

THE DEMOCRATIC REPUBLIC OF CONGO

2003 in review

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Introduction

This paper reflects on major political events that took place in the Democratic Republic of Congo (DRC) in 2003 and which have significantly shaped the peace process in the DRC, as well as the politics of the Great Lakes Region. It concludes with observations drawn from the events.

The review

The year 2003 was a year of remarkable achievement and a turning point for the people of the DRC, as it marked the beginning of what many would call 'the road to peace' after close to five years of war.

When in January the UN Security Council unanimously approved resolution 1457 to renew the mandate of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other forms of Wealth of the DRC, the world's attention was aroused.¹ The Panel's report, which came out in October, heightened awareness of the illegal exploitation of natural resources and other forms of wealth in the DRC in the context of conflict and, in particular, its connection with the illicit trade in small arms and light weapons.

The early part of 2003 also saw a boost in relations between the DRC and Uganda, when in February a summit hosted by Tanzania brought together the presidents of

the two countries to deliberate on the Luanda Accord of September 2002. The two heads of state affirmed their commitment to the accord, which provides for the total withdrawal of Ugandan troops from the DRC and the normalisation of relations between the DRC and Uganda. The relationship between Kinshasa and Kampala seemed to improve further when delegates of the two governments, ethnic militias and different rebel groups operating in Ituri signed the Ituri Cessation of Hostilities Agreement in Bunia. Under this agreement the Uganda People's Defence Force (UPDF) was to withdraw from the DRC by 24 April. The only obstacle to the agreement was the *Union des Patriotes Congolais* (UPC's) failure to sign.

Following a continued escalation of violence in Ituri, the UN Security Council in March increased the number of personnel in the UN peacekeeping force – MONUC's (*Mission de l'Organisation des Nations Unies en République Démocratique du Congo*) human rights component – in order to enhance the capacity of the Congolese parties in investigating the serious violations of international humanitarian law and human rights perpetrated on DRC territory since the outbreak of the war in 1998.

The search for peace was further boosted in March when parties to the inter-Congolese dialogue meeting in Pretoria agreed on a pro-

gramme for drafting a constitution and for a future unified army of a national government that will eventually lead to national democratic elections, envisaged to take place some time in 2005.

For the victims of conflict in the DRC, the month of April brought with it a pleasant surprise. For once the feuding parties seemed to agree to listen to one another. At talks held at Sun City, South Africa, the DRC government and rebel groups on 1 April 2003 unanimously endorsed a transitional constitution to govern the DRC for two years, while at the same time endorsing the Global All-Inclusive Agreement (which addresses the political power-sharing structure) signed in Pretoria on 16 December 2002. Under the transitional constitution promulgated soon after the signing, all parties agreed to the establishment of a two-year transitional government under President Joseph Kabila, supported by four vice-presidents from rebel groups and the civilian opposition.²

Mineral-rich eastern DRC is, and may remain, a theatre of war for quite some time. Despite efforts aimed at tranquilising the DRC, various armed groups battled for Bunia, the main town of the Ituri district, throughout the month of May. This saw groups such as Human Rights Watch and Amnesty International appeal to the UN to reinforce MONUC by authorising the deployment of a rapid reaction force to protect civilians in Ituri District. The massacres in Bunia led to a visit by the UN Under Secretary-General for Peacekeeping Operations, Jean-Marie Guehenno, who called for urgent UN intervention to stop the massacres.

The UN responded to the appeals by passing UN Security Council Resolution 1484, authorising deployment of an Interim Emergency Multilateral Force (IEMF) in Bunia, led by France. The force's mandate lasted until 1 September, when a larger MONUC force operating under Chapter VII of the UN Charter replaced it.

Tension within the DRC government mounted when on 22 May RCD-Goma temporarily withdrew from discussions of the follow-up committee of the inter-Congolese dialogue, accusing the government of wanting

to claim major stakes in the military and reserving the post of chief of army for itself. This led to a postponement of the swearing-in of the transitional government.

