

Introduction

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Background

“Metaphorically, peace is seen not merely as a stage in time or a condition. It is a dynamic social construct. Such a conceptualisation requires a process of building, involving investment and materials, architectural design and coordination of labour, laying of a foundation, and detailed finish work, as well as continuing maintenance.”²

Peace implementation, or the process by which warring parties implement and comply with their written commitments to peace, is often the most difficult phase in the resolution of armed conflicts.³ The resolution of the armed conflicts in the Democratic Republic of Congo (DRC) has been no exception, with considerable challenges being faced by all parties involved. With the establishment of the Transitional Government on 1 July 2003, all actors in the DRC have now to implement the provisions of the various peace accords that have made this peace a reality.

The current implementation phase, appropriately known as ‘the Kinshasa phase’, for it is specifically *Congolese*, entails challenges of a momentous nature. These challenges comprise, *inter alia*, inclusive state-building and the extension of the central administration so as to ensure Kinshasa’s sovereignty throughout the national territory; the formation of a unified national army and national police service; the reform of the justice system; the reconstruction and rehabilitation of infrastructure; the resettlement and return of thousands of displaced Congolese; the disarmament, demobilisation, repatriation, resettlement and reintegration of former Congolese combatants as well as foreign forces in the DRC. These are only some of the challenges faced by the DRC’s new Transitional Government, which must, simultaneously, prepare the conditions for the holding of two sets of elections in two years time.

Five years have passed since the first attempts were made towards the peaceful resolution of the conflict that erupted in the DRC in August 1998. In these five years, a staggering 3.3 million people have perished directly or indirectly as a consequence of armed hostilities. While the last five years have given this central African country, once termed the ‘jewel of Africa’, the sad distinction of hosting the deadliest conflict since World War Two, statistics do not convey the scale of suffering, destruction and despair faced by the Congolese people. One can only begin to visualize the suffering experienced by Congolese people through the limited but growing collection of testi-

monies, which gradually provide us with the facts necessary for a glimpse of what happened in the DRC. Through the gathering of personal experiences and oral histories, a picture of large scale, atrocious human rights abuses is coming to the fore. The following description by a survivor of the massacre at Songolo (a town in the vicinity of Bunia) represents one among thousands of similar testimonies:

*"I hid in the mountains and went back down to Songolo at about 3:00 p.m. I saw many people killed and even saw traces of blood where people had been dragged. I counted 82 bodies most of whom had been killed by bullets. We did a survey and found that 787 people were missing - we presumed they were all dead though we don't know. Some of the bodies were in the road, others in the forest. Three people were even killed by mines. Those who attacked knew the town and posted themselves on the footpaths to kill people as they were fleeing."*⁴

From 1998 onwards, the war in the DRC gradually escalated to become a complex, explosive mix of external intervention (at its height, nine countries were actively involved) and internal proliferation of rebel groups and paramilitary forces. The seriousness of the situation and an overwhelming concern that the DRC could be effectively partitioned, prompted (virtually at the outset of the war) international and African efforts at bringing the parties to the negotiation table. It took merely a year, from the firing of the first shots in August 1998, for the parties to reach an extremely complex cease-fire agreement, and for the United Nations to subsequently authorise a peace operation in support thereof. This agreement, known as the "1999 Lusaka cease-fire agreement" was signed by the Heads of State of the DRC, Namibia, Rwanda, Uganda and Zimbabwe and Angola's Minister of Defence on 10 July 1999; by the Uganda backed Movement for the Liberation of Congo (*Mouvement pour Liberation du Congo - MLC*) on 1 August and by approximately 50 people representing both factions of the Rally for Congolese Democracy (*Rassemblement Congolais pour la Democratie - RCD*). As pointed out by Rogier, "the signing of this agreement was brought about not only by the persistent effort of third parties, but also by contextual factors: the accord was brokered at a time when the military situation had reached a stalemate".⁵

The 1999 Lusaka ceasefire agreement included provisions on the normalization of the situation along the DRC border as a result of several of the parties' need that the agreement address their national security concerns (namely Rwanda and Uganda); the control of illicit trafficking of arms and the infiltration of armed groups; the holding of a national dialogue on the future government of the DRC (the Inter-Congolese Dialogue or ICD); and the establishment of a mechanism for disarming militias and armed groups. In addition, the United Nations was requested by the parties to the agreement to deploy a peacekeeping operation in the DRC, which would, among others, develop an action plan for the implementation of the ceasefire agreement by all con-

cerned. This mission, later to be known as the United Nations Mission to the Democratic Republic of the Congo (MONUC), was requested to pay particular attention to the collection and verification of military information on the belligerent parties; the observation and monitoring of the cessation of hostilities and the disengagement and redeployment of the parties' forces; the comprehensive disarmament, demobilization, resettlement and reintegration of all members of all armed groups; and, finally, the orderly withdrawal of all foreign forces.

The transition from war to peace

In this book, Emeric Rogier, a Research Fellow at the Netherlands Institute of International Relations 'Clingendael', provides a chronological and very critical account of the negotiation process that led to the pacted settlement of the war in the DRC - from the Lusaka ceasefire agreement, to the final session of the Inter-Congolese Dialogue (ICD), held in Sun City on 1-2 April 2003. Taking a step back from the present, Rogier's chapter *The Inter-Congolese Dialogue: a critical overview*, describes the various stages that characterised the peace-making effort in the DRC, drawing from it conclusions relevant to the current implementation phase, particularly as regards the Transitional Government.

