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Case Study of Armed Activities on the Territory of the Congo (Democratic Republic of The Congo v. Uganda)

PRUDHIVI RENUKA SAI[1]

ABSTRACT

People have always thought about and worked to create spaces where they might be shielded from greater vulnerability and access to the necessities of life to protect themselves from the devastation caused by social and natural calamities. From this point on, man sought to build and organise society following the inherent nature of socialisation. To do this, he entered the stage of systemic life and, based on the tenet of accepting the social contract, created an institution that served as the first pillar of the political system. In times of armed conflict, nations do not have an unfettered freedom to pick their tactics and weapons of war; instead, they are only permitted to employ those that inflict suffering.

This is the first principle of international humanitarian law (IHL), a subset of international law. And second, it protects the lives, health, and dignity of those who have not joined the fight or have stopped their engagement in it. Take civilians, prisoners of war, the injured, and the ill, as examples. By passing laws to do so, humanitarian law aims to stop excessive violence during times of conflict. Yet, the sole focus of humanitarian law is on protecting war victims and minimising their brutality, with no consideration given to the origins of war or its legitimacy.

In this project, the researcher will analyse the case from Uganda's perspective and how it violated international humanitarian principles through its activities. Uganda during its occupation of parts of the Congo, committed acts of violence against civilians, using child soldiers, and plundering natural resources. The Court also held that Uganda was liable for reparations to the Congo, including compensation for damages caused by its violations of International Humanitarian Law.

Keywords: *Humanitarian Law, jus ad bellum, Geneva Conventions.*

I. INTRODUCTION

IHL, usually referred to as the laws of war or the law of armed conflict, is the body of legislation that governs armed conflict and occupation circumstances. As a collection of guidelines and precepts, it seeks to lessen the impacts of armed conflict for humanitarian purposes. At the

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foundation of IHL, humanity stands for the necessity of saving lives, reducing suffering, and treating each person with respect and humanity while war is in progress.

(A) Objective of the Study

The objective of the study is to understand the principles of IHL through the case analysis of armed activities on the territory of the Congo (Democratic Republic of the Congo v. Uganda).

(B) Scope of the study

The scope is limited and restricted to the case of armed activities on the territory of the Congo (Democratic Republic of the Congo v. Uganda).

(C) Significance of the study

The study's significance is to understand the importance of International Humanitarian law in conflicts between countries.

(D) Research Methodology

The researcher has adopted doctrinal, theoretical, and explanatory methodology. The research is based on the following:

- **Primary sources:** Case laws
- **Secondary sources:** Journals, Articles, Papers, and Internet sources

(E) Literature Review

a. *Journal Articles and Papers*

1. ***Gathii, James Thuo. "Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda)."***

This paper talks about the overall analysis of the landmark case of armed activities on the territory of the Congo (Democratic Republic of the Congo v. Uganda). This paper is referred to by the researcher to understand the reference made and the principles used in the judgement.

2. ***Okowa, Phoebe N. "Case Concerning Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v Uganda)."***

This paper talks about the overall analysis of the landmark case of armed activities on the territory of the Congo (democratic republic of the Congo v. Uganda). This paper is referred to by the researcher to understand the reference made and the principles used in the judgement.

b. Websites and other sources

1. International Court of Justice. "Latest Developments: Armed Activities on the Territory

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of the Congo (Democratic Republic of the Congo V. Uganda): International Court of Justice," www.icjcij.org/en/case/116.

2. International Court of Justice. "Latest Developments: United States Diplomatic and Consular Staff in Tehran (United States of America v. Iran): International Court of Justice," www.icj-cij.org/en/case/64.

