Seminar Report
Reconstructing fragility?
The post-conflict state in the DRC

EGMONT

2010
MAKE PEACE HAPPEN
www.makepeacehappen.net

INSTITUTE FOR SECURITY STUDIES
INSTITUT D'ETUDES DE SÉCURITÉ
ISS

As a leading African human security research institution, the Institute for Security Studies (ISS) works towards a stable and peaceful Africa characterised by sustainable development, human rights, the rule of law, democracy, collaborative security and gender mainstreaming. The ISS realises this vision by:

- Undertaking applied research, training and capacity building

- Working collaboratively with others

- Facilitating and supporting policy formulation

- Monitoring trends and policy implementation

- Collecting, interpreting and disseminating information

- Networking on national, regional and international levels

Seminar Report

Reconstructing fragility?

The post-conflict state in the DRC

Acknowledgements

Contents

Acronyms and abbreviations

ANR — National Intelligence Agency (Agence Nationale de Renseignements)

ASM — Artisanal Small-scale Mining

CAR — Central African Republic

CNDP — National Congress for the Defence of the People (Congrès National pour la Défense du Peuple)

CONADER — National Commission for Demobilization and Reintegration (Commission Nationale pour la Démobilisation et la Réinsertion)

DDR — Disarmament, Demobilization and Reintegration (Désarmement, Démobilisation et Réintégration)

DDRRR — Disarmament, Demobilization, Repatriation, Reintegration and Resettlement (Désarmement, Démobilisation, Rapatriement, Réintégration et Réinstallation)

DRC — Democratic Republic of Congo

FARDC — Armed Forces of the Democratic Republic of Congo (Forces Armées de la République Démocratique du Congo)

FDLR — Democratic Forces for the Liberation of Rwanda (Forces Démocratiques de Libération du Rwanda)

IC — International Community

ICCLE — Initiative pour un Leadership Collaboratif et le Cohésion de l'Etat en RDC

ISS — Institute for Security Studies

LRA — Lord's Resistance Army

MONUC — United Nations Organization Mission in the Democratic Republic of Congo (Mission de l'Organisation des Nations Unies en République Démocratique du Congo)

PNC — Congolese National Police (Police Nationale Congolaise)

RDF — Rwanda Defence Force (Forces Rwandaises de Défense)

SPLA — Sudan People's Liberation Army

SSR — Security Sector Reform

UPDF — Ugandan People's Defence Forces

Introduction

The Pretoria peace agreement of 2002 and the start of the transition in 2003 concluded almost a decade of violent conflict and ushered in a new phase in the political history of the Democratic Republic of Congo (DRC). The main achievement of the transitional period was the holding of generally free and fair elections in the course of 2006. For most observers, these elections announced the end of war and the prelude to the DRC's post-conflict reconstruction process.

Despite some positive developments, in the three years after the elections, democratisation has not yielded an accountable government in the DRC; instead, it has simply reconfirmed existing wartime power dynamics and governance practices. Limited progress has been made in reforming the security sector and large parts of the east remain under the control of non-state armed groups. The peace process in the DRC, especially in the eastern regions of the country, is still incomplete, and poses significant challenges and risks in the future, certainly for the upcoming national elections in 2011.

These realities point at a number of critical issues in the current approach of the international community (IC) to 'peace building' and 'post-conflict reconstruction'. This approach tends to be based on the belief that political and economic liberalisation are successful antidotes to violent conflict. Elections are at the heart of this one-size-fits-all approach, while normative reconstruction packages focus on democracy; elections; the re-establishment of political institutions, political participation, and the rule of law; good governance; and the recovery of the national economy. In the case of the DRC, however, the post-conflict reconstruction process is increasingly reproducing a fragile state. The Congolese state tends to sustain a pattern of structural violence and privatised governance by both governmental and non-governmental actors.

This seminar on the post-conflict Congolese state focused attention on several major factors that have had a significant impact on the peace building and reconstruction process in the DRC and which could be of major importance for the future.

Aims and objectives

The seminar organised under the title 'Reconstructing fragility? The post-conflict state in DRC' aimed at bringing together researchers, experts and policy makers to evaluate the nature of the post-conflict Congolese state. Discussions focused on a number of critical issues, including security governance, the management of natural resources, local peace efforts and external interventions.

