

# International Court of Justice – Research Report I

## Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda)

**GROUP A** – Democratic Republic of the Congo (Prosecution)

**GROUP B** – Uganda (Defendants)

All members of the court should be aware that the starting date of the mock court is the **19<sup>th</sup> of December 2005**, consequently any material or evidence brought to the court that is subsequent to the starting date must be pre-approved by the presidency to account as presentable, otherwise will be dismissed. All applicable events and timeline of the court case are up to the presidency's judgement.

### Introduction to the Topic:

On the 23<sup>rd</sup> of June 1999, the Democratic Republic of Congo (DRC) filed in the Registry of the Court Applications instituting proceedings against Burundi, Uganda and Rwanda, due to “acts of armed aggression committed . . . in flagrant breach of the United Nations Charter and of the Charter of the Organization of African Unity”, based over violations of state sovereignty, international law, and humanitarian rights. Furthermore, the DRC filed for reparations for intentional actions of destruction and looting, and the restitution of national property and resources to benefit the respondent states. Although instituting proceedings against Burundi and Rwanda with the multiple legal bases, which would be built around human rights violations including unlawful acts against the civilians, the DRC informed the court on the 15 January of 2001 that it would be discontinuing the proceedings against the two countries, therefore the two cases were removed from the list on 30 January 2001.

Involved nations in the Second Congo war, a key event in the DRC case against Uganda:

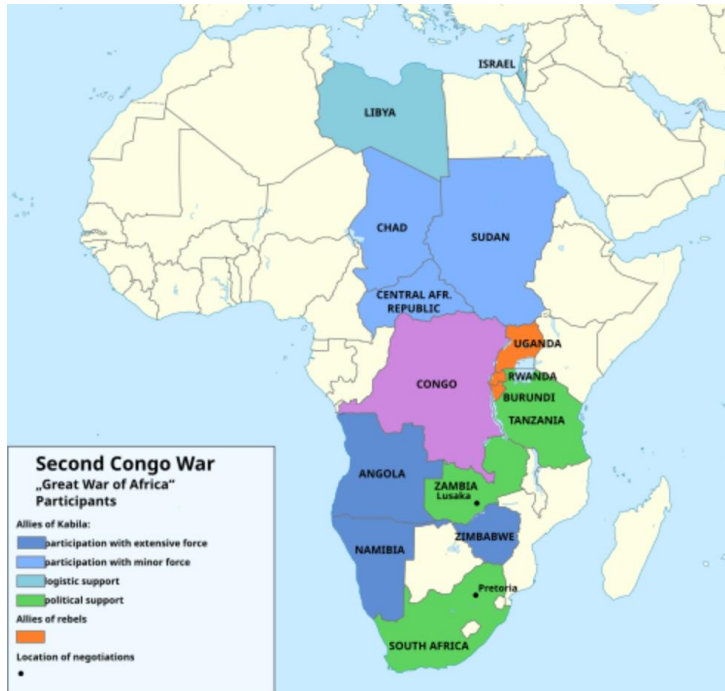


Figure 1.1- Wikipedia. (2024, December 22). Second Congo War. Retrieved from: [https://en.wikipedia.org/wiki/Second\\_Congo\\_War](https://en.wikipedia.org/wiki/Second_Congo_War)

In Uganda’s case, on the 19<sup>th</sup> of June 2000, the DRC filed a request to the Court to put a stop to all military activity and violations of human rights and of the sovereignty of the DRC by Uganda. The acts that Uganda was accused of were:

- Violating the DRC sovereignty by placing unauthorized military forces within DRC.
- Committing multiple human rights violations.
- Exploiting the DRC natural resources.

The reasoning Uganda presented to such actions was that armed groups such as Allied Democratic Forces (ADF) were using the northeastern area of DRC land to serve as their physical base for their attacks on Ugandan territory. Following the request that the DRC filed to the Court, on the 1<sup>st</sup> of July 2000, the Court ordered both parties to stop and avoid any further armed action which possibly could prejudice the rights of another nation in this conflict or provoke even a bigger conflict to break out.



Figure 1.2 - The Uturi region of DRC (Mutro, M; Odermatt, P; Salieb-Beugelaar, G. (2021, December). Epidemiology of *Schistosoma mansoni* infection in Ituri Province, north-eastern Democratic Republic of Congo. Retrieved from: [https://www.researchgate.net/figure/Study-site-Ituri-province-map-in-the-north-eastern-of-DRC-Map-of-the-north-eastern-of\\_fig1\\_356747646](https://www.researchgate.net/figure/Study-site-Ituri-province-map-in-the-north-eastern-of-DRC-Map-of-the-north-eastern-of_fig1_356747646))

The Court made its judgment on the 19<sup>th</sup> of December of 2005, based on the materials provided by the states, with the following decisions:

- The DRC had not consented to the presence of Ugandan troops on its territory.
- The rejection of Uganda's claim that its use of force, where not covered by consent, was an exercise of self-defense.