In fact, Rogier critically perceives the ICD as having been a very imperfect, if not failed process, when contrasted with the mandate it was entrusted with. He admits that given the nature of the Congolese conflict - a conflict fought over the control of the central government by belligerent factions devoid of any other political manifesto- some kind of power sharing deal was probably inevitable to stop the fighting. However, while an 'elite pact' might be necessary to end the war, it is not sufficient to build peace - therefore the importance of understanding how the ICD developed, what the challenges and dynamics were and how the multitude of actors behaved. Rogier notes that the ICD process of enlarging the negotiations to non-armed actors in order to guarantee inclusivity was a valid way to avoid the monopolisation of the peace processes by belligerent groups. However, in the case of the ICD, by eventually aligning themselves with certain armed groups, the 'forces vives' and Congolese political parties gave up the peace-building role they were expected to play and polarised the negotiations further, reducing the scope of the talks. Rogier believes that some responsibility for the failure of the dialogue must therefore be borne by the 'forces vives' and unarmed opposition.

In addition, and despite its designation, the ICD was not purely an 'inter-Congolese' affair. Neighbouring countries which played a major role in the DRC war, continued to exert their influence during the ICD process through their proxies. While some boast that the ICD was above all an African process,

Rogier is convinced that it was terminally weakened by a lack of serious international involvement. Moreover, the fact that the ICD process was rescued several times by the UN indicates both its inherent weaknesses, and the need for the type of continued international commitment that was only granted at a late stage. Such continued engagement is even more important in the current implementation phase where the international community is faced with the daunting task of helping create democratic institutions with former war leaders who may be more concerned with entrenching themselves in power, than with contributing to the reconstruction process.

Some of the international aspects of the conflicts in the DRC are discussed in François Grignon's chapter on the *International response to the illegal exploitation of resources in the DRC*. Grignon, Central Africa Project Director for the International Crisis Group, regards the exploitation of natural resources as one of the most important issues for the future of the DRC. However, while the exploitation of the DRC's vast natural resources (including timber, gold, copper, rubber, coltan and uranium) has historically been driven by western interests, this situation has drastically changed in the last fifteen years. Today, the DRC's natural resources are only of limited strategic interest to the West and the DRC has largely become a country of small and medium size businesses with no global strategic value.

Grignon considers that this lack of strategic interest in the DRC's resources largely explains why the international response to their illegal exploitation has failed to provide adequate answers to the problem. Nevertheless, while experiencing a lack of interest on the part of western countries, the exploitation of natural resources is of vital and strategic importance to the DRC itself as well as to its African neighbours.

Grignon points out that the illegal exploitation of resources in the DRC became a central issue in June 2000 following the third battle between Rwandan and Ugandan forces for the control of Kisangani's diamond market. In fact, concerned with the situation and after a fact-finding mission to the area, the French government was able to obtain the UN Security Council's approval for the establishment of a panel of experts to investigate the illegal exploitation of resources and other forms of wealth in the DRC.

With the official mandate to make recommendations to stop or regulate the exploitation of resources in the DRC, the panel produced its first report in April 2001. In the report, the panel exempted from investigation all foreign forces that had been invited by Laurent Kabila (Zimbabwe, Angola and Namibia), centring only on the exploitation of resources by "uninvited" forces, namely Rwanda and Uganda. It recommended the institution of sanctions against both countries, naming both presidents Kagame and Museveni as direct beneficiaries. However, Grignon describes how ultimately the politicisation of the panel undermined the possibility of implementation of any of

its recommendations. Nevertheless, Grignon regards the publication of the report as a very positive development, having resulted in increased research on Rwanda's and Uganda's activities in the DRC and, ultimately, making a genuine contribution to the peace process. In fact, international outcry and condemnation of Rwanda and Uganda boosted negotiation efforts at the ICD, contributing to a serious discussion of the real motives for both countries' presence in the DRC .

By the time the third report of the panel was published, in October 2002, it had largely developed a 'life of its own'. In fact, as Grignon points out, it took the initiative to name and shame the international corporations which were indirectly benefiting from the exploitation of resources (banks, transport companies, multinational companies) and identified several Congolese government officials as being involved, together with high-ranking Zimbabwean officers, in the plundering of diamonds in the DRC. At the level of some members of the Security Council, such naming and shaming was regarded as counter-productive at a time when all efforts should focus on the Transitional Government. The panel was therefore informed that its January 2003 mandate would be the last.

For François Grignon, while the panel of experts unquestionably helped the DRC's peace process in that it had been a useful and successful means of political pressure, the fact that it was terminated without establishing measures to regulate the exploitation of resources may have negative implications in the short and long term. Grignon's view is that, unfortunately, members of the international community failed to take decisive steps to stop, or promote the necessary mechanisms that will guarantee good governance in the DRC. The implications of this for the current peace-building effort will most probably undermine the chances of long-term stability in the DRC.

Jerome Ngongo, Head of Radio Okapi's Political Programme, dedicates his chapter to the role of information and the media in the transition phase in the DRC. His chapter, entitled *Public information and the media in DRC: Radio Okapi's contribution to the peace process* provides an in-depth account of the current state and role of the media, exploring the potential that information has in strengthening the peace process. He is convinced that the prospects for national reconciliation depend heavily on the capacity of the Congolese media to capture the attention of the population; to provide them with useful and balanced information; and, to ensure wide participation in the peace process.

Nevertheless, Ngongo highlights the paucity of both state and private media in the DRC. For example, no private radio or television station has a broadcasting capacity beyond the limits of the city or the locality where the transmitter is installed, and the allocation of frequencies is made without any

verification. In Kinshasa, there are about 20 TV stations and 30 radio stations, but none of them pay any attention to civic education. The print media are not much better off. While private newspapers have become a precious independent source of information, their capacity to significantly influence the general public is curtailed by the fact that the majority of the population is illiterate. In addition, newspaper circulation is very limited (no newspaper circulates more than 2,000 copies).

It is in this virtual public information vacuum that Radio Okapi's first programme went on the air - on 25 February 2002, the day the Inter-Congolese Dialogue began in Sun City. This was more than symbolic; Okapi has provided a very important source of information for those Congolese who could listen to the reporting on the negotiation process. In fact, even if the Dialogue had been held in a Congolese city, no national media would have been able to arrange the technical set-up for whole country diffusion. The best option, therefore, was for Okapi to act with urgency to fill this vacuum and to address the real need for information.