The research seminar aimed at examining the following topics:

- The process of state building in the DRC
- The dynamics of violence and conflict
- The role of the international community

Organisation and structure of the seminar

The event was held in Kloofzicht Lodge on 24 and 25 August 2009 and was organised by EGMONT – Royal Institute for International Relations and the Institute for Security Studies (ISS). The seminar brought together 40 participants, from different backgrounds.

The two-day seminar comprised seven sessions, as listed below. The seven main sessions included presentations of three to four experts, followed by a discussion:

- Session I: Evaluating the post-conflict state
- Session II: Management of natural resources
- Session III: Post-conflict and security governance
- Session IV: The politics of mobilisation, demobilisation and re-integration
- Session V: Promoting local peace
- Session VI: Foreign militias and regional responses
- Session VII: The role of the international community

Evaluating the post-conflict state

'Failed state', 'ghost state', 'state fragility': the DRC is frequently associated with these epithets when its political situation is described. Although we cannot ignore the fact that today the country's government is performing poorly and is lacking the monopoly on violence, the Congolese state is surprisingly resilient and could evade this 'failed' categorisation.

The DRC is a fragile state but not a failed one. It can be seen as an authoritarian, repressive state providing some public services, but, in one way or another, it is still succeeding in its nation-building initiatives and in creating nationalistic sentiments. For example, no rebel movement or non-state armed groups have made any serious secessionist claims. However, this does not mean that polarisation in the Congolese society is totally absent as this 'Congo-hood' is hardly capable of transcending ethnic and regional divisions.

The first considerable political divergence became evident after the elections of 2006. Analyses of the election results have shown an apparent east-west division. Because of differing political, economic and security conditions in different parts of the DRC, the dynamics of elections have had diverse outcomes throughout the country. Where Joseph Kabila, with his discourse of 'foreign resistance and peace builder', has attracted many votes in the eastern regions, the political impact of the conflict in the western region has been fundamentally different, with a political affiliation to Jean-Pierre Bemba. With these elections, Kabila, heavily backed by the IC, assumed legitimate governance.

However, the elections did not produce durable internal political stability. This was immediately demonstrated in the fighting in Kinshasa between Bemba and Kabila. In addition the regime has been rendered fragile by the continued fighting in the eastern parts of the country. In the

preparations for the next presidential elections in 2011, it is noticeable that Kabila has managed to remove some of his major opponents, including Bemba and the ambitious Vital Kamerhe. With his crackdown on political dissent, Kabila has clearly managed to strengthen his fragile personal rule. Despite the democratic character of the elections, these have not been accompanied by a new political and governance culture. Kabila and his 'Mobutist' entourage are centralising power on the principle of 'winner takes it all', with private gain and patrimonial rule as their main objectives.

THE CONGOLESE STATE: ORDER OF DISORDER

The Congolese state is thus increasingly becoming a 'Mobutu-like' resource instrument, with rewards given in exchange for political loyalty. During the kleptocratic years of the Mobutu regime, systems of private predation by political and economic elites were extensively set up behind the walls of public institutions. Even today, the pursuance of private interests and personal economic and political gain are entrenched in all levels of Congolese politics and society. Wealth gives power, but the power has the wealth.

The peace process in the DRC has also resulted in the re-integration of local administrations into the national political frame and the integration of former rebels into state security forces. Problems of incompetence and the lack of governance capabilities have seriously impacted on governance practices and the quality of the state capacity. The state today is too often seen as a force of disorder: a state of exception instead of a state of inclusion. Corruption, nepotism and divide-and-rule politics that hollowed out the previous Zaïrian state for over 30 years

have been reconfirmed during the peace process. The centralisation of political power in Kinshasa has allowed the government to establish a network of local agents, based on a system of patronage and 'clientelism'.

SOVEREIGNTY

One of the reasons that this weak governance could be used as an instrument of rapacity is the international recognition of the DRC's sovereign status. This recognition by other powers gives a degree of legitimacy to the state's domestic power, which allows it to claim the monopoly on violence by imposing itself upon its citizens. This concept of sovereignty protects weak governments from outside interference. In the case of the DRC, it can be argued that, without this international recognition of the DRC's sovereignty, the continuation of the poor performance of state institutions would be hard to maintain.

