



Africa

September-October 2010

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AROUND AFRICA

IS DIGITAL!

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Kenya: Rebirth of a Nation

By Sr. Maura Browne, SND

On August 4th the People of Kenya spoke with a thunderous voice as they went to the polls to ratify their new Constitution. In the words of President Kibaki the Nation was “truly reborn”. Kenyans celebrated the historic referendum with 68 percent voting “yes” and only 32 percent voting “no” to approve the new constitution.

This is a major milestone for Kenya. The real work of growing and maturing starts immediately and Kenyans are at a good point to begin putting the words into action as they enact new laws and change previous ways of doing business. All must be accomplished in the next two years before the next Presidential elections take place.

Parliament will bear responsibility of ensuring that the new Constitution is implemented effectively and offering leadership for the process. It needs to roll out a large number of bills that will aid the implementation process.

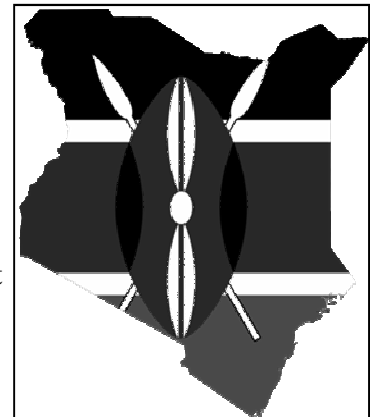
The Draft Constitution has 18 chapters and 264 articles. It introduces important norms, values and principles that could potentially transform the Kenyan polity from one based on politicians to one based on the rule of law and committed to accountability and responsible leadership.

After the elections of 2012 when the new constitution will be the law of the land, decisions will be made at the local level. Power currently concentrated in the central government will be devolved to elected county governments and the centrally controlled provinces will cease to exist.

The wording of prohibitions on abortion and provision for retaining the Khadi Islamic courts were controversial for most of the Christian Churches prior to August 4th. However, during the implementation phase, one of the thorniest issues will be that of land ownership and use. Kenya's history has demonstrated that land issues have always generated the greatest degree of tension and violence and there are still a host of land related grievances to be addressed. The new Constitution calls for the formation of a Land Commission which will investigate present and historical land injustices and develop proposals for redressing them.

Benefits for the People of Kenya

Many of the undisputed gains for the people of Kenya include:



Kenyan Flag

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(“KENYA” Continued from page 1)

- An assertion of the sovereignty of the people of Kenya and the supremacy of the Constitution (Article 1);
- Clear provisions regarding citizenship, including women’s full citizenship as well as dual citizenship (Chapter 3);
- Provisions on national values and principles of governance (Article 10);
- Guarantees of political rights including for the first time, Freedom of the Media (Article 34) and Access to Information (Article 35);
- Clear provisions, for the first time, on socio-economic rights, particularly the rights to health, housing and social security, among others (Article 43);
- Clear provisions regarding leadership and integrity to ensure accountable and quality leadership (Chapter 6);
- Clear provisions enhancing the representation of women and persons with disabilities (Articles 97 and 98);
- Clear separation of powers between the Executive and the Legislature (Chapters 8 and 9);

- The requirement that Cabinet Ministers shall not be Members of Parliament (Article 152 (3)) which boosts the separation of powers between the Executive and Legislature;
- A reduction of the size of cabinet to between 14 and 22 posts (Article 152 (1) (d));
- The right to recall non-performing Members of Parliament (Article 104);
- The right of Kenyans to petition parliament to enact, amend or repeal any legislation, including Constitutional amendments (Article 119);
- Provisions for a Commission on Revenue Allocation to ensure that resources are shared equitably in Kenya (Article 216).

Source: Kenya Human Rights Commission: (<http://www.khrc.or.ke/>)

On August 4th Kenya was “reborn” and during the next two years will face the challenge of growing and maturing into the new nation called for in the new constitution. The rest of us are called to support these efforts and to encourage our governments to support and not interfere with the process.