At the time of Okapi's launch, the DRC was divided into several administrations and the population remained ignorant of all that was happening outside of the territories ruled by their *de facto* administration. Given this situation, Ngongo notes that it became almost a humanitarian imperative to attempt to create and unify the country in any possible manner - even via the airwaves. The Radio Okapi network attempted to do this, and now it has the widest coverage of any media in the DRC, comprising nine stations. As an information radio, Okapi's main mission is to accompany the peace process and to participate in national reconciliation efforts. This core purpose is evident in both its news and magazine programmes, which provide a comprehensive coverage of the peace process.

Human security in the DRC

Michel Kassa, head of OCHA⁶ in the DRC, paints a graphic picture of the challenges of providing *Humanitarian assistance in the Democratic Republic of Congo*. For example, in August 2003, after months of terrible clashes in the Ituri district, in Kivu and Maniema provinces, over 3,4 million persons were estimated to be displaced. North Kivu and Ituri alone represented 2 million displaced, thus reflecting the level of fear and mobility characterising every Congolese family for the past five years. Meanwhile, over 350,000 Congolese are refugees in Congo-Brazzaville, Zambia or Tanzania, and approximately 250,000 foreigners from six neighbouring countries have sought asylum in war-torn DRC.

The figures are shocking enough, but of most concern to Michel Kassa is the very nature of this massive displacement. In fact, many of the 3,4 million dis-

placed have not been direct witnesses of violence in their area of normal residence. More frequently, displacements are massive and of preventative nature, based on a collective knowledge of the lethal risks faced by those ready to defend their belongings, their physical integrity and their villages against armed elements.

Kassa sees a direct link between the scale and nature of displacements on the one hand, and the country's appalling record in terms human security on the other hand. Human insecurity in the Democratic Republic of Congo derives primarily from the proliferation of armed violence coupled with a total absence of respect of the most basic humanitarian principles among foreign and Congolese war protagonists. As a result, survival mechanisms are exhausted after twelve years of extensive looting throughout the country.

The daily challenge humanitarian actors are faced with is to provide costly access and priority-based emergency assistance to the world's most widely scattered population of internally displaced persons, and to an overwhelming variety of vulnerable groups. However, the changing nature of military and political alliances, the protracted patterns of indiscipline and banditry, coupled with the appalling status of the communication infrastructure, has hampered the regularity and consistency of any form of assistance. According to Kassa, the most salient feature of this complex humanitarian crisis is the dilution of any sense of responsibility on the part of the many would-be authorities.

With an estimated 20 million people being food insecure, relief workers face excessive and unrealistic expectations. In fact, from August 1998 onwards, relief actors have had to resist succumbing to an overwhelming sense of resignation vis-à-vis the effects of the DRC crisis. They have also had to challenge the perception by some elements of the international community that, in view of the complexity of the emergency, and of the human, material and financial costs implied by an eventual attempt by the UN to impose peace, "war might be cheaper". Placed before abysmal responsibilities, solicitations and constraints, humanitarian actors have opted for a strategy of rapid joint response, active advocacy for access and respect of humanitarian principles, as well as strong "hints" towards more economic and community-based alternatives to effectively address the sky-rocketing mortality and morbidity figures.

As head of the Human Rights Section of MONUC, Roberto Ricci addresses in his chapter some of the *Human rights challenges in the DRC*, as seen from his section's perspective. He emphasises that the Human Rights Section is not acting alone in the pursuit, promotion and protection of human rights in the DRC. Indeed, within the UN family, there is a plethora of actors involved in human rights work – such as OHCHR, OCHA, UNICEF, UNHCR, and UNDP ⁷. Likewise, within MONUC itself, human rights work is done by a number of divisions, including Child Protection, Humanitarian, Civilian Police (CIVPOL) and the Military Observers.

Providing a synopsis of the short to medium term challenges outlined in the mandate defined by Security Council resolution 1493, Ricci centres his contribution on the issues of *impunity and the rule of law*. As a very small (but important) representative of the international community, MONUC's Human Rights Section has a few basic tools at its disposal, to be used in conjunction with others engaged in the fight for justice and against impunity. These include: monitoring; special investigations; and thematic reports.

The ultimate goal of monitoring is to establish a historical record, so that the truth is available to the Congolese people, and can therefore be used for justice and compensation purposes in the future. On the other hand, MONUC's role in conducting special investigations has been, up to the present, rather modest. Moreover, a major challenge related to special investigations (besides the very limited resources available) is the fact that it is virtually impossible to conduct follow-up investigations which necessitate particularly stringent cautionary measures, in terms of exposure of witnesses and other sources of information to revenge attacks. Finally, thematic reports compiled by the Human Rights Section aim at collecting and analysing data on areas that deserve particular attention. The challenge is to point to the root causes of problems, and to identify recommendations that can lead to a concrete improvement in the human rights situation. The Section is presently working on two special reports: one on the situation in Ituri, and the other on sexual violence in the DRC.

Commenting on the Rule of Law aspect, Roberto Ricci observes that, after years of dictatorship and war, the DRC is a state with a limited police presence, and no judicial and correctional capacity in the territories that remained under government control - and with little or no capacity at all elsewhere. The task of reconstructing some form of rule of law is immense, but a positive first step is a forthcoming rule of law audit mission, co-sponsored by the EU, UNDP, OHCHR and MONUC. Other important partners such as the World Bank and some major bilateral donors are likely to join. The mission is to start in mid-October 2003, and should result in a comprehensive report, to be issued in the first quarter of 2004, that outlines areas of co-ordinated intervention for the short, medium and long term.