Management of natural resources

The DRC is often regarded as Eden's garden, with its vast reserves of natural resources. The true extent of these mineral reserves still remains to be identified and today the mining industry is largely dominated by artisanal and small-scale mining (ASM), with over 80 per cent of the mineral production being mined artisanally.

War in the DRC has increasingly been explained in terms of 'the greed and grievance discourse' where war is seen as a means of getting access to natural resources and as a strategy to get control over informal trading networks. This popular discourse was also picked up by excessive negative advocacy campaigns, where the nature of the DRC's conflict has been simplified to a 'resource conflict', with a direct link being drawn between 'minerals' and violence by armed groups, including 'sexual violence'. However, these 'fashionable' analyses of placing mining at the root of the conflict underestimate not only the multi-dimensional elements (such as land, ethnicity, and power, for example) of the conflict, but also the complexity of war economies.

The link between conflict dynamics in the DRC and mineral trade has to be seen in a broader perspective as there is more than just a cause-effect connection between military groups and the mineral trade. Focusing on this connection does not facilitate the needed constructive debate on the issues of security and development around those resource sites, but can severely diminish investments in the mineral trade. Some companies have already withdrawn from buying the so-called 'blood minerals', such as cassiterite, with harsh consequences throughout the value chain, but hitting the livelihood of thousands of artisanal miners and their families in particular.

INTERNAL CONSTRAINTS

Although it cannot be denied that mineral exploitation is reinforcing conflict dynamics, more attention has to be focused on the internal failures of the Congolese state, including the lack of security, the presence of armed militia, and a lack of strong governance. The presence of militia and armed groups is largely due to the incapability of the Congolese state to claim a monopoly on violence, causing a high level of impunity and the militarisation of the economy, including militarised taxation structures, with the Congolese army playing a pivotal role. In addition, the Congolese government lacks strong governance and effective leadership on this issue. Governance structures are inconsistent and locally negotiated, resulting in conflicting messages from the government, for example on the contract reviews; the absence of a long-term development approach; parallel institutions (statutory vs customary) and decision-making structures; defunct local administration; and fraud. This economic discussion is saturated by politics and undermines the DRC's reconstruction process since it prevents the expansion of a formalised peace economy.

SECURITY FIRST?

Even if the management of the mining sector and of the armed conflict in the eastern provinces are intertwined, both issues should be tackled separately, but in close communication with the various parties. Policies should be less about boycotting or disrupting the mineral trade when it is known that military control is a symptom of lasting insecurity. Policy makers should thus focus on consolidating the security sector in order to impact positively on conflict dynamics while at the same time supporting governance reform (such as the establishment of accountability mechanisms), which is essential both to guarantee the sustainability of these positive impacts and to provide a platform on which to build a successful economic development process.

The development of the mining sector can be facilitated by:

- An engagement with, and formalisation and reform of the ASM sector in order to be able to control its development and increase its benefits
- The creation or reinstalling of the necessary structures for the implementation of statutory law, such as the non-operational Mining Cadastre. A functioning land property titles' structure, also for mine claims, can help to prevent local conflicts
- A restructuring of the former parastatal enterprises and change management
- The implementation of mechanisms to ensure transparency of the value chain, including all actors involved in this process

Post-conflict and security governance

Security governance issues such as 'Disarmament, Demobilisation and Reintegration' (DDR), 'Security Sector Reform' (SSR) and reinforcing the rule of law are increasingly recognised as priority peace building tasks. It is therefore not surprising that, during the transition period, the SSR strategy has taken central stage in the reconstruction of the DRC.

From the start, the reform of the security sector and especially of the Armed Forces of the Democratic Republic of Congo (FARDC) was faced with a serious lack of management, regulation, resources and control. Throughout its history, the DRC has never had a security system designed for and capable of assuring the protection of the population: under Mobutu, security actors were designed to protect and reinforce the political, economic and individual interests and positions of the ruling elite. During the transitional period (2003–2006), central political control over the various branches of the security system remained very weak, principally because the different former belligerents were able to maintain a considerable parallel military capability. Also today, the structural issues that weakened the security apparatus in the past, such as confusion on the specific role of different actors, weak police, negligible civilian oversight, tribalism, unequal treatment, and rampant corruption, continue to render the Congolese security forces fragile.