Principles of the New Constitution

- The **principle of separation of powers** which ensures that each of the three arms of government is free from undue influence from the two other arms to enable the independent execution of their respective functions;
- The **principle of checks and balances** that ensures that each of the three arms of government is capable of checking actual or potential excesses of any of the other two arms;
- The **principle of constitutionalism** which promotes adherence to and respect for rule of law as opposed to rule by the arbitrary judgment or whim of public officials. It requires that all government actions and activities be limited by the Constitution;
- The **principle of judicial review** which gives the judiciary the power to determine whether actions taken by the government are in consistent with or in violation of the Constitution, and to declare any such actions uncon-

- stitutional, illegal, null, and void;
- The **principle of devolution** where certain powers are devolved from the central government to smaller units so as to providing people in these smaller units with more freedom to govern themselves;
- The **principles of public service and professionalism** with requirements that holders of public office be properly qualified professionals of unquestionable integrity who must exercise their offices in the best interest of the public;
- The **promotion of the fundamental rights and freedoms** of every individual with specific provisions setting out fundamental freedoms and political and socio-economic rights, as well as the precise extents to which they are protected.

Source: Kenya Human Rights Commission

Kenyan Constitutional Process

Since 1963 the Kenyan people have been governed by the current constitution which was bequeathed to them without their voice or approval at Independence. By contrast, the new constitution has been in the making by

Kenyans for Kenyans since 2002. The process slowed down somewhat in 2005 when the first referendum was defeated by a vote of 57 percent, but picked up in the aftermath of the horrific

(“KENYA” Continued on page 6)

Rwandan Army's Allies' Crimes in Congo: Who is Not Named in the UN Report?

By Bahati Jacques, Policy Analyst

On October 1, 2010, the UN finally released its report about the war crimes, crimes against humanity, major violations of international laws and possibly a genocide committed by Rwandan troops (APR) and its allies, the Rwandan sponsored Congolese rebel group Alliance of Democratic Forces for the Liberation of Congo (AFDL). The report describes bombings, killing by blows of hammers and hoes, shootings, mass graves, dumping bodies in river, the calling of crowds to fake meetings, shooting and killing them as they gather, tying hands and legs before the killing, burning alive and dismembering of Rwandan refugees and Congolese alike. Could Rwandan President Paul Kagame have done this alone without the help of those who are not named in the report? Neocolonialists are equally to blame for the tragedy in Congo, but they serve as judges, critics and arbitrators and were not named in the report.

In 1994, the current president of Rwanda Paul Kagame won the war that ended the Rwandan Tutsi genocide by Hutus. As a result of this war, many Hutu fled and established refugee camps in neighboring Democratic Republic of the Congo. In October 1996 Paul Kagame decided to continue the Hutu hunt down across the border into Congo. This killing mission was not limited to Rwandan Hutu citizens only, but included Congolese of Hutu ethnic background.

The Killing of Rwandan Hutu refugees

It is impossible to determine the exact number of Rwandan refugees killed in Congo. To get a sense of what happened, here are selected excerpts from the UN report.:

“On 1 March 1997, AFDL/APR units killed 11 Rwandan Hutu refugees belonging to religious orders on the Kindu road, around twenty kilometres from Kalima, in the Pangani territory. The victims, eight priests and three nuns, had been refugees in South Kivu since 1994. ... the soldiers beat them to death with sticks. The bodies of the victims were buried at the scene” (paragraph 238).

“Around eight o'clock in the evening on 14 March 1997, after the defeat of the FAZ/ex-FAR/Interahamwe coalition, AFDL/APR soldiers allegedly killed at least 470 refugees in the two camps near Wanie Rukula, in the Ubundu territory. Most of the victims' bodies were dumped in the Luboya River but some were placed in three mass graves” (paragraph 242).

“It was impossible to determine the number of refugees killed by AFDL/APR soldiers in the attacks on the camps

along the Goma to Rutshuru road... From 2 November to 30 November 1996, the people of Kibumba buried 2,087 bodies. Between 30 November 1996 and 26 January 1997, EUB - *Équipe d'urgence de la biodiversité*- buried 1,919 bodies in and around the Kibumba camp” (paragraph 217).