Mahame Cisse-Gouro, Deputy Director of the Office of the High Commissioner for Human Rights (OHCHR) in the DRC, also addresses the topic of *Human rights challenges during the transition in DRC*, from the perspective of the OHCHR. For Cisse-Gouro, there are a number of human rights priorities to be addressed by some form of transitional justice, because of the imperative to halt ongoing human rights abuses and to adequately investigate these crimes, as well as to identify and sanction those responsible and prevent future human rights abuses.

Moreover, gross human rights violations can be addressed during a period of political transition through judicial mechanisms and/or non-judicial or extrajudicial mechanisms. On the judicial level, Mahame Cisse-Gouro notes that the International Criminal Court (ICC) now serves as an important mechanism for the prosecution of war crimes and crimes against humanity. The DRC has ratified the ICC Statute, which mandates the ICC to prosecute international crimes committed after 1 July 2002.

In addition, a special jurisdiction could be established during the transitional period in order to assist the Congolese judicial system, whose lack of independence and limited technical capacity are well documented. This would ensure that war crimes and crimes against humanity do not go completely unpunished. The Special Rapporteur on the human rights situation in the DRC has indeed already recommended the establishment of a special jurisdiction to investigate and prosecute those responsible for war crimes and crimes against humanity perpetrated by all parties in the DRC conflict.

Another course of action is for the DRC Government to be persuaded to exclude all suspected perpetrators from positions of power and authority during the transition, until they have been exonerated by an international inquiry. Individuals with a record of violations of human rights and International Humanitarian Law simply do not have the right to be part of any state structures, Cisse-Gouro argued.

On the extrajudicial front, the transitional Constitution provides for the establishment of a Truth and Reconciliation Commission (TRC) and a National Human Rights Observatory to tackle the issues of impunity and to promote national reconciliation and a state based on the rule of law. However, Cisse-Gouro warns that these institutions are faced with unique challenges and, while there are useful lessons to be learned from the South African TRC, there are still many contentious issues surrounding the proposed Commission for the DRC. These relate to the composition of the TRC, its mandate, and the timing of the establishment and work of the Commission.

For the transitional period, a particular challenge will be the preparation, development and implementation of the rule of law program in the DRC. In this regard, there is a need for a co-ordinated approach in tackling rule of law issues in the DRC. Cisse-Gouro echoes the view of MONUC's Human Rights Section – that there is no single UN agency that has the necessary expertise, experience, resources or mandate to identify priorities, and to subsequently formulate a conceptual and operational approach and work plan for handling these priorities. Rather, such a process will require a real team effort by various partners within the UN system. Hopefully, this will come to fruition with the rule of law audit mission discussed by Roberto Ricci.

Amy Smythe, MONUC's Senior Gender Advisor, moves the debate from general human rights issues to the specific challenges of *Promoting the role of women in peace implementation*. She notes that although a significant number of powerful international instruments refer to women's equal participation in peace processes, the reality is that women's representation at the peace-negotiating table and in peace operations is far from satisfactory.

For example, women in the DRC had to work and lobby hard to get their voices heard in the Sun City negotiations, but despite their efforts, women have only 7% representation in the transitional institutions. This despite the fact that the Transitional Constitution mentions in Article 51 that "Women have a right to a significant representation in local, national and provincial institutions". The challenge is to define what 'significant' means.

The MONUC Gender Office was established in March 2002. The office has a specific mandate to work within both MONUC and the Congolese population as a whole to mainstream a *gender perspective* in all decisions taken on policy and programmatic initiatives. The mainstreaming of a gender perspective in peacekeeping operations is a strategy that aims to ensure that the concerns and experiences of women as well as men are factored into the planning, design, implementation, monitoring and evaluation of all policies and programmes in all spheres of the mission. The principle is to allow both men and women to benefit from assistance and programmes in the same manner, and for them to be consulted and involved in the process. The ultimate goal of gender mainstreaming is to ensure that access and opportunity is given equally to men as well as women, thereby aiming to achieve gender equality.

Gender mainstreaming requires programmatic integration in all elements of activity and throughout the various efforts and activities. In MONUC, for example, the DDRRR programme reflects a gender perspective in all aspects of its work: in the location or construction of transit centres, in decisions on repatriation, and in matters relating to health and education for dependants, including children. Another short-term priority is addressing the issue of responsibility and accountability regarding the high incidence of sexual violence suffered by women at the hands of all the fighting forces.

Despite the importance of integrating a strategic approach to gender in peacekeeping missions, the benefits are not always immediately evident and thus it can demand great effort for little visibility. As a new initiative, and in the absence of established policy procedures, it will take time to achieve the desired results. Nevertheless, the positive impact of incorporating a gender-sensitive approach to peacekeeping is becoming progressively more evident.

MONUC's contribution to security in the DRC

In the introductory chapter to part three of this book, Henri Boshoff, Military Analyst at the African Security Analysis Programme (Institute for Security Studies) provides an *Overview of MONUC's strategy and concept of operations*. Boshoff discusses the changes brought about by Security Council Resolution 1493, with particular emphasis on MONUC's new mandate and concept of operations.

Boshoff considers that two main factors contributed to an increased engagement by the international community in the DRC. First and foremost, the signature of the 'Final Act' at Sun City on 2 April 2003, practically demonstrated a reinvigorated commitment by the Congolese to national reconciliation and the peace process. Second, the successful experience of the International Emergency Force (IEMF) in Bunia contributed to the granting of a Chapter VII mandate to MONUC, as per Resolution 1493 of the Security Council.