## **Background Information:**

### **Key historical events leading to the issue:**

The 1994 Rwandan Genocide sparked tensions between ethnical groups and caused over one million refugees to go into eastern DRC. Additionally, it caused Militant groups such as the Interahamwe (Hutu extremist militias) to use the DRC's territory as a base for further violent actions.

The First Congo war which was led by the allied states of Uganda and Rwanda, which caused increased tension as Uganda's occupation of northeastern Congo became driven by economic interests, particularly natural resource extraction, mainly gold, diamond and timber.

### **Long-standing challenges or patterns:**

The region has faced repeating patterns of ethnic tensions between multiple groups, an instance of this being the conflict between Hema and Lendu communities in Ituri, which was caused by the Ugandan support for the Hema.

Armed militant groups were exploiting the region's long-lasting instability, which was used for Uganda's security justification.

The UN struggled to respond to situations effectively and frameworks, which were established regionally, failed to prevent both violence and interventions from foreign states.

### **Recent Developments:**

Firstly, in 2002 in Luanda, Angola, a peace agreement was signed between the two nations, bringing a ceasefire to the territory and an informal end to the Second Congo War, getting a step closer to regional peace. Prior to this agreement, in 2001, former president of the DRC, Laurent-Désiré Kabila, was assassinated, and reliable sources state that a coup was attempted. Later, by a vote in the parliament, the person who came to succeed Kabila was his son, Joseph Kabila. After the new DRC leader met with Rwanda's president, both states and several rebel groups agreed to initiate a pullout plan. They began removing their military personnel from the front lines. Many believe this was achieved by the change in presidency in the DRC government.

### **Focus of the Debate:**

#### **Democratic Republic of Congo (Prosecution):**

- Sovereignty and security – what creates the legal justification for the military intervention in another sovereign state, and how can it be balanced with cross-border security concerns?
- Human rights and accountability – if there were human rights violations committed by a state, the state should be held accountable for their actions.
- Justice for impact - What mechanisms can be put in place to both repair all, if any, damage done to the social or economic state of the nation and prevent similar actions from happening in the future?

#### **Uganda (Defendants):**

- Security concerns and self-defense – justification of acts caused by threats from militant groups.
- Shared responsibility for the instability of the region – the failure of established frameworks to maintain control over the rebel groups.
- Economic justifications for resource exploitation claims – resource use was aimed to combat militant groups and securing supply chains that were disturbed by the militant groups.

## Parties Involved:

**DRC** – the state which filed the case, arguing that Uganda’s military forces’ intervention violated its sovereignty, caused human suffering for the DRC’s people and had deprived the country of access to their natural resources, to benefit themselves.

**Uganda** – the defendant, arguing that its actions were purely motivated by safety concerns for the nation, caused by the presence of militant groups located in the northeastern region of the DRC.

**Rwanda and Burundi** – two of the three original defenders in the case. Both nations were removed from the case by the prosecutor’s will.

**Non-state militant groups** – rebel groups such as ADF, which originated in Uganda and was its primary justification for the case. Additionally, groups such as MLC and other local militias, including Hema and Lendu groups in Ituri, were directly, or indirectly, supported by foreign powers like Uganda and Rwanda.

## Past UN Actions:

On the 30<sup>th</sup> of November of 1999, resolution 1279 of the Security Council passed, which formed an organization named MONUC, which would have aims of controlling and maintaining the ceasefire agreement between the involved parties. The UN would later increase the number of tasks for MONUC. This was done by the deployment of a maximum of 90 UN officers from other countries.

The passing of Resolution 1304 demanded Uganda, Rwanda and non-state militant groups to completely remove all their forces from Kisangani. This was the region of the DRC that Uganda used as its justification for the conflict. The resolution also acknowledged Uganda and Rwanda guilt in violating the sovereignty and territorial integrity of the DRC. Additionally, the resolution called for a ceasefire agreement in order to demilitarize Kisangani, more importantly the civilian areas.

On the 21<sup>st</sup> of June 2017 Resolution 2360 was passed, which stressed the importance of protecting the DRC civilians from crimes against humanity and war crimes with the forces of the DRC. Furthermore, the resolution also condemned the killing of civilians in the regions of Beni and Kasai.

## Glossary and Key Terms:

- **ADF** - Long-standing insurgent group with Ugandan roots that is currently operating in eastern Democratic Republic of the Congo (DRC). (CSIS)
- **Militia** - a military force that engages in rebel or terrorist activities in opposition to a regular army. (Oxford dictionary).
- **MLC** - (Movement for the Liberation of Congo) was the main opposition party in the Democratic Republic of the Congo (DRC). (UNHCR)
- **Sovereignty** - States' independence and authority to govern their domestic jurisdiction, subject to their international law obligations by virtue of customary international law and the treaties they have ratified. (United Nations Network on Immigration).

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