Democratic Republic of the ***Congo v. Uganda*** is one of the ICJ's most recent precedent-setting decisions. Conflicts between these two nations have been growing for some time now due to this problem.[2] The Congo launched a lawsuit against Uganda and a few other nations in 1999, alleging acts of armed aggression, deliberate destruction of national property, and resource plunder in the ICJ. The clashes were over the DRC province of Ituri, which was being held by armed Ugandans. The DRC first asked that both parties refrain from using any military force throughout this process. Justice International Court.[3]

Uganda's lack of cooperation with the Congo has led the Congo to demand compensation. Because there may have been a human rights violation in another nation, the case is being heard by the ICJ.[4] People's rights are frequently violated by governments both inside and outside of their own country. The ICJ is one of the several international tribunals that govern the world. The process, which includes the appointment of agents, written and oral hearings, and judgements, does not involve an appeals mechanism.

The 15 judges represent several nations and come from a variety of backgrounds since judges cannot be citizens of the same nation. The reason ***Congo v. Uganda*** is being considered here as opposed to by the other regulatory organisations is that the ICJ is intended to resolve disputes between nations. The ***Congo v. Uganda*** case was heard by the ICJ and not by any other regulatory bodies because the ICJ is meant to settle international disputes.[5] In the author's opinion, they are still arguing at the ICJ over the reparations because no disagreement between the two countries has been resolved as a result of the ongoing issues. The author believes there are several grounds for the court to rule in favour of the Congo.

[2] Gathii James Thuo, *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda)*, 101 The American Journal of International Law 142–149 (2007).
[3] Murphy Ray, *Contemporary Challenges to the Implementation of International Humanitarian Law*, 3 *Connections* 99-114 (2004).
[4] Anthony E. Cassimatis, *International Humanitarian Law, International Human Rights Law, and Fragmentation of International Law*, 56 *The International and Comparative Law Quarterly* 623-639 (2007).
[5] Murphy Ray, *Contemporary Challenges to the Implementation of International Humanitarian Law*, 3 *Connections* 99-114 (2004).

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II. PRINCIPLES OF INTERNATIONAL HUMANITARIAN LAW

IHL, usually referred to as the laws of war or the law of armed conflict, is the body of legislation that governs armed conflict and occupation circumstances. As a collection of guidelines and precepts, it seeks to lessen the impacts of armed conflict for humanitarian purposes.[6]

IHL is founded on the following two tenets:[7]

1. Protect those who are not, or are no longer, engaged in hostilities; and
2. The ability of participants in an armed conflict to select their preferred tactics is limited.

IHL operates independently of other laws governing the use of force and is distinct from those laws. This framework is described in the United Nations Charter as the jus ad bellum.[8] It establishes the circumstances in which force may be employed, including self-defence and with UN Security Council approval. Whether or not a side was justified in employing force under the jus ad bellum principles, IHL applies to all parties if there is an armed conflict.[9]

IHL is fundamentally a balance between the need for military force and humanitarian concerns during times of war.[10] At the foundation of IHL, humanity stands for the necessity of saving lives, reducing suffering, and treating each person with respect and humanity while war is in progress. Military necessity, as long as it complies with IHL, is the basis for taking actions required to accomplish a military goal. The history of IHL is untraceable. It is developed from the European Continent, but it is only claimed so. It is also called the rules of war and every war has its own rules. Henry Dunant and Francis Lieber were attracted by social contract theory, and they made what we call today International Humanitarian Law.

Henry Dunant brought two practical measures; one International agreement on a neutrality of medical assistance and second, a permanent establishment for providing medical assistance to sick and wounded people. This came in the year 1863 as ICRC and followed by in the year 1864 the 1st Geneva Convention in august. The convention was adopted based on the principle by John Rousseau, *"War is only between the states. It is not between people. War is no way a relationship between a man and man in which individuals participate by choice or chance and individuals are only enemies by accident as soldiers and not as man."* The soldiers may be

[6] Amelia Diaconescu, *International Humanitarian Law*, 1 Revista Universul Juridic 54-64 (2018).
[7] Anthony E. Cassimatis, *International Humanitarian Law, International Human Rights Law, and Fragmentation of International Law,* 56 *The International and Comparative Law Quarterly* 623-639 (2007).
[8] Fleck Dieter, *International Accountability For Violations Of The 'Ius In Bello': The Impact Of The ICRC Study On Customary International Humanitarian Law*, 11 Journal of Conflict & Security Law 179-199 (2006).
[9] Murphy Ray, *supra* note 4.
[10] Eloisa Newalsing, *Customary International Humanitarian Law*, 21 Leiden Journal of International Law 255-279 (Mar. 2008).