Recognising the challenge facing the DRC transitional government with regard to the formation of a unified national army, UN Secretary-General Kofi Annan appointed in early June two special envoys, Moustapha Niasse (who had served as the UN Special Envoy for the DRC peace process) and General Maurice Baril (a former military advisor to the UN), to help with the formation of a unified national army. The month ended with the naming of Kabila's transitional government.

US diplomat William Swing replaced Amos Namanga Ngongi as the UN Special Representative to the DRC on 1 July, bringing Ngongi's mandate to an end. Swing's entry was followed by MONUC's deployment of 3,800 additional troops in Ituri, in preparation for the 1 September handover from the IEMF. Another major occurrence was the swearing-in on 17 July of the four vice-presidents. However, this did not pass without anticipated challenges. The MLC and RCD-Goma officials designated to the transitional government declined to take the oath of office because it included swearing allegiance to President Joseph Kabila. Ensuing negotiations led to a modification of the pledge of allegiance and the subsequent signing by MLC and RCD-Goma officials on 24 July 2003. The inaugurated transitional Cabinet pledged to resolve the conflict in Ituri.

Continuing loss of human life and the deteriorating security situation in eastern DRC, coupled with global appeals from various circles for a new MONUC mandate, made the UN respond by granting MONUC UN Charter's Chapter VII mandate, enabling the peacekeepers to use force where necessary, including disarming Congolese combatants. At the same time the UN extended the mission's mandate by one year (until 30 July 2004), while MONUC strength was increased from 8,700 to 10,800 troops. The UN also imposed a 12-month arms embargo against all armed groups (whether Congolese or foreign) in the east of the DRC.

The DRC is a country rich in natural resources but lacking the ability to harness them due to endemic conflicts. This is the only reason why the country appears on the International Monetary Fund and World Bank's list of Heavily Indebted Poor Countries. However, in July 2003 the Bretton Wood's institutions declared an 80% reduction of the DRC's total external debt.

Amidst the search for economic stability, the new Kinshasa government remained engaged in political negotiations as it finalised the second quarter of 2003. The month of August was therefore marked with major events, such as the inception of the National Assembly and the Senate of the two-year transitional government; Kabila and his four vice-presidents presided over the first session of that government on 22 August.

During the same month, Kabila and the former belligerents agreed on the division of the country into 10 military regions. They also agreed on a revised list of candidates for top military positions after several stakeholders rejected an earlier list proposed by RCD-Goma, and which was thought to have been controversial. The military leaders nominated were drawn from all former armed rebel groups signatory to the national power-sharing accord, as well as the Mayi-Mayi militias. In an effort to initiate peace in the east, the government held talks in Kinshasa on 22 August with the leaders of Ituri militias. The talks culminated in the signing of a Memorandum of Understanding between the two parties.

The IEMF handed over to MONUC on 1 September, when their mandate expired. During the same week, the new unified national military leaders were sworn in in Kinshasa, with Lt-Gen Liwanga Mata Nyamunyobo named as the chief of general staff. However, three RCD-Goma officers who had been named commanders and deputy commanders boycotted the inauguration. Their action warranted the chief of staff to refer the matter to the Military High Court (*Haute Cour Militaire*).

Residents of Bunia received some relief when in early October 2003 MONUC began deploying its first permanent troops beyond

the town of Bunia. This took place soon after a horrific massacre of some 65 people (mostly children) in Katchele village, north-east of Ituri.

Challenges in relationships between the DRC and her neighbours manifested again on 8 October when Ugandan President Yoweri Museveni declared that under no circumstances would Uganda be drawn back into a conflict in the DRC. A few weeks later, however, the DRC minister for regional co-operation reported the presence of Ugandan rebel training camps in North Kivu Province, between Beni and Kasindi.

