for power"; in fact it became a contest over legitimacy. As Claude Inis (1966:367) brilliantly stressed, in contemporary world politics "power [must] be converted into authority, (and) competence [must] be supported by jurisdiction". The proliferation of institutions and organizations, over the last decades, indicates precisely this significance of legitimacy in international politics. The vast majority of contemporary economic, social and political problems, such as environmental degradation, global inequality, famine and security, to mention only a few, stem from large-scale forces, such as globalization (Dobson, 2006:181), which make any

individual effort to redress these problems insufficient. Therefore the magnitude of these problems partly explains the reason why international institutions are so important today. Alternatively, as Larry May puts it: "there are simply too many harms that any person could have acted (with others) to prevent, to think an individual responsible for all the harms he or she failed to prevent" (1998:225).

Uncharted field

Despite this reality the scientific field of International Relations (IR) demonstrates a remarkable difficulty in recognizing entities, other than states, as central actors in international political life (Cumming, 2003:28). This, in combination with the notable tendency of the majority of scholars towards abstention from any normative inquiry on issues related to morality and ethics leads to the conclusion that the concept of "institutional (moral) responsibility", which is the topic of this work, remains an uncharted field of inquiry in IR (Erskine, 2003a:2). Equally striking poverty characterizes the literature of the present case-study and thus the vast bulk of the bibliography is supported by articles extracted from journals and reports from various NGO's, while some sources refer directly to original documents of the United Nations (UN).

The questions

Although a significant part of this dissertation will be dedicated to theoretical reflections on the topic of institutional responsibility, this will not take place in an abstract manner. Instead, I will attempt to attest these theoretical perspectives with respect to the conflict in the Democratic Republic of Congo (DRC). Various reasons validate my decision to employ this specific case-study. Initially, the war that the DRC "experienced" from the mid-1990s until 2003 is the world's deadliest conflict since World War II, with approximately 3.9 million casualties (Coghlan et al, 2006:49). Additionally, it has some other striking features such as long duration, high death-toll among civilians, the "collapse" of the Congolese state and the existence of various threats to international peace and security. This practically reveals that it encompasses almost all features of the new "complex humanitarian emergencies" that characterize interstate conflicts since the 1990s (Wolff, 2006:50; Young, 2002:25). Finally, the transformation of the conflict into a continental war or *"Africa's Great War"*, encompassing the armed forces of eight neighbouring countries, makes this case-study particularly instructive. Hence the main question that emerges is: *"To what extent is the UN morally responsible for the extraordinary levels of human suffering in the DRC?"*. Equally important questions that come out, refer to the preconditions under which an institution can be accounted as a moral agent, that is, independent from its members.

The argumentation

There are three main tenets upon which the primary question will be answered. Firstly, any assessment of the UN's moral responsibility in this conflict should commence by focusing on the aftermath of the Rwandan genocide, in 1994. In brief, the analysis will put forward an argument according to which the lack of a coherent policy, after the genocide by the UN, contributed to the *"spill-over"* of the genocide to neighbouring states and most notably to the DRC (then Zaire), with destabilizing effects for the country specifically, and for the region in general.

Secondly, despite the obvious indications of recurrent violation of the principles of territorial integrity and state sovereignty of the DRC by its neighbouring countries, the UN did nothing to address and redress this problem. Two factors contributing to this violation were the continuous presence of foreign armed groups in the DRC and the illegal exploitation of the Congolese natural resources by local armed proxies of foreign countries.

Thirdly, the analysis will argue that the UN is morally liable because the designated UN peacekeeping mission for the DRC (Mission de l' Organization des Nations Unies en Republique Democratique du Congo – MONUC) failed to overcome the chronic and structural problems of previous peacekeeping operations. Although the UN was cognizant of the inefficiency of the traditional peacekeeping approach in front of "complex humanitarian emergencies", MONUC was not essentially differentiated

from traditional peacekeeping missions. Additionally, the UN should be held morally liable for its limited presence in such a vast country and in the context of a complex war. Finally, equally remarkable is the great disparity between the ambitious objectives declared in the Resolutions and the resources allocated to the peacekeeping mission.

Structure

The structure of this dissertation is the following: in the first chapter I will engage in the theoretical aspects of institutional responsibility. More explicitly, I will recruit some arguments from the relevant literature of ethics in order to set the preconditions under which an institution can be held morally responsible for its actions and omissions. Furthermore, I will attest these preconditions in the UN and will put forward an argument that the UN can be a moral agent and subsequently morally accountable for its actions and omissions. In chapter II of the dissertation, I will proceed to my case-study by sketching the background of the turmoil in the DRC, which is of crucial importance in order to comprehend the deeper causes of the conflict, the motives and the objectives of the parties while finally it elucidates the level of the UN moral accountability. Finally, Chapter III will be a synthesis of theory and practice. More specifically, I will attest my theoretical arguments by critically assessing the UN's moral responsibility in the context of the Congolese conflict.

II.   Institutional Responsibility and the UN.

Preliminary Remarks

Before proceeding to the definition of institutional moral responsibility and the analysis of the explicit preconditions for defining moral agency, it is necessary to make some introductory remarks. Initially, it should be stressed that although institutional responsibility constitutes a very important concept, the assignment of moral responsibility to collectivities should be very meticulously done and always according to clearly defined and logically coherent criteria. Otherwise we may find ourselves entrenched into populist and treacherous discourses such as blaming the entire German people as morally responsible for the Holocaust and thus easily create scapegoats (Erskine, 2003b:22; May and Hoffman, 1991). This is an invalid effort if we have not previously proven that nations can be considered as moral agents.

Equally, some other crucial explications should not be avoided. Firstly, there are many uses of the term responsibility in both daily life and scientific literature. A fundamental distinction is that between "causal" and "moral" responsibility. While causal or legal responsibility is assigned primarily through a legal system, the moral responsibility is

more closely related to the *moral* appraisal of an agent's conduct and intentions which derive from the *"forum internum"* (unwritten moral duties) (Feinberg, 1962:341; French, 1998a:38; Hart and Honore, 1985:61; Miller, 2001:455). This dissertation will be mainly preoccupied with the later conception of responsibility.

Similarly, there are various uses of the term "responsible". We might say that someone is "responsible for" a certain duty, which indirectly implies an expectation to fulfil this duty in the future (Flores and Johnson, 1983:538). In a similar manner, someone might be characterized as "responsible for" a certain action that already occurred and was causally responsible for it (Goodpaster and Matthews, 1982:133). The former conception of responsibility, meaning obligation, can be characterized as "a priori" or "prospective" responsibility, while the latter is known as "a posteriori" or "retrospective" accountability for actions or omissions (Erskine, 2003a:8; Kroslak, 2003:77). In this case-study the focus of attention will be on the notion of retrospective responsibility of the UN in the face of the humanitarian disaster in the DRC. Although this is a significant distinction, it should not be overstated, since the notion of responsibility, in both its retrospective and prospective form, has certain functions, the most important of which is the "exercise of moral pressure [...] [which] is part of an elaborate system by which society tries to protect itself against undesirable forms of behaviour" (Walsh, 1970:13).

Accordingly, these distinctions serve as mere analytical instruments for better comprehension and attribution of responsibilities. Furthermore, as Daniela Kroslak (2002:79) remarks "these two categories of responsibility (accountability and obligation) cannot be neatly separated because prospective responsibility (obligation) and retrospective responsibility (accountability) are inherently related to each other".

Critique

Another key point requiring clarification is the doctrine of methodological individualism which constitutes the main critique to the idea that institutions, organizations and collectives in general can be morally accountable. According to this doctrine "a collectivity cannot act, and if it cannot act it cannot make any (moral) mistakes, since it is always the individual who acts" (Kroslak, 2002:86). It heralds that the responsibility is reducible to the individual members of this collectivity (Kroslak, 2003). Simply put, methodological individualism insists that collectivities possess "no soul to be damned and no body to be kicked" (Bovens, 1998:53). In the same manner, Neo-realism adopts this view by declaring that international institutions are merely the sum of the member-states and as such they do not possess ontological independence. The next paragraphs will provide a response to this plausible critique. In this dissertation, the term "collective" or "institutional responsibility" corresponds to the "non-distributed responsibility of a specific group of

people structured in such a way that could not occur if the members were acting out of the group" (May, 1998:213). Hence, my overall objective is to prove that the group is morally responsible as an entity and not that the responsibility is distributed among the members composing this group (Erskine, 2003b:22). Obviously this does not suggest that members of the group are *"off the moral hook"* as long as there are *degrees* of responsibility and culpability (Baier, 1998:109; Erskine, 2004:26). This effort to establish the criteria for distributing responsibilities to institutions is one of the most essential objectives of this dissertation.

Towards a theory of moral agency.

As previously noted, the concept of "institutional moral responsibility", in IR literature, is considerably under-theorised. Hence, my attempt to portray a blueprint for collective moral responsibility will primarily be supported by the sole noteworthy source in International Relations literature, namely the book *"Can Institutions have Responsibilities?",* edited by Toni Erskine (2003). Simultaneously I will heavily draw arguments from other scientific disciplines which have developed similar inquiries, such as business ethics, and more precisely the work of Peter French, which may provide useful insights in this direction.

In order for someone to be considered as morally responsible for actions and omissions, she has to qualify as moral agent. Human beings are moral agents *"par excellence"*. Hence, at the onset it would be useful to elucidate the features that portray the moral agency of individuals in order to proceed to the second step, namely to establish a theory of institutional (moral) responsibility.