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fought as long as they themselves are fighting, but once they lay down their weapons, their lives must be spared. This is not a rule related to warfare, it is a rule about humanity.

Geneva conventions and Hague conventions together make up the core of IHL. Geneva convention I of 1864 on the wounded and sick was revised in the years 1906, 1926 and 1949. Geneva convention II, 1949 replaced Hague Convention of 1907 for the Adaptation to Maritime Warfare of the Principles of the Geneva Convention. GC II 1899 discussed customs & laws of warfare on land. It had 3 parts. Part 1 talked about protection in naval warfare (at sea). It was also on humanitarian grounds related to protection of shipwrecked at sea. It was revised in 1907 and again in 1929. Geneva Convention III applies to prisoners of war and Geneva Convention IV protects civilians, including those in occupied territory. Geneva Convention IV was enacted based on UDHR only.

Francis Lieber, on the other hand, proposed the labour codes. Abraham Lincoln issued a government order GO.1.0.0. for the code of conduct of armies. He implemented it as an order for immediate implementation. This order was the root cause for the development of various military manuals around the world. The order highlighted 4 primary principles of IHL, which are:

1. Principle of Humanity
2. Principle of Proportionality
3. Principle of Military necessity
4. Principle of Distinction

The code was later developed into Hague Conventions & Military Manuals.

III. CASE ANALYSIS

(A) Background

Initiating legal action against Burundi, Uganda, and Rwanda for acts of armed aggression committed in flagrant breach of the United Nations Charter and of the Charter of the Organization of African Unity since the year 1998, the Democratic Republic of the Congo (DRC) filed applications in the court registry on June 23, 1999.[11] Additionally, DRC claimed that while Uganda was occupying DRC's sovereign territory, it was conducting military and paramilitary operations there and providing financial, logistical, economic, and military support to insurrectionists there who were committing armed aggression against the country's

[11] Gathii James Thuo, *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda)*, 101 The American Journal of International Law 142–149 (2007).

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government.[12] This led to several reports of human rights abuses and violations of humanitarian law. Moreover, Uganda has blatantly misused and exploited the natural resources located on Congolese soil. Congo, therefore, demanded not only an end to the claimed actions but also compensation for intentional acts of damage and theft as well as the return of resources and national property that had been seized for the benefit of the various respondent states.

(B) Facts

Joseph Kabila became the president of the DRC in 1997 with the assistance of Uganda and Rwanda.[13] Then, with the knowledge and consent of the DRC, armed forces from both of the aforementioned nations were present on its sovereign territory. Kabila tried his hardest to get the Ugandan and Rwandan troops out of the DRC, but to no avail. President Laurent-Desire rescinded the DRC's consent of the presence of Rwandan military personnel as the diplomatic relations between Uganda and Rwanda worsened over time.[14] Kabila accused Rwanda and Uganda of invading the DRC on August 8, 1998.

By June 2003, the whole Ugandan troops had left the DRC. Uganda had illegally entered Congolese territory, the DRC said in court. As a result of the DRC's request, Uganda, on the other hand, contested the validity of its soldiers' presence in the DRC up until 1998.[15] In addition, from September 1998 to July 1999, as a deployment for self-defense, and from July 1999 to 2003, with the DRC's authority.[16]

(C) Legal Provisions

CRC Provisions

1. Article 19: Protection from abuse and neglect
2. Article 38: Armed conflicts
3. Optional Protocol on the Involvement of Children in Armed Conflict

Other International Provisions

1. Hague Convention respecting the Laws and Customs of War on Land, Articles 25, 26, 28, 43, 46, and 47

[12] Chandralekha Ghosh, *Case Concerning Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda): Reviewing the Concept of Occupation in International Humanitarian Law*, 19 Student Bar Review 108-117 (2007).
[13] Gathii James Thuo, *supra* Note 10.
[14] *International Court of Justice (ICJ): Case Concerning Armed Activities On The Territory Of The Congo (Democratic Republic Of The Congo V. Rwanda),* 45 International Legal Materials 45, 562-620 (2006).
[15] Innocent Benjamin Ahimbisibwe, *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda* (2005) SUMMARY OF THE CASE.
[16] Gathii James Thuo, *supra* Note 10.