Targeting Congolese Hutu

If Rwandan Hutus were hunted down by the new Rwandan government forces, why were Congolese Hutu selectively targeted? Here is one of the reasons found in the UN report. “Many witnesses have claimed to have spotted a large number of Tutsi Banyarwanda youths who had left Rutshuru territory between 1990 and 1996 among the AFDL/APR soldiers. According to several witnesses, the AFDL/APR soldiers displayed a clear desire for revenge in their massacres of the Hutu Banyarwanda, targeting villages where Tutsis had been persecuted in the past.” (paragraph 273). “The term ‘Banyarwanda’, literally “people from Rwanda”, is used to designate both Hutu and Tutsi populations originating from Rwanda and living in North Kivu. Some are the descendants of peoples of Rwandan origin who settled on the Congolese territory before 1885 and whose Zairian nationality has never been seriously contested. Most Banyarwanda, however, arrived in Congo/Zaire during the colonial era or after the country's independence” (Footnote 107). This footnote explains also in part the killing of Congolese other than Hutu particularly in south Kivu. You are encouraged to read the report. http://www.ohchr.org/Documents/Countries/ZR/DRC_MAPPING_REPORT_FINAL_EN.pdf

The Complicity in Crime

A lot has been written about the United States and the United Kingdom connections to the war in Congo through their unconditional support of the Rwanda government. Although some analysts say that their support is out of guilt for not having done enough to top stop the Rwandan genocide, there is more to the story. The French, US and UK competitions for political and economic interests in the region are a big part of the Congo tragedy.

They are not named in the UN report, but how are they connected to the crimes?

The West's race for resources and influence in Africa is historically familiar. The Berlin Conference (1884-1885) was about settling such conflicts by allocating sovereign African nations among European powers. It was in Berlin where the Congo was “given” to Belgium's King Leopold II. After independence, the strategy to control resources changed.

(“RWANDA” continued on page 5)

Democratic Republic of Congo: A Season of Hope

By Rev. Doug Smith, Development Associate., Church World Services

Wrinkled and hard, the woman looked 70; I did not know her age, only that she was a native of Bunia, the beleaguered city in the eastern Congo terrorized by rebels and its own nation's army in recent years. I met her in Mbandaka, the provincial capital of Equateur Province a thousand miles from her first home. After returning to Bunia and finding that none of her family had survived and nothing else to hold her there, she had fled a second time to Mbandaka.

She represented the truth that I would have to contend with and describe on my return to the States. I met her the last night of my two month stay this summer in Mbandaka. Countless times prior to the trip I had been asked about the risk of revisiting the place I had lived for two years from 1969 to 1971. My response had become something like a tape replayed again and again: Mbandaka was far from the troubles in the eastern Congo and relatively unaffected.

Over the last fifty years since independence as a new nation free of Belgian colonial rule, most of the violent conflict has occurred in the mineral producing areas of the country. In 1969 there were reports of combat in the Eastern Congo with its array of rare minerals as well as gold. And the rebel armies in Katanga battled the national army over control of the Province's copper mines. But Equateur Province lacks mineral reserves and its relative poverty seemed to create a safe haven from the conflicts bedeviling other areas of the country, the East particularly.

The Hutu refugees who had made it all the way from the East to Mbandaka following Tutsi Paul Kagame's rise to power in 1994 in Rwanda had sought refuge in Equateur Province. They managed to live off the fertile land of the Province and survive until the march of the Rwandan troops supporting Laurent Desire Kabila's persistent ambition to rule Congo. These Tutsi soldiers made it to Mbandaka and executed every Hutu they could find in the area. On Oct 1st, the United Nations finally released a report stating that Rwandan Paul Kagame's army committed crimes against humanity, war crimes and possibly a genocide against the Hutu on the Congolese territory.

Kabila's Tutsi backers stayed three days before descending the River on their way to Kinshasa in the final days of the Mobutu dictatorship. A prominent church leader told me the soldiers ordered all residents to stay in their homes while they searched for provisions and wreaked revenge. Hutu men, women and children were found, lined up and shot with a single bullet. "They weren't worth wasting ammunition on" my informant reported they had told their captives.

The man's account confirmed journalist Howard French's reports at the time (see his *A Continent for the Taking*) of Tutsi forces massacring Hutus in the Mbandaka area. And it convinced me to no longer speak of Mbandaka as insulated from the incessant violence of the eastern Congo. As a guest in the Disciple Church headquarters, surrounded by the church's abundant hospitality, I learned first hand of other occasions when Congo's conflicts had shaken this city of over a million.