According to the new mandate, MONUC's main responsibility is to assist and accompany the Congolese people to achieve sustainable peace leading to free and fair democratic elections. In order to fulfil their new mandate, MONUC's staff engaged in a re-interpretation of their role in the DRC, and identified five core programmes. These five programmes are: peace and security (including stabilising the district of Ituri and the Kivu Provinces; enabling 300,000 Congolese refugees to return; ensuring effective DDR/DDRRR and promoting the normalisation of regional relations); facilitating the transition (filling the security void in Kinshasa; supporting the national electoral framework as well as the normal functioning of transitional government institutions); support to the establishment of rule of law and human rights (ending the culture of impunity; assisting in police training and criminal justice capacity-building; supporting the establishment of a National Human Rights Observatory and a Rule of Law Taskforce); improving human conditions for sustainable peace (humanitarian assistance; support for the reintegration of child soldiers; addressing HIV/AIDS and sexual violence; and finally support to the ICC and the establishment of a Truth and Reconciliation Commission). In order to implement the above efficiently and effectively, MONUC has also identified as a priority the incorporation of ways in which MONUC itself can dynamically reform and restructure as the need arises.

Boshoff then describes how MONUC's military operations have changed, particularly with the change from a Chapter VI to a Chapter VII mandate during May 2003. The introduction of a new concept of operations, announced during July 2003, is also discussed, focusing on MONUC's new priorities and the elements needed to achieve these. The arrangements for the security of Kinshasa (developed at length in Antero Lopes's chapter) are briefly described

as is the deployment of the IEMF to Bunia and subsequent replacement by MONUC's Ituri Brigade (an in-depth discussion of these is provided in Alpha Sow's chapter).

In his conclusion, Henri Boshoff considers that, although MONUC's new mandate and concept of operations have contributed to keeping the peace process vibrant, dynamic and successful, a number of significant challenges remain. Paramount among these is the continued presence of foreign armed combatants in the DRC and the challenges associated with their DDR.

The *Role of the United Nations Civilian Police* is discussed at length in the chapter by Antero Lopes, Deputy Police Advisor, Civilian Police Division, United Nations Department of Peacekeeping Operations. Lopes begins by contextualising Civilian Police deployments in the history of peace support operations, pointing out that in the last decade, the role of Civilian Police components has vastly increased. This increase has been a function of a broader spectrum of activities as well as a deeper degree of involvement. Currently, Civilian Police components are involved not only in monitoring but also in advising national authorities on police reform as well as, increasingly, in assuming law enforcement responsibilities in war-torn environments, including the provision of advice on Corrections and Judiciary issues.

In the DRC, MONUC has maintained a Civilian Police component since 28 October 2001. Lopes provides a comprehensive discussion of the Civilian Police component's activities since that date. Initially engaged in assessment, planning, training and advisory tasks with deployments in Kinshasa, Kisangani and Bunia, MONUC's Civilian Police is now assuring continuous liaison with the various Congolese security services (*Police d'Intervention Rapide, Police Special Roulage and Territorial Units*) as well as the recently established Close Protection Corps (CPC) and MONUC's Neutral Force as well as assisting with Human Rights activities.

In the 'Global and all Inclusive Agreement', the Congolese parties requested that the international community assist in the development of a security system before the establishment of the Transitional Government, so that an environment of confidence, guaranteeing the security of political leaders, could be established. As Lopes points out, subsequent to this request, MONUC's Civilian Police engaged, as a matter of priority, in the provision of technical advice for the preparation of a general protection plan based on a threat assessment to individuals (political leaders) and venues of the institutions of the Government of Transition, as well as official residences. In order to fulfil these objectives, and following the request made to MONUC to deploy a Neutral Force able to guarantee the security of the Transitional Government, deployment began on 13 April 2003.

As Lopes emphasises, MONUC elements engaged in this mission have reassured the parties through a visible, deterrent presence within the pre-defined

Security Zone in Kinshasa, using static and mobile patrols and including military armed escorts. Neutral Force elements may use force proportionately in situations of self-defence as well as in the defence of critical sites. In addition, Congolese parties agreed on 29 June 2003 to the creation of a Close Protection Corps and an Integrated Police Unit, which may serve as the embryo of a future Congolese National Integrated Police Service.

Throughout his chapter Antero Lopes emphasises that, while the international community is deeply engaged, ultimately Congolese authorities themselves remain responsible for public security and criminal justice, for law and order and the security of Kinshasa. In fact, according to pre-defined plans, the Neutral Force will gradually withdraw and the Integrated Police Unit will start to take over its tasks. However, for the fulfilment of its mandate, MONUC's Civilian Police has identified a number of basic requirements considered necessary: the need for integrated and multi-dimensional cooperation between all relevant stakeholders; the need for donor support and coordination; the need for political support; and, finally, the need to assure complementarity of the public security and criminal justice systems. In his conclusion, Lopes considers that, in fact, the operational effectiveness of Civilian Police components remains dependent on support from police contributing countries, the UN partners and the political leadership of the territory hosting the operation.

Following the comprehensive discussion of the role of MONUC's Civilian Police, Mr. Peter Swarbrick, Head of MONUC's DDRRR Division, provides an overview of the *political dynamics and linkages that impact the DDRRR process*. He begins by reminding the reader that the presence of several thousand armed foreign combatants in the DRC lies at the heart of the conflict in the Great Lakes region. In fact, the presence of these armed groups is not only damaging to internal security, but is also a standing obstacle to the improvement and normalization of relations with the DRC's neighbours. Unless and until this problem is resolved, Swarbrick posited, lasting peace will not be restored.

The DDRRR of foreign, particularly Rwandan, combatants in eastern DRC is a highly complex challenge, involving political, economic, social, logistical and security-related elements. In MONUC's view, notwithstanding the various layers of complexity, and the daunting problems of security, terrain and logistics, the problem is essentially political in nature.

In view of the need to safeguard the security of Rwanda and to prevent a resumption of cross-border attacks, the need to disarm, demobilise and repatriate foreign armed groups operating on DRC territory was set as a major objective of the Lusaka ceasefire agreement. However, MONUC's mandate in respect of DDRRR differed significantly from the approach adopted by the Lusaka signatories. Where Lusaka envisaged forcible disarmament, the

Secretary-General and the Security Council stated from the outset that any DDRRR programme undertaken by MONUC must be voluntary. MONUC has therefore adhered to the voluntary principle, and will continue to do so.