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2. Geneva Conventions: Protection of civilians in times of war (Fourth Convention, Articles 27, 32, 53; First Protocol, Articles 48, 51, 52, 57, 58, and 75)
3. International Covenant on Civil and Political Rights, Article 6: Right to life
4. African Charter on Human and Peoples' Rights, Article 4: Right to Life; Article 5: Protection against Exploitation

(D) Issues and Court Reasoning

a. Consent

1. Whether the DRC withdrew their consent

When did the DRC withdraw its approval for Ugandan troops? is the matter at hand? Until August 1998, the DRC had no issues with the Ugandan army's presence, and it continued to operate along its eastern border. Uganda and the DRC have different ideas on when consent should be revoked. As long as the Ugandan army was not directly mentioned in this declaration, which would take effect on Monday, July 27, 1998, Uganda claimed that consent had not been revoked.[17] The 1998 Security Pact, in which both nations committed to safeguarding their shared border, also binds the DRC. The 1998 Security Protocol must be formally denounced before any permission is withdrawn.

2. Whether the Ugandan forces acted within the consented activities

According to the ICJ, Ugandan soldiers were constrained by the DRC's approval. However, this permission was not unlimited in its scope. The "geographic location and aims" were constrained. Initially, the DRC agreed that Uganda could support or aid the DRC in dealing with insurgents along its eastern border and stop them from operating over the border. DRC agreed to Ugandan military assistance in fighting rebels along the eastern border as a result. So, the purpose and setting were very apparent. Unfortunately, Ugandan soldiers went beyond these agreed-upon goals. The three border towns' airports were taken seized by the Ugandan army.[18]

b. Occupation

1. Whether there is any occupation by Ugandan forces in the DRC

The Democratic Republic of the Congo claimed that Ugandan soldiers had indirectly and physically invaded their area along their eastern border (they have effective but not legally

[17] Brown Chester, *Armed Activities on the Territory of the Congo (New Application: 2002) (Democratic Republic of the Congo v Rwanda) Provisional Measures, Order of 1 July 2002*, 52 The International and Comparative Law Quarterly 782-787 (2003).
[18] Innocent Benjamin Ahimbisibwe, *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda* (2005) SUMMARY OF THE CASE.

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recognised authority over the state). For the ICJ to determine whether a territory is occupied or not, as stated in Article 42 of the Hague Rules of 1907, the area must first come under the control of an enemy force. Second, such power has already been established and is usable.[19]

The court found that Uganda created and used its occupying power status in Ituri to rule there, as well as the establishment of a new province called Ituri and the appointment of its governor. However, because the Congolese rebels' organisations were not under the control of Uganda, Ugandan soldiers did not occupy any of the territories they controlled.

2. Whether Uganda is responsible for the activities of its military forces in the DRC when they acted against Uganda's instructions

The court gave a positive response. Even Uganda contended that because its military had violated the authority assigned to it by the government and disobeyed orders, Uganda should not be held accountable. Nonetheless, the ICJ ruled that Uganda will be responsible for all the actions taken by its troops. According to this, every governmental organ's actions must be considered, even if they go outside their scope of jurisdiction. Uganda is responsible for the actions of both its collective and individual forces.[20] The ICJ found that Uganda had violated its commitments under international law by engaging in acts of exploitation, pillage, and theft of the DRC's natural resources while its soldiers were there under Article 43 of the Hague Regulations of 1907..