On Easter Sunday this year, a rogue rebel group had attacked Mbandaka and worshippers remained in their churches until they could return home under the cover of night. The rapid routing of the rebels by the U.N. troops and the death of a U.N. Ghanaian soldier did not win over the public's favor. Security troops of any description appeared to be met with distrust if not disdain by local Congolese

Twice in the last five years local troops of the Congolese Army have gone on the rampage when they had not been paid. My cook and housekeeper "Papa Jean" lost all of his flock of 50 plus chickens in the latest pillaging. He is not optimistic enough about the current regime to have restocked his coop with even a pair of chickens. Although Kabila's son's administration has made payments to the army a priority, resulting in long delays for salary payment of teachers, medical workers and civil servants, the uncertainty over the elections scheduled for next year prevails.

A jolting revelation during my stay came with Congolese referring to the Mobutu era as the "good old days" compared to the current Kabila regime. Many question the legitimacy of his rule and even the legitimacy of the Presi

("CONGO" Continued on page 6)

Thanks abounding!!!!

Once again we would like to extend a sincere thanks to Allison Burket for the year she spent on staff at AFJN. Allison has moved on to another agency in Washington where her knowledge and skills on food security can be of great use in advocacy. We are sorry to see her go but deeply thank her for her time at AFJN both as an intern and as staff. She was a quick learner and a supportive team member.

Using Art as a Tool to End the Rape Pandemic in the Congo

By Evan Fowler, American University, AFJN Intern

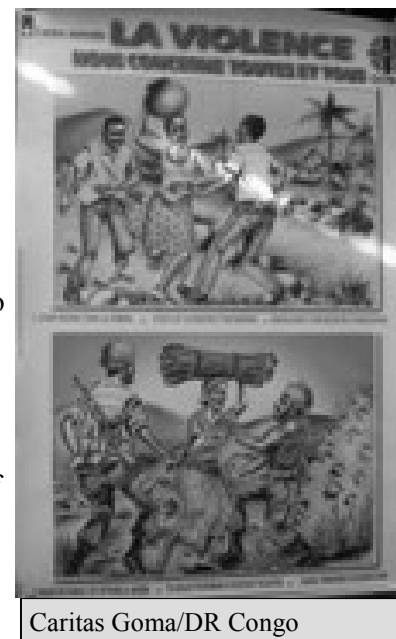
Protecting women is a priority in the Congolese environment of insecurity where women are raped not only by those with guns, but unarmed civilians. Caritas Goma, a charitable ministry of the Catholic Diocese of Goma, in collaboration with other nonprofit organizations, is using art as a tool to fight against the rape pandemic in Democratic Republic of Congo (DRC). They are producing posters designed by Congolese artists to discourage rape through visual representations. The posters are then distributed and displayed in schools, community centers and offices.

Women in the DRC and particularly in the North and South Kivu provinces face the evil of sexual violence every day. In late August at least 300 women were raped in and around Luvungi village and many more cases of rape were reported around the town of Uvira in South Kivu, according to the United Nations peacekeeping mission in the DRC. Members of the rebel group of Mai Mai Cheka and the Democratic Liberation Forces of Rwanda (FDLR) have been identified to be behind the Luvungi attack. The Mai Mai leader, rebel *Mai Mai Cheka*, Lieutenant Colonel Sadoke Kokunda Mayele, was arrested by UN peace keeping forces on Oct 6 in Walikale. The FDLR leader, Callixte Mbarushimana, was arrested in Paris, France and the International Criminal Court (ICC) charged him with war crimes and crimes against humanity “including murder, rape, persecution based on gender and extensive destruction of property committed by the FDLR in 2009.” according to *The Seattle Times*.

These incidents are proof that the war that started in 1996 is not over yet. The list of those committing these crimes is comprised of all kinds of rebel groups, the Congolese army, and many civilians. In the conflict in Congo, rape continues to be used as a weapon of war meant to destroy families, villages and the nation as a whole. These women are defenseless, and promises to protect them have been broken time and time again. The Congolese government is incapable and unwilling to take the measures needed to protect its citizens.

Although the posters used by Caritas are depictions of what women victims of rape experience, they are not close to telling the horror that the victims go through. On the posters in French, English, and Swahili, the following words are written: “Rape: a crime against humanity,” “Stop! Let us respect the woman,” “To assault the woman is to destroy the nation.” and “Peace.”