An individual, in order to qualify as a moral agent, should possess the capacity to deliberate upon moral issues and be conscious of acting according to certain moral codes (Erskine, 2004:26; Held, 1970:475). Another important prerequisite for moral agency is the ability to act intentionally and rationally upon certain purposes, goals and interests that motivate a particular behaviour. Finally, a moral agent should enjoy a relative freedom to act in accordance with her intentions and objectives (Harbour, 2003:78). All these elements mentioned above are useful because they indicate the level of internal unity that an actor should possess in order to qualify as a moral agent. Consequently, it would *not* be an incoherent or logically flawed hypothesis to suggest that collectivities possessing these traits could be considered as moral agents and ultimately be held morally accountable for their actions and inactions (Copp, 1998).

The explication of Peter French's distinction between 'aggregate' and 'conglomerate' collectivities is useful. On the one hand an 'aggregate collectivity' "is merely a collection of people. A change in an aggregate's membership will always entail a change in the identity of the collection" (French, 1998a:37). However, a collection of people with such a fluid identity cannot qualify as moral agent because it lacks internal unity, intentionality and capacity for moral deliberation which are 'sine qua non' preconditions for moral agency (Held, 1970:475). Alternatively put, in such collectivities, the moral responsibility is distributive among the members composing the group and not on the group 'per se'. On the other hand, a "conglomerate collectivity is an organization of individuals such that its identity is not exhausted by the conjunction of the identities of the persons in the organization. [...] A change in the specific persons associated in a conglomerate does not entail a corresponding change in the identity of the conglomerate" (French, 1998a: 44). According to French, the U.S. Army, the Red Cross, and the Democratic Party constitute examples of this type of collectivity. It is this 'conglomerate' type of collectivities that possess the adequate features of moral agency and can be held morally accountable.

Now that we have decoded the preconditions for moral agency, it is appropriate to simulate these preconditions to institutions. In this effort, Toni Erskine identifies that a collectivity, in order to qualify as moral

agent, should possess "an identity that is more than the sum of the identities of its constitutive parts and, therefore, does not rely on a determinate membership; a decision-making structure; an identity over time; and a conception of itself as a unit" (2003b: 24). Initially, it is of crucial importance that the institution under examination, is more that the sum of its constituent parts. Otherwise, any change in the membership will have a drastic impact on the independent deliberative capacity of the group and eventually it would be absurd to assign responsibilities to an entity that is inextricably dependent on its members. Consequently the kind of responsibility that preoccupies this dissertation should not be distributed to its members.

Furthermore perhaps the most important criterion for a group to be considered as a candidate for moral agency is the existence of a coherent internal decision-making structure. This decisive factor reveals that the group under consideration has the sufficient capacity to deliberate. Consequently, this group possesses a *"regulative control"* over problems, indicating its capability to prevent events for which it might be responsible, from occurring (French, 1998b:254). Moreover, this decision-making structure allows the group to be an independent rational actor and to convert various individual actions into a unitary intentional corporate action (Corlett, 2001:578). More precisely, if a group has a *"constitution"* - that is a set of pre-existing formal or informal

rules which determine how the 'inputs' of individual judgements are to be put together to generate group judgments as 'outputs' - then we can plausibly argue that this group does possess a coherent decision-making structure and eventually qualifies as a moral agent (List and Pettit, 2006:6).

INPUT   CONSTITUTION   OUTPUT

Individual   ┌─────────────┐
Judgments   ──────────▶   │ Set of Rules │   ──────────▶   Collective Judgment
                            └─────────────┘
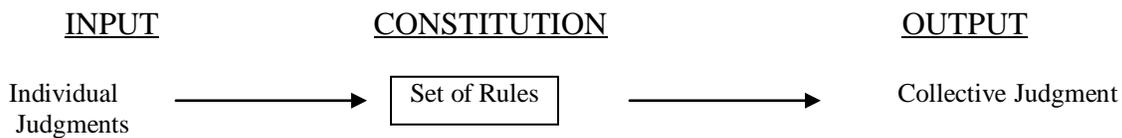
source: List and Pettit, 2006:6

Groups that do not hold any such "constitution", such as a crowd or a mob, lack the capacity of corporate judgment and thus it is difficult to qualify as moral agents (ibid). It is absolutely necessary for any group to meet the criteria of moral agency, to posses *"minimal rationality"* which will signify its capability to deliberately pick a course of action or policy based on some internal evaluation of its objectives (Harbour, 2003:72).

The UN as a Moral Agent?

Taking into consideration the criteria mentioned above, can the UN be characterized as a moral agent? Can it be something more that the sum of the member-states that compose this organization? In other words, can the UN bear moral responsibility for its acts and omissions and, if this is so, under what circumstances? As in every aspect of politics, there

are no easy answers to such complex issues and thus we should abstain from uncritically adopting arguments. The UN constitutes a particularly "hard case" as the state-centric discourses that dominate the discipline of International Relations do not perceive international organizations as capable of possessing sufficient *"ontological independence"* to count as independent actors (Erskine, 2004:28; Barnett and Finnemore, 1999:714). International organizations in general and the UN in particular, are perceived to be mere fora where states compete to promote their interests. These organizations cannot be considered as independent actors as long as they constitute a mere collection of divergent member-states.

I am convinced that the UN, which can be likened as the "collective of the collectives", does fulfil the preconditions mentioned above and eventually it *should* be considered as an independent moral agent. This is the deontological argument. From a historical perspective, the UN was established in the aftermath of World War II as a form of ensuring peace and preventing conflict as expressed by the doctrine of collective security. More precisely, it was founded on the general will to prevent in the future disastrous events similar to that of the holocaust. For an entity (organization) that traces its origins to such a normative context ("never again"), such as the UN, it would have been absurd to be incapable of moral action and deliberation. The time is ripe to take a further step and

attempt to attest the requirements for moral agency to the case of the UN.

a. Corporate Identity.

Does the UN have an identity that is more than the sum of its constituents? In other words, it should firstly be examined whether the UN possess an (corporate) identity that cannot be reduced to the identities of its constituent member-states and subsequently be held morally accountable for its actions and omissions. Is it valid for the UN that "what it does is caused by its own wants and beliefs and not merely the wants and beliefs of certain powerful individuals" (Corlett, 2001:580)?

Initially, I would like to recruit a legal argument which might be useful. According to international law, an entity in order to be characterized as "person" should have an identity which is significantly distinct from its constituents. In fact the UN is a bearer of "International Legal Personality" which implies that legally, the UN does possess a distinct identity (Erskine, 2004:34). Although a legal argument, it is a significant point since it elucidates the distinct identity of the UN and secondly because even though "legally responsible" the UN as long as it can be an independent actor, its legal actions have moral implications and subsequently we can speak for the UN as a moral agent too. Another

equally plausible argument to be made at this point is based on the "bottom-up" approach of international organizations (such as the UN), according to which the organization through its "bureaucratic culture" possesses significant independence from the members that created this organization (Barnett and Finnemore, 1999:702). This argument is founded on the work of Max Weber concerning the functioning of bureaucratic mechanisms and was refined and attested on contemporary international organizations by Michael Barnett and Martha Finnemore. According to this constructivist view, the rational and legal authority that international organizations embody provides them with the sufficient capacity to direct this authority towards pursuing objectives evaluated according to established priorities of the organization, thus securing a sufficient level of independence from their member-states (ibid). Furthermore, every organization develops a specific "bureaucratic culture" which to a large extent informs the discourses - formal or informal rules - that shape the appropriate type of policies towards the organizations' objectives (Barnett, 1997:555). Michael Barnett, who had a personal experience in the UN, verifies this "bottom-up" approach for this body (Barnett, 2002). More specifically, the bureaucrats (agents) in the UN, as in every organization, pursue not only the agenda imposed by their principals (states), but they are also affected by the "cultural landscape" which enable them to pursue their own bureaucratic agendas. Hence, this "cultural landscape" makes bureaucracy and

subsequently the organization itself an independent site of authority from its constituents. This is a very crucial argument because it implies that the UN is not merely a structure but a "purposive actor" and as such "it makes sense analytically to treat them (organizations) as ontologically independent (from the states that compose them)" (Barnett and Finnemore, 1999:726).

It would be useful to draw on the literature of European Politics, in order to extend further the view that agents (bureaucrats) in international organizations are not mere instruments of their principals (states) and do not only pursue their principals' interests, but instead enjoy a significant level of independence. As it is widely known in the relevant literature, bureaucrats in the European Union ("eurocrats"), simultaneously with their primary duty to serve their principal's agenda, they develop their own preferences (Majone, 2001:110; Pollack, 1997:108). These *"eurocrats"* sometimes believe that the established objectives will be better performed by pursuing policies diverging from their principals' preferred policies (Tallberg, 2002:28). Furthermore, the most important threat for a principal (state) is the *"bureaucratic drift"* or *"agency loss"*, which is the situation where the agent pursues a significantly different policy than that for which she was originally delegated for (Hix, 2005:28-29).

These points strengthen the argument that the "bottom-up" approach recruited by constructivists, is very useful in order to prove that international organisation through the "cultural landscape" have an identity which is significantly distinct from their member-states. This is also the case for the UN.

In order to respond to the question if the UN is something more than the sum of its constituents, a convincing answer is that even though the persons holding the central positions in the UN change over time, the institutional status and identity of the UN remain unaffected. For example, although the UN Secretary General might change in due course, this does not indicate a change in the identity of the UN. Finally, there are some other symbols which clearly denote this corporate identity of the UN. The UN flag, the blue helmets in peacekeeping operations or even the international soil that hosts the headquarters of the organization in New York, all symbolically represent this distinct identity of the UN.

b. Decision-making structure.

Does the UN have a "constitution" which will convert diverse judgments and interests (input) of the individual member-states into a coherent "collective" output? The response to this question is of crucial importance since it will be an indication that the UN through this "internal

organization" (a) possesses moral deliberation; (b) surmounts individual interests; (c) represents the unity of the organization and (d) responds according to moral-rational evaluation (Erskine, 2004:26; French, 1998a:45; List and Pettit, 2006:5).