3. Whether Uganda is responsible for activities of non-state actors in Ugandan-occupied territory

IHRL and IHL were deemed to have been broken by Uganda. In the Uganda-occupied area, there was little supervision to stop rebels and private individuals from violating IHRL and IHL. The ICJ ruled that Uganda had violated its responsibilities by failing to take the necessary steps to stop private individuals from stealing, exploiting, and looting the natural resources of Ituri.

c. Use of Force, Non-Intervention, and Self Defense

1. Did Uganda have a right to self-defence against the DRC?

According to the court, the violent actions performed by the Ugandan military in August 1998 and between September 11, 1998, and July 10, 1999, cannot be justified by the need for self-defence. Since August 7, 1998, there have been many unauthorised and illegal military incursions into the DRC's sovereign territory, giving rise to the DRC's right to self-defence

[19] *Id.*
[20] Gathii James Thuo, *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda)*, 101 The American Journal of International Law 142–149 (2007).

against Ugandan military incursions. Uganda should have satisfied the requirements outlined in Article 51 of the UN Charter to exercise self-defence, but it did not since, to start with, the DRC did not launch an armed attack on Uganda.[21] Second, Article 51 does not permit Uganda's claim that the military advance was a precautionary security measure. Because using force outside of national borders was prohibited. Finally, Uganda failed to present the Security Council with the scenario it believed required preventive security measures.

2. Did Uganda violate the prohibition on non-intervention?

The court determined that Uganda's acts amounted to illegal military intervention even though Uganda's goal was to defend towns and airbases due to its perceived security concern. The court concluded that Uganda was responsible for the massive magnitude and duration of the illegal military intervention, which constituted a significant violation of the UN Charter's Article 2(4) ban against the use of force.[22]

3. Uganda's responsibility for violations by its armed forces?

As previously mentioned, the court already found the Ugandan Armed Forces accountable for several IHL and IHRL violations in the DRC. For this, Uganda was to be held accountable for the actions of its organs as a state. The court did not consider Uganda's claims that its armed troops were defying orders, exceeding their authority, and not acting in their role as Uganda's representatives. As per IHL, parties to armed conflict are accountable for the activities of those who make up their armed forces.

4. Did International Human Rights Law govern the conduct of Uganda's armed forces?

The court determined that Uganda was responsible for its military forces' failure to exercise due caution and care in preventing violations of international human rights law and IHL. The synchronicity of information from reliable sources that the court deemed adequate to prove that Ugandan military forces had gravely violated both international human rights law and IHL while conducting the arraignment at this point was taken into consideration.[23] In addition, the court ruled that there was ample, trustworthy evidence to show that Uganda's military forces had failed to safeguard civilian life and distinguish between combatants and civilians.

d. <u>The exploitation of illegal resources</u>

[21] Dino Kritsiotis, *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda): Provisional Measures*, 50 International and Comparative Law Quarterly 662-670 (July 2001).
[22] Okowa Phoebe N., *Case Concerning Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v Uganda),* 55 The International and Comparative Law Quarterly 742-753 (2006).
[23] Fleck Dieter, *International Accountability For Violations Of The 'Ius In Bello': The Impact Of The ICRC Study On Customary International Humanitarian Law*, 11 Journal of Conflict & Security Law 179-199 (2006).

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1. The issue before the court is whether Uganda should be held responsible for the illegal exploitation of the DRC's natural resources.

The court stated that it had credible and convincing evidence to support its finding that Uganda People's Defense Force soldiers were responsible for rampantly looting, plundering, and exploiting natural resources in the Democratic Republic of the Congo and that high-ranking officials had failed to take any action to stop this behaviour. The ICJ found that Uganda was responsible for the following:[24]

1) acts of looting, plundering, and exploitation of the DRC's natural resources committed by UPDF members on DRC territory;
2) its failure to take action to stop these acts;
3) its violation of its duty of vigilance concerning these acts; and
4) its failure to uphold its obligations as an occupying power in the area.

IV. CONCLUSION

The court's ruling in Democratic Republic of the ***Congo v. Uganda*** missed the chance to clarify the issues in the Nicaragua case. In this instance, the court determined that there was insufficient evidence to support the Congolese government's involvement in direct or indirect attacks on Ugandan territory.[25] The court noted that such attacks were not carried out by armed groups or irregulars deployed by or acting on behalf of the government of the Congo. As a result, the Congo and its government cannot be held responsible for such acts. The court continued by stating that Uganda does not have the right to self-defence as a result of the relevant legal and factual conditions.