We know of the stories of the victims through their testimonies, their physical and mental wounds, films and pictures that make a di-



Caritas Goma/DR Congo

(“USING ART” Continued on page 7

(“RWANDA” Continued from page 3)

Today, the suppression of visionary, civic-minded and nationalist African leaders by repressive African heads of state collaborating with neocolonial interests keeps African societies from freeing themselves from entrenched cycles of war, poverty, corruption and under development. Heads of state like Paul Kagame of Rwanda waging wars against his own people and Congolese citizens have supported neocolonial interests who are eager to maintain chaos and instability throughout Africa and the Great Lakes in particular. Under these conditions of conflict and chaos, colonial interests and powers have a pretext that justifies their continuous presence and exploitation of resources in the region. What would make these powers reconsider their strategy?

The question at hand is how to expose, oppose and eradicate neocolonialism. We must demand justice for past and

present crimes starting by the crimes that continue to take place in Congo. If the US and the UK sign off on the creation of a court to try Kagame and his allies for their crimes in Congo as the UN Report suggests, who else may be exposed in the proceedings?

Thus, Africa Faith and Justice Network (AFJN) calls upon its members and all people concerned about Africa to stand behind the aspirations of the African people for peace, justice, prosperity and full independence by breaking the chains of neocolonialism. We call upon President Barack Obama to set the tone for the end of neocolonialism by taking concrete steps necessary to promote a new US-Africa partnership rooted in equal respect, reconciliation of past injustices and an end to support of regimes in Africa that are neither accountable nor responsive to the economic and social aspirations of their societies. The Congo tragedy is one of the many faces of neocolonialism in today’s Africa.

(“CONGO” continued from page 4)

dent’s claim to be a citizen of Congo. There is frequent reference to the young President Kabila having served in the security forces of both Rwanda and Uganda.

The question of whether the election will in fact take place is now giving way to whether President Kabila will be forced by the U.N. presence to relinquish control of the process to impartial overseers. Although the U.N. troops in Congo represent the largest peacekeeping force in the world today, their record of guaranteeing a fair election in the country is not encouraging. But Congolese are talking politics more openly and there is unrestrained opposition to the current rule, a notable change from 1971 at the height of Mobutu’s power.

The truth represented by the woman from Bunia had become undeniable by the time I met her the last night in Mbandaka. I had come to the realization that the entire nation has been gripped and held in check by the foreign exploitation of this richest store house of natural resources in Africa and perhaps anywhere else on the earth. That the Congo holds such incomparable wealth seems to be another

fact which some people would like to remain in the darkness.

Perhaps an even more important and relevant truth about the country as one seeks to influence the march of justice in Congo is that the incessant and unrestrained exploitation of Congo by foreigners did not begin with King Leopold’s creation of the Congo Free State in 1885. We have to go back to the Portuguese slavers trading at the mouth of the Congo River early in the 1500’s as setting the pattern for the horrors visited today on the people of the Congo.

And the more important and relevant truth about the woman from Bunia is that she has taken another name for herself as a displaced person living in Mbandaka today. She has replaced the name given her by her family and given herself a name which suggests what has kept her going through all her losses and the brutality she has suffered. She is now introduced as Marie Catherine Sauve Vie or Marie Catherine “who has saved her life”. Strange to say, she may be the clearest sign I received during my stay that God has certainly not finished with Congo yet.

Prayer for Peace in Sudan

In preparation for the January 9, 2011 referendum in Sudan AFJN joins Catholic Relief Services (CRS) and the United States Conference of Catholic Bishops (USCCB) in the 101 days of prayer for peaceful referendum in Sudan. For more visit www.peaceinsudan.org

A Word of Thanks

AFJN would also like to acknowledge, thank and wish a safe journey to Fr. Joseph Sjeff Donders, Missionary of Africa, who will be leaving Washington after many years to return to the Netherlands. He came to Washington after many years of service in Kenya to become the first director of AFJN in 1984, setting the pace which we attempt to keep today. He initiated this very newsletter, Around Africa, where his research and understanding became the beginnings of our analysis and advocacy. We owe Sjeff a world of thanks. Ahsante Sana!

(“KENYA” continued from page 2)

post election violence of 2007 and 2008.

The National Accord and Reconciliation Agreement, of 28 February 2008 called for the drafting of a new constitution within a two year period and stipulated a three stage process culminating in the constitutional referendum which was held on August 4th.

The first stage involved the identification of contentious issues and a consultation process which would invite submissions from the public, as well as the preparation of a harmonized draft constitution by a Committee of Experts (CoE). Over one million people reportedly submitted views to the CoE for inclusion in the draft.