Firstly, the UN is a hierarchical organization which is founded on the "sovereign equality" of its member-states. More precisely, the UN Charter provides a full account of the functioning of the organization which is clarified in Chapter V (Erskine, 2004:30). Moreover, as I have previously mentioned there are not only formal, but also informal rules, shaped by the "cultural landscape" which are integrated in this "constitution" of the UN (Barnett, 2002:6). Thus we might validly argue that the UN possesses a decision-making structure that converts individual judgments into a "corporate" action. However, at this point a legitimate objection projected by Chris Brown, should be highlighted. According to Brown, the UN Security Council cannot act as an agent of the international society, because even if states pursue the common good for the "society of states", at the same time they also pursue their own national interests (Brown, 2003). Hence the point that he puts forward here is that in case of a conflict between the common good and their own interests, the five permanent members of the Security Council, are legitimized to pursue the latter and most importantly as long as they are endowed with the veto provision, the decision-making procedure that we mentioned before,

vanishes (ibid). In such cases where veto is being exercised we cannot speak for a coherent decision-making procedure of the UN or that it constitutes a moral agent that is distinct from its constituents (Erskine, 2004:36).

Still, it can be argued that the UN is capable of moral deliberation. The important question that someone has to answer before proceeding to that conclusion is "can the UN respond to events and moral criticism by altering its intentions and behaviour?" (French, 1995:18). I think that the answer is confirmatory. This is obvious because the UN frequently feels obligated to justify its actions on ethical grounds, while there are various historical instances such as the case of Srebrenica massacre, in which the UN proved that is capable of introspection on past omissions and actions (Lang, 2003). This strengthens the argument that the UN, is capable of moral deliberation and consequently qualifies as a moral agent.

    c. <u>Identity over time and conception of itself as unit.</u>

Finally, in order the UN to qualify as moral agent, it should possess an identity which is characterized by continuity. It must enjoy continuity irrespective of external events, while at the same time the UN should not be merely externally defined but instead have a consciousness of itself as a unit.

At this point it might be useful to utilize an argument put forward by Toni Erskine which elucidates this point. According to Erskine, "the United Nations [...] does possess an identity over time. Indeed, it exists prior to the crises to which it is charged with responding, and its existence outlives any response" (2004:31). Alternatively put, the UN was historically established in the aftermath of World War II with certain objectives, the most important of which were the prevention of violent conflicts, the promotion of peace and security. Thus it has a "prospective" responsibility to respond when a threat to these objectives arises. Otherwise it would have been a "coalition of the willing" by responding merely on certain stimuli (crises) within a specific time limit (ibid). Moreover, the UN possesses certain features that demark this continuity. More precisely, this organisation has always had the monopoly over legitimising international actors (Inis, 1966:367). In fact the UN has always had the monopoly over defining the actors that are accepted as members of the international society (Barnett, 1997:565). This has become an inherent characteristic of the UN identity and constitutes an indication of internal unity.

Finally, another significant point derives from the empirical analysis of the UN activities over the last decade. More explicitly, the activities of the UN, in the post cold-war period, have been proliferated especially in

cases of "failed" or "collapsed" states (Megret and Hoffman, 2003:328). The UN developed not only peacekeeping missions but most significantly a net of administrative operations in conflict ravaged states, establishing a new trend referred as "post-conflict development" or "post-conflict reconstruction". In such operations the UN has a key role because its agencies manage virtually every sector of public administration such as security, elections, tax collection, border control or even issuing identities. For some scholars this trend set the stage for a new model of sovereignty, which is not that much related to the notion of territory but most significantly with the "control" over population and responsibility (ibid). Therefore, it seems a reasonable argument to be made that these "proto-sovereign" competences of the UN in such missions verify the imprinted, in the collective memory, impression that the UN is "*the*" competent organization to respond to humanitarian crises, which has became inextricably linked to the identity of the organization. To summarize, the United Nation representing the "collective of the collectives" fulfils the criteria to qualify as a moral agent, and as such is responsible for its actions and inactions. More precisely, it has (a) a corporate identity which is more than the sum of its constituents; (b) a "constitution" or a coherent internal decision-making procedure; (c) a conception of itself as a unit and (d) an identity over time.

Defining Responsibility.

At the final point of this section it is appropriate to briefly define the conditions under which a moral agent may be held as morally accountable for its actions or omissions. According to the two "negative" Aristotelian principles, an agent should not be ignorant of the facts surrounding her actions and secondly her actions should not be the result of undue force (Fischer and Ravizza, 1998; Slim, 1997:253; Zimmerman, 1997:411). In a similar way, the principle of "alternate possibilities" implies that: "a person is morally responsible for what he has done only if he could have done otherwise" (Copp, 1997:441). Hence it is of crucial importance that the agent fulfilled all the necessary preconditions in order to exercise her intentionality (Corlett, 2001). This dissertation is primarily preoccupied with moral responsibility, defined as the judgment of intentions and subsequently, it would have been an incoherent intellectual exercise to hold someone responsible for actions or inactions that she did not know or she was forced to pursue. According to one of the most important contributions in the field of responsibility, namely the notion of "faulty contribution" put forward by Joel Feinberg, an agent is morally accountable under certain preconditions. Initially the action or omission of this agent should causally contribute to the final (harmful) outcome, while simultaneously this action should be in some way 'faulty'. Finally, this faulty behaviour should affect - to some extent - the outcome (Feinberg, 1968:674).

To conclude, after defining the necessary preconditions for moral agency the analysis proceeded to the presentation of the argumentation according to which the United Nations can be a moral agent and therefore a subject of moral accountability. Finally it briefly portrayed the general prerequisites for holding a moral agent (and the UN) as morally responsible. The study now proceeds to the quest for moral responsibility of the UN in the case of the DRC's conflict.

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III.   The Spill-Over of the Genocide.

The Context

The conflict in the Democratic Republic of Congo (DRC) is embedded in the wider context of the Great Lakes Crisis and thus it would have been analytically flawed to separate this conflict from the widespread turbulence in the region and more precisely from the conflicts in the neighbouring countries: Uganda, Rwanda, Burundi, and Angola. Only by taking into account this regional context can one begin to comprehend the rationale behind key events, such as the "sudden" eruption of ethnic hatreds, genocidal forces, and the regional alliances (Lemarchant, 2002:390; McCalpin, 2002:33). Any proper scientific explanation should

attempt to trace the origins of the current turmoil back to the legacy of colonialism. However, the aspirations of this dissertation are limited only to the description of the crisis in order to assess the moral accountability of the UN in the human disaster in the DRC.

The Spill-Over: Refugee Camps

The triggering factor of the conflict in the DRC is to be found in the immediate aftermath of the Rwandan genocide, in 1994. While most people feared that the coming "genocide", after Rwanda, would take place in Burundi, this unpredictably erupted in Zaire (Prunier, 1997:194). The ending of the genocide in Rwanda resulted in an estimated flow of 2 million Rwandan refugees, of Hutu origin, to neighbouring countries. Zaire hosted the vast majority of these refugees, which according to estimates fluctuated between 1.1 and 1.25 million (Emizet, 2000:163). That was the largest single exodus of refugees ever recorded, since in less than four months there was an estimated flow of 850.000 people solely in the Zairian city of Goma (Stockton, 1998:352). From July until October of 1994, a virulent cholera epidemic and dysentery killed approximately 50.000 people (Lischer, 2005:79). That became known as the "cholera highway" (Polman, 2003:190). However, part of this stream of refugees comprised of the perpetrators who actively contributed to the Rwandan genocide ("genocidaires"). Most explicitly, it is estimated that 50.000

former soldiers of the Rwandan Armed Forces (FAR) and paramilitaries of the notorious group called *"Interahamwe"* fled into Zaire (Prunier, 1997).

Although the ex-soldiers and paramilitaries represented only 6% of the refugees, they significantly affected the political situation in Zaire in two important ways. On the one hand, their presence in the Eastern provinces of the country and more precisely in the regions of North and South Kivu, tipped the demographic balance in favour of the Congolese of Rwandan origin and this eventually fuelled the competition between the refugees and the nationals over local resources and citizenship (Murison, 2002:226; Ndikumana and Emizet, 2003:2). On the other hand, under the guidance of the defeated politico-military leadership, the radical Hutu refugees soon regrouped, and with the covert backing of Mobutu they were reorganized and rearmed with ultimate objective the preparation of new attacks against the Tutsi-led Rwandan regime (Csete, 2002:11; Haskin, 2005:77). The assaults against the Tutsi populations ("Banyamulenge") in the Eastern parts of the country, by the resurrected "Interahamwe", recalled the horrible memories of the genocide, which in combination with the Zairian policy of public intimidation of the Banyamulenge community with expulsion, heightened the security concerns of the Rwandan government (Rosemblum, 1997:201). These security concerns were reaffirmed when radical Hutu instigated cross-border attacks against Rwanda from the refugee camps (Nest et al,

2006:25). Thus, Rwanda both in order to effectively respond to these security threats and to enhance the security of the fraternal community of Congolese Tutsi (Banyamulenge), began to assist the latter with arms. Moreover, in late 1996, and in reaction to the ongoing attacks from the refugee camps, the Rwandan Patriotic Army (RPA) entered into Zaire with primary objectives to disperse the refugee camps which threatened the security of the Rwandan state while additionally they attempted to capture the perpetrators of the genocide (Rosemblaum, 1997:200).