It did not address the increasingly crucial concern of whether one could defend oneself from an armed attack by a non-state actor as opposed to another state. In modern times, the critique that follows is far more pertinent. States are always on guard to safeguard themselves as a result of the growth in international terrorism.[26] An illustration of such a situation would be airstrikes carried out by India on Pakistani land as a preventative step to protect its nation from terrorists hiding on the other side of the border.

"On February 9, 2022, the court handed down its decision about reparations, awarded

[24] Jayantha Dhanapala, *ICRC International Humanitarian Law*, 15 Sri Lanka Journal of International Law 7-10 (2003).
[25] Fleck Dieter, *International Accountability For Violations Of The 'Ius In Bello': The Impact Of The ICRC Study On Customary International Humanitarian Law*, 11 Journal of Conflict & Security Law 179-199 (2006).
[26] Dino Kritsiotis, *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda): Provisional Measures*, 50 International and Comparative Law Quarterly 662-670 (July 2001).

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US$225,000,000 for harm to people, US$40,000,000 for harm to property, and US$60,000,000 for harm to natural resources. It was ruled that the total amount owed would be paid in five US$65,000,000 yearly installments beginning on 1 September 2022, and that in the event that payment was not made on time, post-judgment interest of 6% would begin to accumulate on any outstanding sum the day following the instalment's due date." [27]

(A) Uganda: Why? What? How?

The fact that Uganda sent armed terrorists to the Congo violated International Humanitarian Law and caused significant harm there, yet Uganda did not look into the perpetrators. Because Uganda's punishments have historically been so severe, the author believes that this case has been plagued with issues. A frequent instance of using military or armed troops against an adversary nation is ***Congo v. Uganda***. Analyzing ***Nicaragua v. US*** from 1986 reveals comparable circumstances involving the US in Nicaragua. Armed troops from the United States were operating on Nicaraguan soil. As the US began limiting port access and political rights, Nicaragua took this matter before the ICJ. Their responsibilities under Article XIX of the Treaty of Friendship, Trade, and Navigation are specifically being violated in this case. [28]

The above case is similar to the ***Congo v. Uganda*** case in that forces were being employed illegally, violently, politically, or otherwise on another country's territory. The ICJ ruled that the United States must withdraw its military from Nicaragua and pay for any losses incurred by Nicaragua. But, when examining other instances where armed forces are utilised against another country, outcomes can also be comparable.

This case was identical to the ***Congo v. Uganda*** case. An event involving the United States and Iran was brought before the ICJ in a case identical to this one. Due to an Iranian military takeover at the American embassy in Iran, the United States took Iran to the ICJ. Iranian military troops were being used to kidnap Americans from the US embassy.[29] The United States requested that the captives be released immediately, and that assistance be provided to repair the damages.

Even if the armed forces involved in the attack were unclear, the Iranian government was still

[27] Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda), (Mar. 15, 2023, 12:35 PM), https://www.icj-cij.org/case/116#:~:text=The%20Court%20also%20found%20that,the%20principle%20of%20non%2Dinterventi on.

[28] Brown Chester, *Armed Activities on the Territory of the Congo (New Application: 2002) (Democratic Republic of the Congo v Rwanda) Provisional Measures, Order of 1 July 2002*, 52 The International and Comparative Law Quarterly 782-787 (2003).