MONUC now assumes that there are some 15,000-20,000 combatants in eastern DRC, with up to 30,000 dependents. The great majority of these are Rwandan, though MONUC has recently learned that there may be large numbers of Ugandan ADF⁸ fighters. MONUC also estimates that there are some 3,000-4,000 Burundese FDD rebels. There are also indications of foreign nationals serving alongside Congolese in the national armed forces, but MONUC has no estimate of their number.

The main focus of international cooperation on DDR arises from the involvement of the World Bank and the Multi-country Demobilisation and Reintegration Programme (MDRP), established by donors to assist the Governments of nine countries in central Africa with the problems of scaling down their armed forces and consolidating peace efforts in the greater Great Lakes region. MONUC's DDRRR of Rwandan and other foreign combatants from the DRC is situated within the vast scope of this regional strategy for demobilisation and reintegration.

During the third quarter of 2003, three or four important developments emerged, which are expected to exercise considerable positive influence over the willingness of Rwandan combatants to enter DDRRR, and MONUC's ability to disarm and repatriate them. These are: the installation of the transitional government; the operational deployment of the MONUC task force based at Kindu; and the relative calm and stability that have returned to the Kivus. The fourth element is the August 2003 presidential election in Rwanda, and the huge majority secured by President Kagame.

The results of these developments have begun to become apparent. MONUC's contacts with armed groups in the north now reveal a guarded new interest in entering DDRRR. MONUC has also initiated contact with a major new group, the Ugandan ADF, which the mission had sought to contact more than a year ago, but which had been lost sight of during the fighting in Ituri. Encouraging statements made both by military and civilian authorities in Goma and by the new DRC government seem to indicate a willingness to work with MONUC to advance DDRRR. MONUC is now working with the transitional government to encourage further progress in this direction, both in Kinshasa and in the Kivus.

Armed groups thrive in the current climate of insecurity and uncertainty in eastern DRC, but cannot survive for long if normality is imposed, especially if normality is accompanied by an increase in economic and social standards for the local population as well as in the countries of origin. It is in this context that the new mandate of MONUC, and particularly as regards assisting the transitional government with the disarmament and demobilisation of

Congolese combatants, must be viewed. In the long run, the DDRRR of foreign combatants and the DDR of Congolese combatants are parallel tracks towards the restoration of civilian authority throughout the country.

The ongoing security challenges in the East

As Ambassador Swing emphasised, the prevailing military situation in eastern DRC does not allow us to speak, as yet, of a post-conflict situation in the country as a whole. In fact, a number of security threats remain to be addressed, not least in the District of Ituri and the Kivu Provinces. Part four of this book is dedicated to these on-going security challenges, providing both an overview of the situation in that vast area of the DRC as well as a discussion of measures being taken to address violence and resolve pending conflicts, which have the potential to derail the peace process.

Anneke van Woudenberg, who works at the Africa Division of Human Rights Watch, provides an essential discussion of the situation in the District of Ituri in a chapter entitled *Ethnically targeted violence in Ituri*. She considers that, despite the euphoria that surrounded the signature of three peace agreements, fighting in this area of the DRC intensified in late 2002 and during 2003, with horrific consequences for the local population. Woudenberg emphasises that, although the atrocities in Bunia reached the headlines during May 2003 (when hundreds of civilians were slaughtered in Bunia and tens of thousands were forced to flee), the United Nations has estimated that 50,000 civilians died in Ituri since 1999.

The conflict in Ituri has been characterised by persistent human rights abuses, crimes against humanity and other violations of international humanitarian and human rights law on a massive scale. Woudenberg considers that the war in Ituri is a complex web of local, national, and regional conflicts, which developed after a local dispute between Hema and Lendu was exacerbated by Ugandan actors present in the District and the broader international war in the DRC. In fact, Congolese belligerents such as the Congolese Liberation Movement (Mouvement pour la Libération du Congo, *MLC*), the Congolese Rally for Democracy-Liberation Movement (Rassemblement Congolais pour la Démocratie-Mouvement de Libération, *RCD-ML*) and the Congolese Rally for Democracy-Goma (Rassemblement Congolais pour la Démocratie-Goma, *RCD-Goma*) have provided support to Ituri's local militias in their conflicts as a way to expand their own base of power in the DRC transitional government or perhaps even to derail negotiations. These national groups, as well as local ethnic groups in Ituri, have been and, in some cases, still are supported by the Ugandan, Rwandan and DRC governments.

A discussion of each of the levels of this conflict is then provided, centering on the local level (where the conflict between the Hema and Lendu is

explained); the national level (where the links between national belligerents, including the role of Kinshasa, and local groups are explored) and finally, the regional level (where the critical involvement of Uganda and Rwanda is explained).

Woudenberg considers that, in reality, Ituri has been the battleground for the war between Uganda, Rwanda and the DRC. All three have provided local groups with support, despite documented evidence that these groups have committed widespread violations of human rights. As a result, the conflict in Ituri cannot be seen as merely a “tribal war”, not related to the broader context in which it is included. The practical consequences of this perception meant that between April 1999 and April 2003, MONUC had only a small team of fewer than ten observers in this volatile area. As a consequence of the fighting, MONUC increased its presence to several hundred during April 2003, but this contingent did not have the capability to protect thousands of civilians who fled to them for protection. Woudenberg emphasises that the situation in Ituri remains critically important to the peace process, for the continuation of this kind of violence, which also exists in the Kivus, may in fact compromise the momentum that has been created through the establishment of the Transitional Government.