The Rise of Kabila

Almost immediately all domestic Zairian forces, motivated by the anti-Mobutu sentiments, formed an alliance. In late 1996 the coalition of Congolese Tutsi; Lumumbists; Marxist guerillas and former Rwandan soldiers gave birth to the "Alliance des Forces Democratiques pour la Liberation du Congo" (AFDL) with Laurent Desire Kabila as the leading figure (DeVillers and Tshonda, 2002:403; Nzongola-Ntalaja, 2004:5). The intensification of the attacks against Rwanda convinced the Rwandan government that the time was ripe for a robust response. Therefore, during mid-November 1996, the RPA in cooperation with the Rwandan and Ugandan backed AFDL, attacked and dispersed the refugee camps triggering the largest refugee repatriation in history, estimated around 500.000 to 700.000 returnees (Emizet, 2000:168; Lischer, 2005:95).

The destruction of the refugee camps signalled the sudden rise of Kabila but perhaps most importantly the entrance of foreign countries as key actors in the domestic political scene of the DRC (Lemarchant, 2000). Almost simultaneously, an internal struggle for the capture of Kinshasa took place. The hostility towards Mobutu and the preference for a new leadership in Zaire convinced the leaders of Rwanda, Uganda and Angola for the necessity of toppling Mobutu and subsequently supporting Kabila, the leader of the strongest internal rebel group (AFDL) (Dunn, 2003:17). The disintegration of the Zairian state was so obvious that the march of the AFDL towards Kinshasa faced no resistance from the Zairian army (FAZ) and eventually Kabila ousted Mobutu in May 1997 and was named president of the country (Thomson, 2000:46). One of his first actions was to rename the country from Zaire to Democratic Republic of Congo (Nest et al, 2006:23).

The Origins of the Second War

The alliance between Kabila and the coalition of neighbouring countries was short-lived though. Soon, Kabila established contacts with the Hutu ex-Interahamwe and those rebel groups fighting Uganda and Rwanda, in order to cultivate the ground for an impressive *"volte face"* and eventually liberate himself from his Ugandan and Rwandan patrons. This reversal took place in July 1998, when Kabila ordered all Rwandan officials to leave the country. This event triggered a chain of rebellions which

resulted in a pogrom against the Banyamulenge, while simultaneously Rwanda and Uganda adopted a proactive stance in order to protect their security interests and defend the Banyamulenge community (Haskin, 2005:87). That event set the stage for the beginning of what is known as "First African World war" or "Africa's Great War", taking its name from the presence of eight foreign armed forces and several rebel groups, in the territory of the DRC (Reytjens, 1999:247).

The sustained presence of foreign troops and officials in Kinshasa ignited widespread domestic accusations that Kabila was merely a *"puppet"* of Rwanda. Hence Kabila soon faced a problem of domestic legitimacy and the survival of his regime depended upon the emancipation from his foreign patrons. Therefore, war became inevitable as long as such development was incompatible with the interests of the leaders of Rwanda and Uganda (ibid).

Foreign Involvement

Almost immediately the alliances were formed. On the one hand, invading from the eastern part of the country, Rwanda, Uganda and Burundi intervened in order to disperse the rebel groups that found refuge in the territory of the DRC and launched attacks against these states (Shearer, 1999:92). The military strength of the invading countries was undisputable and if it were not for the intervention of the Namibian,

Zimbabwean, Chadian and Sudanese armies to support the Congolese government, Kinshasa would have easily fell (Butantu, 2004:33). In the course of the war, Uganda and Rwanda established the proxy rebel group "Rassemblement Congolais pour la Democratie" (RCD), in order to promote their interests, with the active assistance of the local Banyamulenge community. RCD managed to penetrate into the Eastern parts of the country and overtake Bukavu, Uvira and by the end of August 1998 the diamond-centre city of Kisangani. By that time another Ugandan-backed rebel group was created which was called "Movement for the Liberation of the Congo" (MLC) (Haskin, 2005:91). However, the coalesced - to Kabila - forces, namely Zimbabwe, Namibia, Angola, Chad and to a lessen extent Sudan with their intervention contributed to a mutual military stalemate which in combination with regional diplomatic initiatives eventually led to a ceasefire. In July 1999 the Lusaka Ceasefire Agreement was signed by the governments of the DRC, Zimbabwe, Namibia, Angola, Rwanda and Uganda, but what is striking is that the rebel groups were excluded from these talks (ibid). Central provisions of Lusaka were the cessation of hostilities; the orderly withdrawal of foreign forces; the disengagement and redeployment of foreign forces; the disarmament of armed groups; the formation of a national army; the establishment of a "Joint Military Commission" (JMC) made up of all belligerent parties, with central objective to monitor the implementation of the agreement, the process of the disarmament of the armed factions

and finally, the deployment of a UN peacekeeping mission (Muchai, 2002:192). The Lusaka Agreement assigned to the UN mission two broad roles. Firstly, to work in collaboration with the JMC in observing and monitoring the cessation of hostilities and the withdrawal of troops of foreign armed forces. Secondly, to forcefully track down and disarm the 'negative forces', namely the members of rebel groups, under the provision of Chapter VII of the UN Charter. Under these provisions, in 1999 the UN authorized the deployment of the "Mission de l' Organization des Nations Unies en Republique Democratique du Congo" (MONUC) (ICG, 2000). Nevertheless, the Lusaka Agreement had various deficiencies, the most important of which was that it was essentially a "ceasefire agreement without a peace agreement" (Daley, 2006:312).

However, the fighting between the rebel groups and the central government intensified over the control of the rich in natural resources eastern provinces and subsequently, the Lusaka Agreement had been repeatedly violated by all parties. The continued stalemate forced the belligerents to participate in numerous diplomatic initiatives and disengagement plans, such as in Kabala (Uganda) in 1999, Pretoria (South Africa) and Luanda in 2002 (Rogier, 2004:15). Formally, the conflict ended in 2003 with the establishment of the transitional government, which in July 2006 led the country to its first elections after 1960's.

Analytical Remarks

At this point I think it is important to make an analytical explication. It is probably most suitable to regard the human disaster in the DRC as three overlapping conflicts rather than a single conflict (Reytjens, 1999). The first conflict began in 1996 and ended with the demise of Mobutu. The second Congolese war (Africa's Great War) signified the termination of Kabila's dependence on Rwanda and Uganda and gradually came to an end with the Lusaka ceasefire Agreement. Finally, another conflict was running concomitantly with the others and continues until today, taking place in the eastern provinces of the country between armed factions. These conflicts are primarily related to the control over of territories rich in mineral resources, and became progressively defined in ethnic terms ("territorialization of ethnicity") (Vlassenroot and Raeymaekers, 2005:10). Additionally we have to bear in mind that in essence the conflict in the DRC was multi-level: a) local; b) national; and c) regional and, as such, there has been a "cancerous metastasis" of foreign armies and military parties in the DRC from neighbouring countries (International Crisis Group-ICG, 2003:7). Hence, actors should not be seen in isolation, but within complex linkages with other actors that influence decision-making, and subsequently it would be more appropriate to talk about "complex networks" of actors (Carayannis, 2003:232).

Embarrassing indicators

Although typically the conflict is over from 2003 when the transitional government took power, in 2006 DRC continued to endure as the world's deadliest ongoing conflict accompanied by a disastrous humanitarian crisis. Some indicators might reveal the magnitude of this conflict. More specifically, since 1998, 3.9 million people have lost their lives in the DRC from war-related diseases and severe malnutrition, which equals to a shocking rate of 1.200 deaths per day or 31.000 per month (Coghlan et al, 2006:49). From the total of 3.9 million, only 300.000 casualties derive from the direct effects of violence (ibid). Additionally, 12% of the Congolese children do not reach their first birthday and this phenomenon is primarily attributed to infectious diseases, acute malnutrition, lack of medicine, and in general dysfunctional health services disrupted from the war (Kassa, 2003:85; Watchlist, 2003:9). What is equally striking is that the vast majority of these casualties are due to easily preventable and treatable diseases. Furthermore, the fact that although children represent less than 20% of the total population, women and children account for 40% of the casualties, indicates that the Congolese conflict is a total war where the line between combatants and civilians has vanished (Coghan et al, 2006:48; Montague, 2002:103). The link between the high levels of displacement, as a means of waging war, and the equally significant levels of civilian casualties deriving from these displacements, makes this remark even more obvious (Alfredson, 2002).

During 2002-2004, only 2% of the total casualties were attributed to war-related violence, while according to the most accurate survey "[T]he most devastating by-products of the conflict have been the disruption of the country's health services and food supplies. As a result, the vast majority of deaths have been among civilians and have been due to easily preventable and treatable illnesses such as fever and malaria, diarrhoea, respiratory infections, and malnutrition" (Coghlan et al, 2004:4). This problem is more acute in the eastern provinces where according to the Food and Agriculture Organization (FAO) between 10% and 30% suffers from severe malnutrition (ICG, 2003:13). Finally, the National Crude Mortality Rate (CMR) is 40% higher than the reported baseline for Sub-Saharan Africa and 90% higher in eastern parts of the country, whereas under-5 children mortality was 97% higher in these provinces than the continental average (Watchlist, 2006:23). Finally the use of sexual violence and rape as a weapon of conducting war, contributed to the amplification of the HIV/AIDS disease to incredibly high levels (Csete, 2002; Elbe, 2002:162; USIP, 2001).

The conflict generated approximately 1.7 million internally displaced persons (IDPs) and 450.000 refugees (EIU, 16-3-2006). According to the Human Development Indicators (HDI), the DRC ranks among the poorest countries in the world with 50% of the Congolese population to receive one meal per day, while the 25% of the Congolese manage to have access

to a meal every second day (Saskia et al, 2002:386). The DRC is the world's deadliest conflict with casualties amounting up to 3.9 million deaths, exceeding any other contemporary conflict: Rwanda (800.000) Bosnia (250.000) and Darfur (70.000) (Coghlan et al, 2004:3). The question that naturally emerges from these indicators is: "on what grounds can the UN not be morally responsible for the extraordinary levels of human suffering in the DRC"?