The second stage involved the consideration of the by the Kenyan Parliamentary Select Committee (PSC), which

aimed at achieving political consensus within the coalition government over a draft constitution. In April 2010, the PSC announced that a political compromise had been reached between the two parties in the National Unity Government. The PSC submitted the revisions agreed upon between the political parties to the CoE for incorporation into the Harmonized Draft. The CoE subsequently re-sent the Harmonized Draft to the PSC for the wider consideration of the Kenyan Parliament.

The third stage required the Draft Constitution to be submitted to the Kenyan Attorney General, Amos Wako, for final publication. On 6 May, the Attorney General published the Final Draft Constitution. This set the scene for a constitutional referendum that took place on August 4th.

(*“USING ART” continued from page 5*)

rect allusion to the atrocity of sexual violence committed against them are rare. These posters are an attempt to put a face to the stories of the victims and also a way of spreading the message to the majority of Congolese who are illiterate. Thus, using art in combating rape in Congo is an effective tool.

Art as a means of communication is not foreign to the church. It is a big part of the evangelization toolkit, used to tell the story of salvation through stained glass windows and illuminated manuscripts, frescos, and icons. Today the church of Congo is using art for advocacy and social justice.

Caritas Goma’s use of graphic descriptions to draw atten-

tion to and address the problem of rape in the Congo is hard to ignore. The visually captivating images breaks the distance that separates those directly affected by the violence and those of us who live of miles away from the war zone. Drawn into the eloquent message of these images, we are reminded that all of us are one with these women and are called to stand by them in their plea for justice.

The people of the Congo are addressing the problem of violence against women through their art, as well as other local initiatives. It is our responsibility to use our influence where the people of the Congo have none—with our own state representatives in the House and Senate. With a united front, we can end the rape pandemic in the Congo.

Rape has always been and still is the fate of many women who are caught up in armed conflicts such as those in the Congo, Somalia and Sudan. There are many initiatives with the goal of ending violence against women. In February 2010 a group of lawmakers introduced a bill called “International Violence against women Act of 2010 (IVAWA) H.R 4594/S.2982 to the United States Congress, , but as of now it lacks support. According to the **Congressional Research Service (CRS)**, If passed into law, this legislation would, among other things, allow the US “to coordinate USAID efforts to integrate gender in U.S. foreign assistance programs and policies...to develop a comprehensive five-year strategy for programs to prevent and respond to violence against women and girls in countries with severe levels of such violence...to coordinate efforts to prevent and respond to violence against women and girls internationally into existing foreign assistance programs.” Africa Faith and Justice Network urges all of its members as well as every concerned US citizen to call their Congressional representatives and ask them to cosponsor this bill.

Advocacy on campus: St. Catharine Academy/ New York

On September 17, 2010 St. Catherine Academy in the Bronx hosted a Spanish delegation made of Human Rights activist Mr. Juan Carrero Saralegui and the Spanish Senator Pere Sampol I Mas for a teach-in day . Mr. Carrero was nominated for the 2000 Nobel Prize for Peace for his efforts to denounce genocide in the Great Lakes region of Africa. Spanish Senator, Pere Sampol, is a strong supporter of the Campaign for International Forum for the Truth and Justice in the Great Lakes Region. As a senator, he believes that the Spanish government must get involved in finding solutions to the endless suffering of the people of the Great Lakes.

Mr. Carrero and Senator Sampol came to New York on the occasion of the UN Heads of States General Assembly to demand that UN officials immediately remove Paul Kagame as Co-Chair of the Promoter Group of the Millennium Development Goals (MDGs) because of his criminal

activities in Rwanda and the Congo. This coincided with the leak of a new UN report late August and officially released on Oct 1st, on atrocities committed by the Rwandan army and their allies in the D. R. Congo from 1996-2003.

In collaboration with Basta de Impunidad en Ruanda (End Impunity in Rwanda) based in Spain, Friends of the Congo and others, Africa Faith and Justice Network (AFJN) was able to secure this opportunity as part of our partnership with St. Catherine Academy. AFJN shares the vision of St. Catherine Academy’s leadership to get students involved in learning and addressing all kinds of injustices world wide as part of their training and education package. As future leaders, young people will take up the torch of respect of human rights, peace and justice for all. Our work today is to get them involved now. We encourage students to set up AFJN chapters on their campuses.

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