THE DRC'S SECURITY FORCES

Today's security system has many commonalities with the structures put in place under colonial rule and maintained during the Mobutu regime: an omnipresent, overstretched and divided army and a weak police force. Both the Congolese army and police force are incapable of providing civilian protection, or of defending the country or keeping the peace in the eastern provinces. This was demonstrated by the *Congrès National pour la Défense du Peuple* (CNDP) confrontations and the current operations against the *Forces Démocratiques de Libération de Rwanda* or FDLR (Kimia II). The security forces are more widely considered as a threat to the population. They are the principal perpetrators of violence and abusers of human rights, and are an additional source of instability rather than a stabilising force. This is in particular the case in the east, where each deployed soldier is an additional security threat to the population. This ill-disciplined behaviour of the FARDC seriously undermines the legitimacy and the confidence of the state's security governance and slows down the DDR process. As events in Bas-Congo against the Bunda dia-Congo movement have demonstrated, the security forces are exceedingly demonstrating a blatant disregard for human rights and civilian protection wherever they are deployed. The national police (PNC), on the other hand, has long been victim of reorganisations, arbitrary promotions and dismissals. The police has been strongly politicised, remains highly militarised and is serving the interests of those in control of it.

'RECREATION TIME IS OVER'

Six years after the start of the transition, although some positive developments can be noticed, such as the introduction of new legislation and the declaration of a zero-tolerance policy, progress in the SSR is too little, too slow and suffers from a patchwork approach. It lacks a more structural policy with a focus on the governance aspects of the security system.

During this session of the seminar, significant obstacles that are slowing down the SSR progress were identified. What became apparent is that the Congolese

government and the IC both share responsibility for stalling the process, as shown below.

1. Firstly and most importantly, a lack of political will on the part of the Congolese government can be discerned. 'Local leadership' and the 'transfer of political ownership to the national authorities' are crucial for effective SSR to take place, but in the DRC conditions for this to happen are extremely challenging. This leadership can only be provided by the Congolese government, including the political and military establishment, but unfortunately there is hardly any commitment to the implementation of a reform strategy – if there is one at all. For example, the so-called overall 'Governance Compact' strategy was set up by both the EU and the World Bank and also deals with some SSR aspects such as the integration of the military, the demobilisation of militias, the restructuring of the chain of payment, the restoration of discipline and democratic control over the security forces. Although approved, this strategy has never been applied.

   This is partly due to the way in which impunity is still entrenched in the political and military hierarchy. Efforts to create a unified Congolese army with clear lines of command, control and discipline will challenge the power bases and income-generating sources of the political system. Maintaining the 'status quo' seems to be the preferred strategy.

   Another reason a reform strategy has not been implemented is that the proposed strategies are foreign imposed concepts that are not appropriated by the Congolese government. One can ask if this argument is just an excuse for rejecting the proposed institutional change. There is no real demand for SSR from the Congolese government apart from equipping, building and training.

2. FARDC training and 'capacity building' are part of the bilateral agreements between different donor countries and the Congolese government. Since the start of the first SSR[1] initiatives in the DRC at the end of 2003, a multitude of multilateral cooperation agreements, bi-lateral actions and trilateral initiatives have been launched. Consequently, the SSR architecture has become very complex, requiring significant coordination capabilities and clear responsibilities shared among the international actors and between the donors[2] and the Congolese government – with, ideally, the Congolese government in the lead. The opposite is closer to reality. The lack of coordination within the IC is considered a serious impediment to the SSR process.

This lack of a consistent international position has allowed the DRC government to play the donors off against each other within a competitive 'SSR market', where SSR players are seeking to influence the process and are vying for political benefits.

3. Some other important aspects that have to be addressed include:
   - The division in the security forces, not only politically but also between different services. The clearest example is the difference between the *Garde Républicaine* and the FARDC
   - The fact that the current reform initiatives do not include the intelligence services, such as ANR, military intelligence and the immigration service. These also exclude border control
   - The non-completion of the DDR in the DRC (see Session IV)

IN NEED OF A NEW 'CHANTIER'

It is clear that the SSR process in the DRC cannot be seen as a model case of a successful SSR process. Although there may be signs of change with the president's 'zero tolerance' and 'anti-corruption' campaign in the army, a full engagement at both the national and the international level is of vital importance.

Well-coordinated foreign support can provide the means for effective SSR, but it cannot generate or even buy the will to undertake reforms. SSR will never be successful in a political context where service delivery, (good) governance and respect for human rights are not a priority for the governing elite. If there is none of those, nothing will change.