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IV. SYNTHESIS: UN MORAL RESPONSIBILITY IN THE DRC.

1. *The "spill-over" of a genocide. How inaction contributed to the transformation of a civil war into a continental one.*

The non-decision, of the UN during those 100 days, that the Rwandan genocide lasted, to authorise a military humanitarian intervention, apart from the approximately 800.000 dead Rwandans, had even longer-term implications for the whole Sub-Saharan region. The last days of the genocide (end of July 1994), found the perpetrators of the genocide surrounded by the Tutsi army. During this period the only remarkable decision taken by the UN was to authorize, under the diplomatic pressure of France, a limited in scale military humanitarian intervention, called *"Operation Turquoise"* (UN Security Council Resolution 929),

deployed in the south-western part of Rwanda, with the primary objective to evacuate the foreign citizens and protect those under imminent threat (Melvern, 2000:210). Consequently, "[the UN Security Council] as an interim measure, it eventually authorized a French-led force that is credited with saving tens of thousands of lives, but also creating a situation in which advocates of, and participants in the genocide were able to withdraw to Zaire and regroup to pursue their struggle" (Berman, 2003:97). What is striking is that France, with the backing and the authorization of the UN Security Council (UNSC), essentially set up a supposedly humanitarian operation, but in reality they also provided a safe haven for the defeated Rwandan Army (ex-FAR) and the paramilitary "Interahamwe" (Lischer, 2005:80). Even the French media doubted about the humanitarian effectiveness, as well as the French incentives behind the establishment of "Operation Turquoise" (Huliaras, 1998:596). The creation of this humanitarian zone provided a secure retreat for the ex-Rwandan government, the Army, the perpetrators of the genocide while most importantly, the minimum policing within this zone, facilitated the evacuation of virtually all weapons at their disposal to Zaire, which enabled them in the future to regroup and launch attacks against the new regime in Kigali (Nzongola-Ntalaja, 2004:8).

The emergence of the Tutsi-led government in Rwanda, and the subsequent change in the balance of power, amplified the fear of many Hutu of being prosecuted for their crimes during the genocide or becoming victims of acts of retribution. The vast majority of these people sought refuge to neighbouring countries and most significantly to Zaire (Melvern, 2000:212). However, there was neither a mechanism for identifying the perpetrators at the time of their influx to Zaire, nor a provision to disarm them (African Rights, 2000:4; Murison, 2002:226). Although it is difficult to assess the precise number of refugees, it is estimated that approximately 1 million had passed into Zaire at Goma and 200.000 more in Bukavu. It was the fastest and largest exodus ever recorded (Melvern, 2000:214). Therefore, the lack of vision concerning the post-genocide status-quo of the refugees, by the UN, makes this body accountable for letting the genocide to "spill-over" to neighbouring states, and most notably to Zaire. Equally significant point is the reluctance of the UN to set a mechanism for separating the perpetrators of the genocide from the main body of refugees and prosecute them to justice. Finally its inability to monitor and stop the flow of arms concurrently with the refugees is remarkable. To be sure, the UN faced a humanitarian problem of exceptional magnitude and thus assigning responsibilities, is not an easy task. Still, the inability to prevent a mass flow of refugees and its incapacity to disarm those with a record of gross

violations of human rights is unacceptable for an organisation heralding the promotion of peace and security.

The other fundamental point of moral accountability of the UN is the management of the refugee problem when the refugees settled in Zaire. Over the next two years, through the assistance of Mobutu and the passivity of the UN, the same forces that committed the genocide in Rwanda, were reorganized and rearmed within the refugee camps in eastern Zaire and eventually launched attacks against both Rwanda and the local Banyamulenge (Tutsi) community (Dunn, 2003; Lischer, 2005:82). The problem stems from the failure of the UN and other agencies - from the international aid community - to effectively control and manage these camps, which in combination with the high levels of armed refugees, resulted in the transformation of the refugee camps into a source of regional instability. These omissions constitute a crucial point of moral accountability of the UN, because it failed to adopt a coherent policy, in the face of a potential threat to the regional stability.

It is not rare for refugee crises to function as a *"strategy for war"*. Frequently, the refugee camps provide multiple layers of protection for the radical refugees, such as international legitimacy; a shield against attack; pool of recruits; and a valuable source of food and medicine, thus facilitating the continuation of the armed struggle (Lischer, 2005:6). In

the case of Zaire, the combination of million of refugees, thousands of rebels and abundant humanitarian assistance acted as a catalyst for the spread of the conflict in the Great lakes (Lischer, 2005:73; Swarbrick, 2003:164). The UN by being inactive in the face of major humanitarian disasters and in effectively monitoring and disarming the flow of "genocidaires" in the refugee camps, it essentially contributed to the aggravation of the problem. As Linda Melvern (2000:224) perfectly depicted it was "probably the largest group of fugitive murderers ever assembled all fed and sheltered by the aid agencies". Relief aid was stolen and taxed by these groups that controlled the camps and fuelled the war economy, which ultimately perpetuated the conflict (Shearer, 2000:92). Among the central catalysts for the perpetuation of the war in the DRC, from 1996 onwards, was the role played by the UN Agencies and other Non-Governmental Organizations (NGOs) in the delivery of aid between 1994 and 1996. During that period, the Interahamwe and ex-FAR militias that were hosted in the refugee camps were able to rearm and gain considerable military strength, which enabled them to launch cross-border attacks against Rwanda and ignite the pre-existing local tensions (ICG, 2003). The most critical factors that triggered the first Congolese war were the security threat posed by the Rwandan refugee camps to the neighbouring countries (Uganda, Rwanda and Burundi), in combination with the proliferation of armed factions, in Zaire, that opposed the leadership of these countries and posed an equally

significant threat (Rosenblaum, 1997; Smis and Oyatambwe, 2002:415). What is striking in the case of the UN management of the Zairian refugee crisis is that "although such a military activity was prohibited by the International convention, neither the UN Agencies, nor the larger international community intervened to halt the preparations" (Csete et al, 2002:11). The UN is morally accountable because its ineffective management of the camps allowed "genocidaires" to become a state within the state and eventually become a source of regional destabilization (Melvern, 2000:215). The effects of this inaction became obvious over the next few years when the conflict resulted in an endless bloodshed of 3.9 million deaths.

Thus, "the fundamental mistake by international actors was not the provision of the humanitarian aid per se but the unwillingness to undertake the steps required for security in the refugee camps" (Cater, 2003:34). The threat to peace and security imposed by these refugees on other states should have activated a robust response under the chapter VII of the UN Charter and not a purely humanitarian action which reasserts the "humanitarian myopia" that characterises the UN in the face of humanitarian disasters. The UN's moral responsibility in this crucial point is successfully portrayed by a UNHCR (UN High Commissioner for Refugees) spokesperson who admitted that "the

involvement of aid agencies in the camps makes accomplices of us, helping [the militias] consolidate power" (Lischer, 2005:92).

A final point is the omission of the UN to take effective measures in order to decrease the security concerns of the neighbouring countries that experienced the cross-border attacks. When these countries realised the inability, or the unwillingness of the UN, to prevent and effectively tackle these attacks, they decided to intervene militarily. Their action was justified on grounds of self-defence, although that obviously contravened international law. The insecurity that the Hutu refugees-militias posed to Kigali was so immense, that in 1996 Rwanda ordered the Zairian government to demise the refugee camps; otherwise Rwanda threatened Zaire with a robust response (Murison, 2002:229). The threat became real in late 1997 when Rwandan armed forces (RPA-Rwandan Patriotic Army), with the assistance of local proxies, launched a counter-offensive against the refugee camps which eventually generated mass refugee repatriation into Rwanda. However, the large scale of the repatriation did not enable the Rwandan government to monitor and prosecute those responsible for the genocide (Dunn, 2003:21). Thus the UN did nothing to prevent the self-help solution that was finally qualified by Rwanda, namely the military intervention and the demise of the refugee camps. Some sources indicate that the majority of the refugees who fled from the eastern to the western part of Zaire, after the RPA's attacks, were

slaughtered while some estimate the number of casualties up to 200.000 (Emizet, 2000:179). These attacks forced the UNHCR and other organizations to withdraw from the area and to admit that they were "unable to ensure the protection of refugees" (Murison, 2002:228). Such a striking "inaction (of the UN) jeopardizes the long established legal and humanitarian principles of international relations, while challenging the relevance of conflict resolution mechanisms" (Smis and Oyatambwe, 2002:413).

The UN's omissions in the refugee crisis of the Great Lakes region signified its failure to prevent the transformation of a civil conflict into a continental war that involved nine states and numerous armed factions. More explicitly, the UN failed to develop one of its central functions, namely that of conflict prevention (Mack and Furlong, 2004:60), which is enshrined in Article 1 of the UN charter underlining the need for: "effective collective measures for prevention and removal of threats to peace and for the suppression of acts of aggression or other breaches of the Peace"   (Article 1, par. 1 UN Charter)

The UN recognised its failure and in the aftermath of the Great Lakes disaster a new approach emerged –as analyzed in Resolution 1296 - according to which the Secretary General may request, from the UN agencies, to bring into attention incidents involving the militarization of

refugee camps, because the UNCHR was totally ineffective in preventing the militarization of the Rwandan refugee camps (Loescher, 2004:170).

2. *Aggression .*

"The organization is based on the principle of the sovereign equality of all its members"   (Article 2, par. 1 UN Charter)

"All members shall settle their international disputes by peaceful means [...]"

(Article 2, par. 3 UN Charter)

"All members shall refrain in their international relations from the threat of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the purpose of the UN"

(Article 2, par. 4 UN Charter).