At the height of events in October was the release of the final report by the UN Panel of Experts on the Illegal Exploitation of Natural Resources and Other forms of Wealth of the DRC. The report lists the names of governments, companies and individuals involved in the plunder of natural resources, and gives recommendations on measures to be taken to curb such exploitation.³

November was by and large a month of reconciliation for the DRC. On the one side was the DRC's request that the International Court of Justice (ICJ) postpone the hearing of the case filed by it against Uganda, on Armed Activities on the Territory of the Congo (*Democratic Republic of the Congo vs. Uganda*). On the other side, Rwanda accepted the return of 103 members of the Democratic Liberation Forces of Rwanda, after almost a decade in the DRC.

A similar occurrence was the demobilisation of 2,000 Mayi-Mayi militia in Kindu. A number of them returned to civilian life while others are to be integrated into the national army. As a further move towards reconstruction, President Kabila extended an olive branch to 315 magistrates who had been sacked en masse in 1998 following a strike over pay, by reinstating them on 25 November 2003.

The month of November ended on a high note when in a spirit of good neighbourliness the DRC and Rwanda committed themselves to complete the repatriation of Rwandan Interahamwe militia and former soldiers in the DRC within a year. It is hoped that Rwanda lives up to this promise.

As 2003 drew to a close, the DRC and its sympathisers remained steadfast in the search for lasting peace. This was witnessed by the UN Security Council's appeal to the transitional government to adopt a national disarmament, demobilisation and reintegration (DDR) programme, and to accelerate the formation of the national army and the reform of the police force.

Observations

The events of 2003 show a clear wish by the DRC transitional government to solve the conflict within the country; however, certain major bottlenecks still pose a challenge. Most evident is mistrust among the officials of the transitional government. Each member of the All-Inclusive Agreement seems to be wary of what amount of the cake will go his way, as was manifested by RCD-Goma's accusation that the government was claiming major stakes in the military, and the refusal of MLC and RCD-Goma officials to take the oath of office. Anyone in Kabila's position would not have a simple answer to the problem of ridding the mistrust that exists among his government officials. This is a process that calls for sacrifice by all in the DRC transitional national government. It is a process that requires time and commitment to cultivate. President Kabila himself has no option but to remain trustworthy throughout the entire process if he is to deliver peace to the Congolese.

An important building block to sustainable peace in the DRC would be a solid, well planned and executed DDR programme, agreeable to all parties in the government. Given the convulsion of armed parties within the country, the government must first identify the size and needs of the national army then, through consultation with the various government representatives of armed groups, agree on how many members of each armed group should be integrated into the national army at the onset of a formal DDR programme.

DDR programmes should be conducted simultaneously countrywide to avoid possible suspicion among armed groups. This will call for international support by both the UN and donor partners, particularly if the envisaged 2005 democratic elections are to be held successfully.

Another significant issue to be tackled is the illegal involvement of foreign countries, companies and individuals in the affairs of the DRC, especially as relates to exploitation of the country's mineral resources. Congo's neighbours need to adhere to the various peace agreements reached between them and the DRC. There is also an apparent need to implement the recommendations of the final report of the UN Panel of Experts on the Illegal Exploitation of Natural Resources and Other forms of Wealth of the DRC.

The DRC entered 2004 with growing optimism that successful democratic elections could be held in 2005. In this regard, it is clear that President Joseph Kabila needs to move fast in creating an environment conducive to peace. However, Kabila will only achieve this with the full support of his Cabinet, neighbouring countries and the international community. The electoral commission to be established to oversee the elections should also adhere to all democratic principles of fairness and independence.

Notes

1. On 13 August, the UN Security Council adopted resolution 1499 (2003), extending the Panel of Experts' mandate until 31 October 2003.
2. The four vice-presidents are MLC leader Jean-Pierre Bemba; Abdoulaye Yerodia Ndombasi, a close ally of President Joseph Kabila; Arthur Z'ahidi Ngoma, a representative of the unarmed political opposition; and Azarias Ruberwa Manywa, leader of RCD-Goma and its former secretary general. Manywa replaced Adolphe Onusumba Yema as RCD-Goma leader on 16 June 2003. Previous RCD-Goma leaders were Ernest wamba dia Wamba and Emile Ilunga.
3. See UN Security Council Report S/2003/1027 (annex).