The response of the international community to the situation in Ituri was the deployment of an Interim Emergency Multinational Force with a Chapter VII mandate to protect civilians and UN staff in the town of Bunia. Mr. Alpha Sow, Head of the MONUC Office in Bunia, evaluates the *Achievements of the Interim Emergency Multinational Force*, and outlines some future scenarios for the security situation in Ituri. Sow recalls that the grave crisis that took place in Bunia and Ituri following the withdrawal of the Ugandan Peoples’ Defence Force (UPDF) units in early May 2003, elicited a swift response by the UN Security Council, which authorised the dispatching of an international force to Bunia in accordance with resolution 1484 (2003) adopted on 30 May. France not only accepted to lead the Interim Emergency Multinational Force (IEMF) on behalf of the European Union, but also provided most of the troops.

According to Alpha Sow, the IEMF-led Operation ARTEMIS was a remarkably positive experiment in co-operation between the UN and a regional organisation. The IEMF provided a stopgap to the UN, limited in time and space, which allowed it to better prepare to transit from the phase of peace-keeping to that of peace enforcing. The IEMF’s limited mandate circumvented possible political opposition by neighbouring states, neutralising any suspicion of self-interested interference in regional affairs.

The IEMF re-established security in Bunia, effectively responded to UPC provocations, and weakened the militia’s military capabilities. It managed to cut off military supplies from abroad, through air monitoring of secondary and field airstrips. However, the demilitarisation of Bunia was carried out

only partially, because of the time limitation. In three months, Bunia was rendered a “weapons - invisible” zone, rather than a “weapons – free” zone. Nevertheless, thanks to the IEMF’s stabilisation action, the leadership of rival armed groups were allowed to relocate in Bunia, and to open up political offices there. IEMF actions also facilitated the return to Bunia of thousands of IDPs (Internally Displaced Persons), as well as the resumption of economic and social activities (albeit at a modest scale).

The time and space limit imposed by its mandate, however, greatly limited the IEMF’s military reach. The Force was not able to extend its action beyond Bunia – apart from ad hoc pre-emptive raids. Nevertheless, Operation ARTEMIS was launched at the optimal moment, and has allowed the UN Security Council, troop contributing countries, and MONUC to get ready for the deployment of almost 5,000 soldiers to the district. The challenges ahead, however, are enormous.

Sow concludes that MONUC is now faced with the daunting task of peace-enforcement, peace building, and also longer-term conflict resolution in Ituri. The approach to be adopted must be multi-layered - the best strategy should include coherent political, military, judicial, information, humanitarian and development interventions. In brief, MONUC has to use both the stick and the carrot to induce compliance.

Another area where there are considerable on-going security challenges is the Kivu Provinces. As Hans Romkema, representative of the Life and Peace Institute in the DRC, points out, most if not all wars and rebellions in the DRC have either started or were played out in the Kivus. In his chapter entitled *The situation in the Kivus*, Romkema provides an introductory discussion to the problems of these Provinces, exploring possible interventions to resolve on-going challenges.

Similar to the situation in Ituri, conflicts in the Kivu Provinces are not a recent phenomenon. In fact, Romkema begins by explaining that violence in this area began in 1993 with ethnic violence in the North Kivu territories of Masisi and Walikale. The violence that erupted was largely due to land, customary rights to land and the non-respect of traditional authorities. This conflict was relatively under control when thousands of Rwandan refugees arrived in mid-1994, a development which created new tensions and resulted in the increase in anti-Tutsi sentiments within indigenous Congolese communities. As a result, Romkema emphasises that, for the success of the peace process in general, the historical roots of conflicts such as the ones in the Kivus, cannot be ignored.

A detailed description of the main rebel group, the “Rassemblement Congolais pour la Democratie – Goma” (Rally for Congolese Democracy–Goma/ RCD-G), is then provided. Romkema explains that the very name of this movement indicates that this movement is formed by a

diverse group of people, all belonging to different factions of Congolese society. It is therefore not a unified group of people who hold the same ideas and ideology. In fact, many became part of the RCD for personal gain or to further the interests of the ethnic or political group to which they belong. Because of this, and bearing in mind that the RCD-G's leadership is now part of the Transitional Government in Kinshasa, Romkema warns that there are signs that there are those within the RCD-G who prefer a different solution to that offered by the peace process. Although potentially disruptive, Romkema believes that these elements will not undertake a third rebellion.

Another important element when discussing the situation in the Kivus are the Mayi-Mayi. Romkema believes that this loose movement is more unified than most people think. Although constituted by semi-independent commanders, they all report to General Padiri, General Dunia or General Mazunzu. Romkema believes that it is necessary to include the Mayi-Mayi in the peace process, by incorporating their leaders in the new Unified Army. For this to happen, preliminary contacts have already been established, contacts in which the Life and Peace Institute has played a central role. MONUC has also been involved in contacts with these groups.

Romkema considers that lasting peace in the Kivus will depend on: the creation of mixed missions of former RCD, Mayi-Mayi and Kabiliste politicians and military which will act as interlocuteurs for the peace process in the Provinces; increased support by the central government to the Provinces; attention to areas such as Uvira-Fizi where dissatisfaction runs high; and proactive policies that support the cohabitation of different ethnic groups in the Kivus. The critical issue of DDRRR must also be seriously dealt with because there are still thousands of FDLR troops and refugees spread throughout the Kivu Provinces. Romkema suggests that the DDRRR process could benefit from more structural and active collaboration with local organisations and individuals.

In addition, external interference (by Rwanda, Tanzania and Burundian rebels) must be tackled, and perhaps the best place to discuss these issues will be in the forthcoming Conference for Peace and Security in the Great Lakes Region. Finally, Romkema emphasises that although the conflicts in the Kivus are varied, they should not be dealt with on an individual basis but rather be approached collectively.