The international order characterising the international society is founded on a horizontal system of rules which derives logically from the principle of sovereign equality among its member-states (Thakur, 2004:199). The founding principle of this society – as expressed in the UN system - is the doctrine of "collective security". This doctrine implies the obligation of this collective international body to intervene when one of the "equally sovereign" member-states of the UN experiences a

violation of one or more of the central norms of this international society – namely state sovereignty; non-intervention; non-use of force; and territorial integrity - in order to uphold these principles and put down any aggressive threat posed by any state (Sullivan, 1999). Despite the obvious indications of recurrent violation of the principles of territorial integrity and state sovereignty of the DRC by its neighbouring countries, the UN did nothing to address and redress this problem. Two factors contributing to this violation were the continuous presence of foreign armed groups in the DRC and the illegal exploitation of the Congolese natural resources by local armed proxies of foreign countries.

The conflict in the DRC essentially included armed forces from several neighbouring countries and, as such, the DRC became the battlefield of various foreign conflicts (ICG, 1999:7). Essentially, there were four foreign overlapping conflicts embedded in the Congolese conflict. Initially it was the struggle between the Rwandan government, which attempted to hunt down ex-FAR soldiers and the Interahamwe perpetrators of the genocide, and the Hutu rebel groups that launched attacks against Kigali, posing a serious threat to the security of the regime (Prunier, 1997). Notably, the ex-RPF soldiers became known as "soldats sans frontiers" (soldiers without borders) (Dunn, 2003: 150). In the same manner, Uganda and Angola experienced a similar security problem with their own rebels that were stationed in the DRC borders and posed a

serious threat to their respective regimes (ICG, 1999). Finally, the DRC hosted the continuation of the Burundian civil war which began in 1993, between the Burundian government (FAB-Forces Armees Burundaises) and the FDD (Forces pour la Defense de la Democratie) rebels (Ginifer, 2002:123). For foreign observers, it was a major paradox to see "Angolans fighting Angolans in western Congo and Rwandans fighting Rwandans in the East" (Dunn, 2003:151). The presence of so many uninvited foreign armed groups in the territory of a sovereign country illustrates the *"collapse"* of the Congolese state, and denotes the inability of the international society to uphold its founding principles.

This became even more obvious in the aftermath of the Rwandan intervention in Zaire to disperse the refugee camps. Although that was an apparent act of aggression against one of its member-states and subsequently a violation of the central rules of the UN, the UN did nothing to redress the problem. What the DRC experienced was an outright *"aggression"* by a coalition of neighbouring states. Aggression is defined as any violation of the territorial integrity or political sovereignty of an independent state and it is remarkable because "it is the only crime that states can commit against other states" (Walzer, 1977:51). The respect of the territorial integrity of a state provides a minimum level of acceptable coexistence, while simultaneously the national borders reflect the security of the political community behind these borders. Hence, it is

very important for the survival of the international society to uphold these rules; otherwise a dangerous precedent is set for the future. "The victim of aggression fights in self-defence, but he isn't alone defending himself, for aggression is a crime against the society as a whole" (ibid:59). The aggression against the territorial integrity of the DRC by some of its neighbouring countries "contravenes the principles and purposes of the Charter of the UN [...]. It is namely the non-appeal of force, of the peaceful settlement of disputes, of respect of territorial integrity, of the national sovereignty and political independence of states and of the intangibility of borders" (Butandu, 2004:63). The issue that emerges from this remark is not only legal, but most importantly a moral one. If the international body authorized to settle the international disputes peacefully and to uphold the central tenets of the international community fails, then these rules have no moral and instrumental value. The UN as the primary guardian of these principles bears the moral burden for any failure to uphold them. The UN is founded on the doctrine of collective security which is activated when one of its member-states faces a threat for its security. If this is so, then what is the justification for not intervening in the DRC when its sovereignty and territorial integrity were repeatedly violated?

"You never finish eating the meat of an elephant"

Moreover, in the DRC, the violation of these norms did not occur only in military terms; the breach of the state sovereignty was equally apparent through other forms of intervention, such as the illegal exploitation of the natural resources of the DRC by foreign armed groups. The original motives of foreign actors in entering the war were not economic but rather a combination of regime security, the prevention of new ethnic cleansing against their community and more generally, a desire to expand their political influence in the region. Economic interests emerged as significant issues later in the path of war, when these countries were unable to achieve an early victory and finance their war effort (Nest et al, 2006:27). *The emergence of economic interests and the subsequent illegal exploitation of the Congolese natural resources transformed and perpetuated the conflict.*

Broadly speaking, the exploitation occurred in two phases. The first phase (1996-1998) was characterized by looting and quick transfer of various resources - such as minerals, coffee, wood and money - across borders, to the neighbouring patron-states and afterwards to the international market. The second phase (1998-2003) of the exploitation was characterized by a more "systematic and systemic" planning and organization of the exploitation while this activity was primarily related to minerals, such as diamonds, timber, gold, and cassiterite (Rupyia,

2005:6). Control over regions that were rich in natural resources provided unique incentives for the armed factions to continue fighting, because the exploitation of these resources helped financing the war (Emizet, 2006; Ndikumana and Emizet, 2003:2; Montaque, 2002:126). Hence, violence became a means to achieve those objectives and subsequently there were more stakes invested in the continuation of the war, rather than in peace. The fighting between former allies, who had justified their invasion of the DRC on security grounds, appeared to be the eye-opener for the UN on the real-economic motivations behind the second war, which consequently triggered the creation of the "UN Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth in the DRC" (Grignon, 2003:44).

The four reports, published by the Panel between 2001 and 2003, clearly indicated that Rwandan, Ugandan and Zimbabwean army officers, as well as members of the Congolese elite, were growing rich from the illegal exploitation of the mineral wealth of Congo. Additionally, they exposed *how the extraction of these resources helped the armed groups to finance their war-effort and subsequently to perpetuate the war* (Cuvelier and Raeymaekers, 2002; Nest, 2001; Samset, 2002:465; Tsitereke, 2003:89). The Panel came to the conclusion that the illegal exploitation of the natural resources resulted in widespread abuses of human rights in the region and that the withdrawal of foreign armies would not end the

resource exploitation, since the elite-network had created a self-financing war-economy by delegating local proxies (HRW, 2005; UN DOC S/2002/1146). As the Panel indicated "without the wealth generated by the illegal exploitation of natural resources, arms cannot be bought, hence the conflict which almost always involves grave human rights abuses and large-scale population displacement, cannot be perpetuated" (UN DOC S/2003/1027:19). The reports elucidated the mechanism of looting. At the core of the resource exploitation were the *"elite networks"* which were comprised of a small core of political, military elites, and businessmen, all of whom cooperated in order to generate revenues and ensure the viability of their economic activities (illegal exploitation) through the control of security forces (Carayannis, 2002:233; Grignon, 2003:43).

The major problem emerging from this trend is that the illegal extraction of minerals - such as gold, columbo-tantalite (Coltan) and diamonds - by the rebel groups and the leaders of foreign governments, caused a major decline in the production, the exports and eventually the revenues of the government of the DRC, while concurrently it ignited the exports of Uganda, Rwanda and Zimbabwe (Ndikumana and Emizet, 2003:22). The fall of production in minerals, the decline in tax income and the drop in international aid and grants, were all triggered by the *"occupation"* of the Eastern DRC, from 1998, by foreign armed groups, which subsequently

resulted in the rapid decline of public revenues (Olsson and Fors, 2004:329). "Between 1996-1997, Rwanda's Coltan production doubled bringing up to $ 20 million per month in revenue […] From 1997-1998 the annual volume of Uganda's diamond exports jumped from 1500 carats to about 11.300 […] [and] since 1996 Ugandan gold exports have increased tenfold" (Haskin, 2005:114). It is remarkable that Uganda had *no reported* Coltan production before 1995, while exports increased gradually between 1997 and 1998 (Olsson and Fors, 2004:326). "Rwanda is currently exporting five times more cassiterite that it produces […] It is highly likely that these imports derived predominantly from the Eastern DRC" (Global Witness, 2005). Hence the stabilization of the Rwanda and Uganda was achieved at the expense of DRC's stability, security and wealth.

This vicious cycle of violence, exploitation and perpetuation of the conflict is perfectly delineated in the Congolese phrase "You never finish eating the meat of an elephant" (ICG, 2003:28). An unambiguous indication of the link between natural resources and the fuelling of the war is that Uganda's defence budget in 1999 increased by 89% compared to the previous fiscal year, while all these revenues were gathered at the expense of the DRC (Clark, 2001:276). The Rwandan and Ugandan armies officially withdrew from the DRC in 2002 and 2003 respectively. However, each of them left behind local proxies who, with the continued

assistance from their external backers, fought for the control over trade routes and the control of mineral-rich areas; this phenomenon is known as "military commercialism" (HRW, 2005; Kennes, 2002:605). This novel phenomenon generated grave violations of human rights of the local populations, such as mass displacements (ibid). Rwanda was the patron of "Rassemblement Congolese pour la Democratie" (RCD), situated in Goma, whose main sources of revenue were the extraction of Coltan, diamonds and the taxation of the trade conducted in the region. In 2000 the revenues gathered from the exploitation of diamonds amounted up to 200.000$ per month and 1 million $ from Coltan (Nest et al, 2006:51). It is worth mentioning that the RCD-Goma had replaced the local currency with Rwandan currency.

Finally, it is a tragic irony that "Diamonds cannot be found in the soils of Uganda and Rwanda, and authorities of both countries confirm that they have no production of this mineral. Yet over the last few years, both countries have exported diamonds worth millions of US dollars. From 1997 to 1998 Ugandan exports were multiplied by 12 [and] Rwanda's export of diamonds had reached a level 90 times higher than during the entire year of 1998" (Samset, 2002:471). Even more striking is that "while the combined diamond exports of Uganda and Rwanda more than doubled from 1998 until 2000, on the contrary exports from the DRC were halved" (Lemarchant, 2002:393). All these indications explain why

the Congolese conflict was characterized, in Clausewitzean terms as "the continuation of economics by other means" (Jackson, 2002:519).

