

“Stop Looking the Other Way”
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In 1997, while working on my PhD on ethnic cleansing, I spent months trying to interview Serbian paramilitaries. Given the threat of international war crimes investigations, however, few were willing to meet with me. Yet in most of today’s conflict zones, the long arm of international justice is hardly perceptible, and war crimes suspects have little to fear. I’ve just returned from the Republic of Congo, where thousands of victims will not see their tormentors prosecuted anytime soon. It took me only 24 hours to arrange dozens of interviews with ex-militias. With no war crimes investigators to fear, veterans are happy to chat.

“What kind of militiamen would you like?” asked Stephane Rostiaux of the UN-affiliated International Office of Migration (IOM). “Cobras, Ninjas, Cocoyes? Perhaps a few of each?” After taking my order, Mr. Rostiaux made some calls. “The guys will be here at 9 am tomorrow” he promised.

The Congo is always confused with its larger neighbor, the former Zaire, now the Democratic Republic of Congo (it, too, is in crisis - more than 10 million people face death from starvation and disease exacerbated by civil war). In Brazzaville, capital of the smaller Congo, Mr. Rostiaux’s office runs a rehabilitation program for veterans of the country’s civil wars, giving cash to former militiamen who turn in a weapon and invest the money in small businesses. Some 6,000 have already benefitted, setting up shop as carpenters, petty merchants, or small farmers.

Payments are \$300 (U.S.), a decent sum in local terms.

The idea, Mr. Rostiaux explains, is to help consolidate Congo's 1999 peace accord by giving ex-gunmen a stake in stability. "If they have something to lose," he said, "they won't take up arms again." The rehabilitation fund is temporarily dry, but Rostiaux hopes to eventually fund some 20,000 men. International donors view the scheme as a success.

When elections triggered political tensions in the early 1990s, none of Congo's top politicians trusted the army, turning instead to neighborhood gangs for security. When fighting erupted in 1993, 1997, and 1998, leaders distributed guns and sent poorly educated youths to war. Military training was rarely available. "It takes only five minutes to become a fighter," one ex-militia explained confidently. "You just point the gun and spray."

The Ninjas fought for former prime minister Bernard Kolelas, the Cocoyes for former president Pascal Lissouba, and the Cobras worked for the victorious president, Denis Sassou-Nguesso. Mr. Kolelas and Mr. Lissouba fled into exile, while Mr. Sassou-Nguesso now rules with the help of Angolan troops.

Congo's battles became increasingly brutal affairs. The 1998-99 round was the worst in years, forcing 800,000 civilians into the forests and killing more than 10,000 - shocking figures for a country of only 2.7 million.

Eventually, the militias ran amuck, raping thousands of women and pillaging civilian property. Today, Brazzaville's downtown is largely in ruins, as are other Congolese towns. Although there

was an ethnic coloring to each militia, the fighters often pillaged their own people. “It was their contribution to the war effort,” one ex-Cobra casually explained.

Le Commissaire, a former Ninja commander, said fighters raped women because “they had been in the bush for a long time.” His men were not rapists, he said, but he did once supply women to an allied militia. “The men paid and wore condoms,” Le Commissaire reassured me, “and the women needed the money.”

Le Japonais, an ex-Cocoye chief, explains that his men looted because they needed food and ammunition. “I had guns but no salary,” he says, “so I had no choice.” At that, a rehabilitation official laughs, reminding Le Japonais that he “was a king during the war. Everyone kissed your feet!” The former militia commander smiled wistfully. “True, we were rich during the war. We took what we needed.”

For Congo’s politicians, the stakes were high. The country is desperately poor, but its off-shore oil fields produce an estimated \$100 million (U.S.) a month. The President’s office controls the oil money, using it to pay for over 80 percent of the state’s budget. There is no private sector to speak of, and political rule is the only way to accumulate real resources.

Until 1991, Congo was run by Mr. Sassou-Nguesso, leader of the country’s sole political party. When Western powers urged Congo to democratize, however, Mr. Sassou-Nguesso lost control, triggering an intermittent three-way struggle. Elections were interspersed with gunfights as leaders jockeyed for position, but Mr. Sassou-Nguesso reconsolidated his power in 1999.

The Ninjas and Cocoyes surrendered, and the general generously granted an amnesty to all ex-fighters. What, however, about justice? “Sassou and his men get the oil money,” one U.S. aid worker says bitterly, “and the militiamen get international grants. The thousands of women they raped, however, get nothing.”

The international community has no plans to investigate war crimes in Congo, although local U.N. officials do raise human rights concerns. However, their main agenda is to consolidate the peace, and paying ex-fighters to keep quiet is central to that effort. Donor guidelines prohibit giving funds to suspected war criminals, but officials have no way of screening grantees.

“It is important there be no impunity,” says William Paton, chief of UN operations in Congo. But that’s exactly what the country now has. Politicians handed out guns like candy and then watched as militias tore the country apart. If investigations were to begin today, Congo’s war might reignite.

But what of impunity’s long-term effects? In Congo, politics are dominated by powerful patrons and their men; former warlords are now government ministers, using oil money to reward supporters. If Congo’s peasants and urban poor see that violence pays, will they ever find the courage to challenge the system?

Perhaps the West cares only about keeping Congo’s oil flowing through the right hands. There are rumors that Elf, the French company that dominated Congo’s oil business (now merged with

the Belgian company TotalFina) got involved in Congo's wars to protect its investments.

"The real investigation should be into Elf and whether this was a war for profit," a British human rights lawyer says. "Were the militias doing Elf's bidding?" Without an investigation, we'll never know.

My evenings in Brazzaville were spent watching CNN reports on the arrest of Serbian leader Slobodan Milosevic for Kosovo war crimes. My days, by contrast, were spent in Congo's UN compound, interviewing ex-militias. Some were as brutal as anything Serbia could serve up, but they had no fear of international prosecution. The world's double standard was striking.

If it is ever to be effective, international justice cannot be haphazard. The international criminal court, which will be established in the near future (with Canadian support, over U.S. objections), offers one possible solution. There, victims will be able to pursue justice on their own behalf.

When the international court begins working, however, Congo's militias still need not fear. The court's jurisdiction will not be retroactive.

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