Colonel Lawrence Smith, Commander of MONUC's Sector 5, relates his experiences as the commander responsible for *MONUC's military involvement in the eastern Congo*. Smith notes that the establishment of the Transitional Government coincided with the full deployment of military forces available for operations in Sector 5, and the advent of phase three of MONUC's military operations. This has resulted in a much more visible deployment of troops on the ground, the deployment of expanded military resources in sup-

port of the operation and consequently, more protection and flexibility with regards to the employment of the military observers.

The most dramatic change in MONUC's military posture, however, was brought about by the promulgation of Security Council Resolution 1493, which authorised a Chapter VII mandate for MONUC. This mandate has necessitated a quick adjustment by the contingents previously deployed and functioning under the original Chapter VI mandate.

The dynamic nature of the situation in the Kivus can only be understood and taken into consideration during the development of operations, if a proper and complete military information picture is available. This critical requirement for the successful conduct of operations has been greatly enhanced by the deployment of troops on the ground as well as the increase in the number of military observer teams and their deployment to team sites in remote areas throughout the sector.

The overall aim of the operation in Sector 5 is to facilitate the DDRRR process in the Area of Responsibility (AOR). The present priorities are reflected in the Sector Commanders' intent, which reads as follows: *"It is my intention to support the DDRRR of Foreign Armed Groups as the Focus of Main Effort, in order to enhance and to create stability in the sector. As Supporting Efforts, we should curb human rights violations by maintaining a high level of visibility in the respective Areas of Responsibility.*

Due to the size of the sector, priority areas have had to be determined and addressed in sequence. Operations will be conducted in three stages. During stage 1, three companies of Task Force One (TF1) are deployed into the north-eastern part of the AOR. Their precise locations must be such that force protection, good command and control, as well as logistic support are all feasible. The high visibility concept must augment the efforts of DDR and military information teams to achieve stability. A high level of freedom of action at company level is to prevail, in order to achieve the desired balance between maintaining a high level of presence, conflict resolution, monitoring and verification actions. *Ad hoc* DDRRR opportunities must be exploited as far as possible, without distracting forces from the main aim during this stage.

Stage 2 will involve the re-deployment of infantry elements to the south-eastern part of the Sector for stabilisation operations in the same manner as conducted in the north-eastern part; while the remaining elements of TF1 commence with DDR activities. Stage 3 will see the deployment of troops into the central part of the AOR to facilitate DDRRR.

One of the specific tasks given to the Sector 5 Commander, is that of establishing a presence in areas never visited before. Several inroads have been made in this regard, of which the most notable is the active patrolling east of the Congo River in the Maniema province, as well as in the Kindu environ-

ment. This has already led to the return of displaced residents, and the significant change in the number of inhabitants is indicative of the security situation returning to a higher degree of stability.

Smith concludes that the increase in troops and the resultant visibility of UN military personnel on the ground underlines the notion that the mere presence of peacekeepers does have a stabilising effect on an area that is suffering the aftermath and effects of war.

Conclusion

It is clear that serious international efforts are currently underway to accompany a major peace building effort in the DRC in support of Kinshasa's transitional government. For the international community, the challenge is to become a decisive facilitator, balancing Congolese ownership with the need to safeguard international priorities such as human rights, rule of law, and regional stability.

There can be no doubt that the actors that participated in the Pretoria workshop are doing their best to meet the challenges – from the military and police planners in New York, to the SRSG and MONUC section heads in Kinshasa, and the commanders on the ground. The project is undeniably ambitious, including the plans for DDRRR, for security and justice, and for social and economic development. But the plans are impressive, and the will to implement them is strong.

We hope that this book will provide a fair record of the knowledge and insight that was shared at the workshop. It highlights the enormous challenges of peace implementation in the Congo; but also notes the successes achieved to date with severely limited resources. The various chapters, and the discussions thereof, also provide a good idea of the practical ways in which MONUC and its partners are overcoming challenges and obstacles that are so complex and of such a magnitude, that they seem insurmountable to the majority of observers.

Indeed, it is also our hope that this reflection on the progress, problems and prospects for the DRC peace process will help make some sense of what is arguably the most complicated and ambitious post-Cold War experiment in the creation of peace from chaos with fairly modest resources.

Notes

1. Mark Malan and João Gomes Porto are, respectively, Head: Training for Peace Programme and Head: African Security Analysis Programme at the Institute for Security Studies.

2. J Paul Lederach, *Building peace. Sustainable reconciliation in divided societies*, United States Institute of Peace, 1997, p 20.
3. Stephen John Stedman defines peace implementation as 'the process of carrying out a specific peace agreement', which 'focus on the narrow, relatively short-term efforts to get warring parties to comply with their written commitments to peace'. For an in-depth discussion of all facets of peace implementation see the excellent collection of papers in J Stedman, D Rothchild and E Cousens, *Ending civil wars. The implementation of peace agreements*, J Stedman, D Rothchild and E Cousens (eds), Lynne Rienner, Boulder, 2002.
4. Human Rights Watch (HRW) interview , Beni, February 2003 as cited in HRW, Ituri: "Covered in Blood". *Ethnically targeted violence in Northeastern DR Congo*, HRW, Vol. 15, No. 11 (A), July 2003.
5. For a comprehensive discussion of the 1999 Lusaka ceasefire agreement see E Rogier, *The labyrinthine path to peace in the Democratic Republic of the Congo*, in J Gomes Porto and H Boshoff (eds), *The peace process in the DRC. A reader*, Institute for Security Studies, Forthcoming, 2004.
6. [UN] Office for the Co-ordination of Humanitarian Affairs.
7. (UN) Office of the High Commissioner for Human Rights, (UN) Office for the Co-ordination of Humanitarian Affairs, United Nations Children's Fund, United Nations High Commissioner for Refugees, and the United Nations Development Programme.
8. Allied Democratic Forces (Uganda).
9. Congolese Patriotic Union (Union des Patriotes Congolais).