The UN is morally accountable because although it was cognizant of the problem of illegal exploitation and the subsequent violation of the state sovereignty - monopoly over those resources - it took minimal steps to tackle this violation (Grignon, 2006:69; HRW, 2005; Prunier, 1997). The monopoly over the extraction of the natural resources of a country and the monopoly over taxation compose two exclusive competences of the sovereign. The UN acts as a guardian of the founding principles of the international society and subsequently, any failure burdens this international body. Moreover, the double standards that the UN set establish a dangerous precedent for the future. On the one hand, when state sovereignty and territorial integrity were violated in other historical instances, such as in Kuwait (1991) the UN immediately gave a robust response. Furthermore, the main argument provided against humanitarian intervention is the respect for the state sovereignty while the instrumentalist-pluralist argument is that the respect of these principles at least provides a minimum of orderly co-existence in the international society (Wheeler, 2000). In the face of the demanding question of humanitarian intervention, we observe a *"sanctification"* of the norm of state sovereignty, which implies non-intervention. On the other hand, though when one of the "sovereign member states" of the UN

experiences a repeated violation of this "sacred" norm, the same organization abstains from upholding the rules. This constitutes a major paradox in the UN system. Although, this is primarily a legal problem, it also exposes a key failure of the UN to be morally responsible and consistent with its founding principles.

In December 2005, the International Court of Justice (ICJ) ruled the case brought by the DRC against Uganda for violating its sovereignty by committing human rights abuses and illegally exploiting natural resources between 1998 and 2003, when Uganda occupied the Ituri district. The ICJ found Uganda guilty of all charges and subsequently, it ordered Uganda to pay reparations amount to $10 billion (EIU, 17/03/06). The UN by being aware of the continuous violation of the DRC's sovereignty and effectively responding is morally responsible for the perpetuation of the war.

3. MONUC

History of MONUC

At this point the analysis will discuss the role of the designated UN peacekeeping mission for the DRC, in order to attest whether this mission bears some moral responsibility for the perpetuation and the magnitude of the conflict.

The Somali debacle and the Rwandan genocide served to highlight the complexity of African civil conflicts, characterised by the absence of a sovereign authority which posed a major problem for any peacekeeping effort to cross the "Mogadishu line" (Yorke, 2001:81). Therefore most western powers which dominate the UNSC, were not willing to intervene in Africa and evaded their responsibility by promoting the notion of *"African solutions for African problems"* (Smis and Oyatambwe, 2002:427). The same attitude characterized the UN's management of the Congolese conflict.

The UN Secretary General illustrated from the beginning that the military component of the peacekeeping mission, would depend heavily on the gradual deployment of the MONUC in three phases (UN DOC S/1999/790):

Phase I: After the Lusaka Agreement, a force of 90 UN military liaison officers, were deployed in the country for a period of three months to advice the headquarters when to proceed to Phase II (UNSC Resolutions 1258 and 1273). However, the rapid deterioration of the situation on the ground, in early 2000, forced the Secretary General to advance on Phase II earlier. Subsequently, the UN authorized the expansion of MONUC mission, encompassing 5,537 peacekeepers, but, with a mandate limited to act "not as an interposition force [...] they will not have the capacity to protect the civilian population from armed attack" (UN DOC.

S./2000/30). Additionally, MONUC was mandated to monitor the ceasefire, the cessation of hostilities and the disengagement (UNSC Resolution 1376).

Phase III: This phase is characterized by the adoption of Resolution 1493, which signified the departure of MONUC from Chapter VI, towards Chapter VII (Malan and Porto, 2003:11). Simultaneously there had been an increase in the military forces from 6.100 (May 2003) to 10.800 (September 2003) (Boshoff, 2003:137). Equally, the other central characteristic of this phase has the focus on monitoring and assistance in the Disarmament, Disengagement and Reintegration (DDR) process. The current mandate (UNSC Resolution 1565) sets as central objectives the proactive contribution to the pacification and the improvement of the security in the country; the support to conflict resolution; the improvement of border security; the observation and monitoring of the hostilities, the disengagement and reintegration of all parties to the conflict (Haskin, 2005:158). Although the Secretary General demanded 13.100 soldiers to be deployed, the unwillingness of the member-states to contribute in manpower, forced the UN to deploy solely 5.900 additional military personnel (ibid). The "New MONUC" or MONUC II came into existence only in the post-Chapter VII period (UNSC Resolution 1493) in July 2003, which practically means four years after the initial presence of the UN in the country. According to a MONUC's official "we wasted three years. We have nothing to do with the previous

MONUC. It was the wrong mission" (Alusala, 2004: 65). The current mandate of MONUC (UNSC Resolution 1565) authorizes the existence of 15.417 troops; 544 military observers and 368 civilian police officers, qualifying MONUC as the largest UN peacekeeping operation, currently in the world, with the largest operational budget, totalling US $957.8 millions, in 2004-2005 (EIU, December 2003; Robinson and Walt, 2006:32; Wrong, 2006:26).

Chronic deficiencies.

From a historical perspective, the concept of peacekeeping was designed to maintain peace between states in war. More specifically, the UN peacekeeping was an invention to facilitate to cessation of hostilities and give time to negotiations and peace initiatives. Traditional peacekeeping was to be found in the middle ground between the peaceful settlement of international disputes (Chapter VI) and the peace enforcement (Chapter VII), which justifies why it is called "chapter Six and a half" (Sens, 2004:142). Ever since its inception peacekeeping heavily relied on the *"Holy Trinity"*, namely the consent of the warring parties, the neutrality and impartiality of the peacekeeping mission and finally the non-use of force from the peacekeepers (Bellamy and Williams, 2004:4; Donald, 2002:22). However, the radical transformation of the international arena in the post cold war era, made the UN peacekeeping missions inadequate in tackling complex humanitarian emergencies, such as engagement in

"collapsed states" and in facing massive human rights abuses (Block and Freedman, 2003). Hence, this trinity is unsuitable for complex interstate conflicts which emerged since 1990's because "neutrality in the face of huge Human Rights abuses jeopardizes (peacekeeping) force's physical and political survival" (Donald, 2002:21). Two major reports documented the Organization's appalling failures, in Rwanda and Srebrenica, in the 1990's. More precisely, in the "Brahimi" report, it was clearly stated that "many of the problems that had caused these failures were endemic to the UN system", referring to the inconsistency between the lightly armed peacekeepers and the highly demanding UN Resolution (Durch et al, 2003:3; Mack and Furlong, 2004:64). This important conclusion is very relevant to MONUC's mission, where there is an obvious disjuncture between the extremely demanding mission requirements and the limited capabilities provided on the ground (Cater, 2003:36). Another endemic problem is the lack of coordination among UN agencies, deployed in the DRC, which severely affects the efficiency of the peacekeeping mission (Ricci, 2003; Van Brabant, 2001:142).

MONUC's Inefficiencies.

The first and most important deficiency of MONUC was its concept of engagement, according to which the UN's presence would expand only as long as conditions in the field allowed doing so. However, by pursuing this approach "the UN's presence would not improve the security

situation, but rather [...] the security conditions would determine the extent of UN's presence" (Rogier, 2003:8). Thus in essence, MONUC is primarily an "observation mission" mandated to monitor the implementation of the ceasefire, to supervise the disengagement and redeployment of armed forces (African Rights, 2000:192).

Additionally, although Lusaka Ceasefire Agreement called for a UN peace enforcement mission, under Chapter VII, which would allocate the sufficient resources in order to disarm the "negative forces", and subsequently remove the Rwandan and Ugandan pretext for intervention in the DRC, in reality the UN did not provide the adequate response because it had a significantly divergent approach on the DDR from that envisioned in Lusaka (Nzongola-Ntalaja, 2004:18). The Lusaka Agreement ordered a forcible disarmament while on the contrary the UNSC and the Secretary General insisted on the voluntary DDR, considering the high risk of massive casualties and the long-term military commitment in a potential mission to disarm these armed factions and "genocidaires" (Swarbrick, 2003:174). However, such a "voluntary" approach did not seem realistic, considering the persistent unwillingness of the foreign armed groups and the signatories of the Lusaka Agreement to voluntarily withdraw and disarm (Rogier, 2003:7).

Furthermore there is a disparity between the mandate and the resources allocated. The number of the existing troops authorised to carry out the demanding mandate of disarmament is extremely limited for a country that has the size of Western Europe. Another obscure point about MONUC is the long period between the Lusaka call for deployment and the UN response. In the words of Mansson "despite the reports [...] on widespread abuses since April 1999, almost a year passed before the situation was (characterized as) a threat to international peace and security" and subsequently the authorization for the deployment of peacekeeping force was not given until February 2000 (UNSC Resolution 1291) (Mansson, 2005:505).

The inadequacy of MONUC has also another parameter. In July 2003 (Resolution 1493), the UN imposed an arms embargo under which all states were required to abstain from both direct and indirect supply, sale and transfer of arms to all foreign and Congolese armed groups operating in the eastern provinces and more precisely to the Kivus and Ituri (EIU, March 2005). Nevertheless, the limited and insufficient presence of MONUC in combination with the voluntary conception of the disarmament mission reduced the efficacy of the monitoring of the arms embargo in the borders and airfields and subsequently this affected the effectiveness of the embargo (Global Witness, 2005:12; Watchlist, 2006:40). In 2005, the designated group of experts published several

reports (UN DOC S/2005/30; UN DOC S/2005/436) indicating repeated violations of the arms embargo observed primarily in civil aviation and in the borders (EIU, December 2004; EIU, March 2005).