[29] Anthony E. Cassimatis, *International Humanitarian Law, International Human Rights Law, and Fragmentation of International Law,* 56 *The International and Comparative Law Quarterly* 623-639 (2007).

in charge of failing to stop the attack and release the captives. This is an instance of a nation using or allowing military intervention against another nation. Iran faced several repercussions for their actions towards another nation. Both of these instances, which involve competing military uses, were presented to the ICJ.[30]

The sanctions and reparations meted out by the ICJ to the violating governments have all been remarkably similar, demonstrating a reparations-related pattern. It might be about making amends for the harm they have caused or reaching agreements over military usage. Both of these cases illustrate judicial precedents in situations extremely similar to the ***Congo v. Uganda*** case, which led to the offending state receiving compensation that assisted in the nation's conflict reconstruction. These precedents assist nations in making decisions based on earlier similar acts and how they were handled.[31]

The Democratic Republic of the Congo is currently afraid of Ugandan retaliation after looking at some of its goals. The dispute over this case has persisted for some time, and the governments continue to disagree about its implications. Due to Uganda's dissatisfaction with the penalties imposed, the matter is still pending today. The armed troops from Uganda caused significant harm to the Congo's inhabitants and soil, for which the ICJ decided to hold them responsible. The ICJ demands that Uganda vacate the land it occupies in the Congo and pay the Congo a large sum of money.

The Congo must now be concerned that Uganda is doing nothing. The country may not always be able to cover the costs of losses. Moreover, the ICJ must ensure that this is taking place, as Uganda was asked by the court to look into any persons who violated human rights. From the beginning of the incident, Uganda has not yet been cooperative, so the Congo may not be able to defend its residents. Ultimately, several legal precedents might strengthen the Democratic Republic of the Congo's position in the lawsuit between that country and Uganda.

The issue of Ugandan military soldiers causing harm in a Congolese area has been an ongoing one for a while. ***Congo v. Uganda*** is comparable to the ***US v. Nicaragua*** case when compared to other instances of a similar nature. In this case, because the United States had military forces in Nicaragua, the ICJ decided that the country should pay the damages and remove its troops from the country. Such examples include ***US v. Iran***,[32] in which Iran was found to be at fault

[30] Middle East Research Institute, *Compliance of Armed Forces with International Humanitarian Law*, Middle East Research Institute (2016).
[31] Innocent Benjamin Ahimbisibwe, *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda* (2005) SUMMARY OF THE CASE.
[32] International Court of Justice, *Latest Developments: United States Diplomatic and Consular Staff in Tehran (United States of America v. Iran): International Court of Justice,* www.icj-cij.org/en/case/64.

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and required to pay damages and release the hostages after its military forces captured the American embassy.[33]

The precedents provide useful examples of the consequences that have been applied and how well they have worked. The Congo is placed in the same scenario as the other nations, where they are requesting both compensation for the damages and their departure from the territory. Due to Uganda's behaviour, the Congo should support this. The compensation the Congo is requesting seems reasonable to me. Jus ad bellum, which translates to "right to war," refers to the circumstances under which governments may engage in hostilities or employ force.

The cornerstone of the Jus ad Bellum concept is the UN Charter's prohibition on the use of force and exceptions to it, such as self-defence and UN authorization of force. On the other hand, Jus in Bello controls the behaviour of parties engaged in armed conflict. IHL is a notion that is similar to the Jus in bello premise. By providing the most protection and assistance to victims of armed conflict, it aims to lessen the effects of armed conflict. Jus in Bello must thus continue to exist separately from Jus ad Bellum.[34]

Because Uganda, as a nation-state, was accountable and liable for the activities of its troops and officers in the Uganda People's Defense Force when they were stationed in the sovereign territory of the DRC, it is obvious from this instance that Ugandan forces violated jus in bello in their act. Jus ad bellum was not specifically addressed in this instance. Uganda, however, argued that their deployment of military personnel is justifiable since they have a right to self-defence.

The court made no further comment on the subject, just stating that Uganda does not have the right to self-defence because the DRC did not break any international laws or launch any military action against Uganda. This is another criticism of the decision because, following this one, the legal issues about this component of the legislation may have been clarified.

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[33] Murphy Ray, *Contemporary Challenges to the Implementation of International Humanitarian Law*, 3 *Connections* 99-114 (2004).
[34] Malekian Farhad, *Humanitarian Protections Of Prisoners Of War*, In Principles of Islamic International Criminal Law: A Comparative Search, 331–338 (2011).

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