The fall of Bukavu.

An incident that reaffirms the above thesis is the fall of the fourth largest city in the DRC, namely Bukavu. In May 2004, a former rebel officer who refused to integrate into the new Congolese army began moving from South Kivu towards Bukavu, under the pretext of preventing genocide against the local Banyamulenge community (Haskin, 2005:162). Although MONUC attempted to establish a buffer zone around Bukavu, the city finally fell on June, 1st 2004 triggering a flow of approximately 4.000 displaced persons (Economist, 4/02/2006; Mansson, 2005:212). The Congolese people blamed the UN for not using its robust (Chapter VII) mandate to prevent the fall of Bukavu and to defend the residents experiencing the crudest face of physical violence including, looting, killing and rape (HRW, 2004). This inconsistency between the mandate's provisions and the situation on the field is perfectly illustrated in Secretary General's 3rd Report on the situation in the DRC:

"The establishment of the peacekeeping mandate of MONUC under Chapter VII […] has raised expectations that the mission will enforce the Peace throughout the country. However, there is a wide gap between

such expectations and the mission's capacity to fulfil them"

<div align="right">(UN DOC S/2004/650:7)</div>

All these inefficiencies of MONUC, might explain why the local population calls the blue helmets *"butterflies"*; pretty to look at, but otherwise useless (Economist, 12/03/2005).

The UN as a part of the problem?

It is not only the acts of omissions and the incapability of MONUC to enforce its mandate, but most importantly there are recorded occasions in which members of MONUC are directly responsible for the aggravation of the situation of human rights in the region. There are reported charges against blue helmets who were engaged in criminal acts such as trading food, money or even jobs for sexual contact (EIU, March, 2005). Undoubtedly this is a chronic problem referred to as *"peacekeeping economy",* in the relevant literature, indicating the contribution of the peacekeepers to the economic institutionalization of potential exploitation of gender relations in mission areas, such as sex tourism (Higate, 2004). However, what is striking is that although the UN was cognizant of the problem, it has adopted no substantial measures to tackle the roots of problem and its stance is limited to the establishment of a *"code of conduct"* with no provision for scrutiny. However, the UN has no

competence to follow through any of the investigations currently made, because this is the jurisdiction of the countries that send the peacekeepers. This is a deep cause of concern as the UN has not adopted a common legal punitive system for all soldiers (Du Plessis and Pete, 2004:8).

All these points of moral responsibility of the UN might seem minor, compared to the magnitude of the problem, but in essence the UN did not only abstain from preventing such conflicts but with its omissions, it indirectly contributed to the perpetuation of the conflicts.

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V. Conclusion

The central objective of this dissertation was to critically evaluate the UN's moral responsibility in the world's deadliest conflict since World War II, namely the conflict in the Democratic Republic of Congo. However, some other questions emerged and were answered. More precisely, it would have been an inconsistent intellectual exercise to hold the UN "a priori" morally responsible without being able to possess moral agency, that is being independent from its constitutive member-states. Thus, in the first part of this dissertation the primary objective was to put forward a theoretical argument upon which to build a theory of

institutional responsibility, which enables to critically assess whether an institution, a group, or an organization can be held responsible for its actions and omissions, and if so, under what preconditions. The argumentation of this dissertation relied heavily on the work of Toni Erskine, on institutional moral responsibility.

The dissertation's first step was to prove the conditions under which an institution can be accounted as a moral agent that is independent from its members. There is a consensus on the literature that a collectivity in order to qualify as moral agent should possess (a) an identity that is more than the sum of the identities of its constitutive parts; (b) a decision-making structure; (c) an identity over time; and (d) a conception of itself as a unit". Afterwards, an argument was put forward that the UN does possess these features of moral agency and as such can be considered morally responsible for its actions and omissions.

The second part of this paper was primarily preoccupied with the case-study. An analytical presentation of the background of the conflict was critical in the effort to elucidate and comprehend the objectives and the actions of the parties to the conflict while facilitated the critical assessment of the UN's moral accountability in this conflict. In Part three the analysis attempted to critically evaluate the UN's moral responsibility in the Congolese conflict, by synthesising the theoretical part with the

case-study. More specifically, there were three tenets in the analysis. Firstly, argued that the UN's inaction and lack of coherent policy contributed to the *"spill-over"* of the genocide from Rwanda to the DRC. The authorisation of Operation Turquoise which established an *"emergency exit"* for the Hutu "genocidaires"; the evacuation of Rwanda without any provision for monitoring and disarming the "Interahamwe"; and most importantly the control of the refugee camps by the radical Hutus in (the then) Zaire, which facilitated the efforts of these factions to continue their attacks against Rwanda constitute the most striking indications of UN's moral responsibility. Equally the UN did nothing to decrease the security concerns of the neighbouring countries which significantly contributed to the adoption of a *"self-help"* solution by Rwanda which invaded Zaire in order to disperse the source of its insecurity (refugee camps) instead of a "peaceful settlement" according to the UN principles. Hence the UN indirectly contributed to the transformation of a civil conflict into a continental war.

Secondly, the UN bears the moral burden of being inconsistent with its founding principles. More precisely, the DRC (ex-Zaire), an *"equally sovereign"* member of the UN, experienced a severe and repeated violation of almost all of these principles but the UN did nothing to redress this issue. More precisely, the incursion of the Rwandan armed forces (RPA) to disperse the refugee camps, in 1996; the invasion of eight

neighbouring states, in 1998 and the continuous presence of some of them in order to eliminate the rebels situated in the DRC and finally the illegal exploitation of the DRC's natural resources with grave impact for the stabilization of the DRC, all reveal a violation of the state sovereignty of the DRC and the subsequent inaction of the UN to take any substantial response.

Finally, the UN is morally responsible for the scope of the peacekeeping mission in the DRC (MONUC), which was at least inadequate. Initially the deployment of the first peacekeepers was limited if we take into consideration the vastness of the country and the complexity of the conflict while this came too late. Additionally, MONUC, until 2003, was a duplication of former peacekeeping operations reproducing the chronic and structural inefficiencies of UN peacekeeping missions. Finally there are reported instances were the UN, and its representatives (peacekeepers) contributed to the escalation of the humanitarian situation in the DRC, such as the fall of Bukavu and the allegations against blue helmets for sexual misconduct. In brief, the UN's inaction and lack of a coherent policy, generally on the Great Lakes region, and in the DRC in particular, directly or indirectly contributed the perpetuation of the conflict with obvious consequences for the international peace and stability.

The concluding proposition of this study is that the notions of responsibility, morality and ethics are necessary for the study of international politics. This dissertation takes as granted that a rudimentary concept of international society exists. The primary threat that every society faces is to vanish. In this context, the survival and the peaceful continuation of any society constitute the central objectives of any society and this explains the rationale behind the evolution of the international society from the "state of nature". Responsibility, morality, and ethics are very important for the fulfilment of this objective, as long as they function as a "safety net" against potential threats for the survival of this society. The instrumental argument put forward by the analysis is that responsibility, justice, morality, are all complementary features that characterise a society, function as a "least common denominator" of acceptable societal behaviour and provide predictability in the future. As Walsh (1970:13) brilliantly put it, the quest for moral responsibility symbolizes the "[…] exercise of moral pressure […] [which] is part of an elaborate system by which society tries to protect itself against undesirable forms of behaviour". This might explicate why it is so important for the survival of the international society to ascribe responsibilities to the most powerful and central actors of contemporary international politics, that is organizations, multinational corporations, and NGOs. Because by this way we establish a set of expectations for their future behaviour and they become accountable if they fail to do so.

Furthermore, assigning moral responsibility to the UN is even more important because it is the *"collective of the collectives"* and most significantly it is the guardian of this society. It is absurd to talk about the existence of an "international society" without having expectations from its central representative, namely the UN. Alternatively put, if an international society exists, then we need an international institution to act as a guarantor of its central norms and to be accountable for upholding these norms[1]. Indeed the UN was historically founded on the will to establish an international body that will act as a guardian against new holocausts.

The quest for moral responsibility of collective international bodies today is necessary and has very important practical implications. Enquiries related to the UN moral responsibility, guarantee the efficient prevention of new holocausts or genocides in the future. Indeed the UN was primarily founded on the slogan *"Never Again".* Thus the theoretical engagement with this field has some very tangible and humanitarian implications. *The critical stance towards the UN, adopted in this dissertation, is a constructive critique which has as primary objective the more efficient functioning of the UN in the future.* It is a firm belief of this dissertation that the case-study of the Congolese conflict reasserts the

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[1] I am very grateful to Dr. Marie Breen Smyth for this point.

primary hypothesis that the UN can be held morally accountable for its actions and omissions.

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<u>Abbreviation List</u>

AFDL   Alliance des Forces Democratiques pour la Liberation du Congo (Kabila's Rebel group: 1996-1997).

DRC   Democratic Republic of the Congo.

FAR   Rwandan Armed Forces (Former Rwandan Armed Froces that took part in the Rwandan Genocide-1994).

FAZ   Forces Armees Zairoises (Mobutu regime's military).

ICJ   International Court of Justice

JMC   Joint Military Commission (The designated from Lusaka Ceasefire Agreement to observe the disengagement plan and the   cease-fire).

MLC   Movement for the Liberation of the Congo (Ugandan-backed rebel group)

MONUC   Mission de l' Organization des Nations Unies en Republique Democratique du Congo.

RCD   Rassemblement Congolais pour la Democratie (or the Congolese Rally for Democracy).

RPA   Rwandan Patriotic Army (The Army of Rwanda).

UN   United Nations.

UNHCR   United Nations High Commissioner for Refugees

UNSC   United Nations Security Council