A realistic approach that defines the role and the responsibilities of the security services coupled with a long-term view on how the forces will be structured is thus needed. This means that a national debate on this reform cannot remain a low priority and that the creation of a coordination structure on SSR cannot be postponed. For this, the Congolese government has to take the lead.

NOTES

1   The reform of the security sector in the DRC is legally based on three documents: the 'Global and Inclusive Agreement', signed on 17 December 2002 in Pretoria by most of the former Congolese belligerents; the 'Transitional Constitution', ratified on 2 April 2003; and the 'Commitment Act' of Dar es Salaam, signed by non-signatories of the Pretoria Agreement.

2   The main actors were a number of key donors: Belgium, France, South Africa, Angola, the UK, the US, the Netherlands, the EU, the UN through MONUC, the World Bank and the IMF.

The politics of mobilisation, demobilisation and re-integration

In the previous session on security governance in the DRC, it was emphasised that there is still a long way ahead for the SSR process. One of the reasons pointed out for the slow pace of SSR is the incomplete DDR programme. However, it was planned that the DRC's DDR programme should have been in its final stage of completion in mid-2007. One explanation for this delay is inadequate technical, logistical and financial management and poor conceptualisation, not only by CONADER but also by the donor community. The programme was relatively inactive until 2008 and still has to deal with an important caseload of combatants needing to pass through the system.

More discomforting is the re-emergence and re-mobilisation of non-state armed groups, a phenomenon thought to have disappeared, after the 2008 Goma Agreement and during the Amani peace process. The peace process has not been successful in reversing the logic of mobilisation. One of the most obvious causes is the perception of the DDR programme as a form of livelihood. The incentives given in the DDR process encouraged armed groups to re-arm and redefine their positions in order to be included in the peace process and the DDR programme. The Amani process facilitated these dynamics by inviting an already dissolved armed group to the debates, thereby mobilising them for inclusion in the DDR programme.

However, it is not just the DDR programme itself pushing militias and combatants to re-arm to be 'selected'. The issue is more complex and more structural than this. First of all, the root causes of the conflicts have not been addressed. There is no mutual trust and respect. 'Self-defence' groups or new 'protection' forces are being formed for security reasons, mainly to protect (ethnic) communities against the other armed militias and the FARDC. These (new) armed non-state actors also often emerge in the vicinity of zones of economic opportunity, such as extractive resources sites, where new taxation systems and tax points appear.

Moreover, largely because of their socially and economically marginalised position, the ex-combatants are easily recruited again after their community reintegration because no social safety net is provided and because there is a lack of recognition in the community for their *efforts de guerre*. The reintegration of former combatants into civilian life continues to place a heavy burden on local societies and challenges the IC and UN mission in the DRC (MONUC) in particular. It is, however, the most crucial part for the success of DDR; if the integration in civil life does not meet the ex-combatants' and communities' expectations and interests, re-recruitment is very probable. Nevertheless, the dire socio-economic situation in the DRC, with few opportunities for employment and social reintegration, poses a huge problem.

The number of armed groups has been increasing continuously since the start of the peace process, especially in South Kivu. Alternative forms of legitimacy and authority have emerged from a context of state failure and have complicated local power structures. Although most of these new power structures do not intend to replace the state administration, some are transforming the local authority structures by providing a new administration, which includes the installation of a new tax system and increasing social control. These competing parallel power structures include rural militias, private economic entrepreneurs, traditional authorities and local NGOs.

In addition, the role of the Congolese state in the mobilisation/demobilisation dynamics cannot be underestimated, although the state is certainly not at the forefront. Through their support of some of the (re) emerging militias, members of the ruling political class are constantly manipulating the peace process.

Very often, the emerging relationship between armed actors and these local elites and administration has involved a situation of mutual benefit: while the armed actors remain highly dependent on existing economic networks to finance their private and military operations, the latter have benefited from this armed presence to acquire additional wealth, and to reposition themselves in the regional military-commercial landscape. There is a constant negotiation between the state and non-state actors, groups and institutions that form today's local political order in the eastern DRC. Domination and resource extraction are the driving forces of these negotiations.

HOW TO PROCEED?

How can the constant (re)emergence of new power centres be prevented? What can be done if the root causes of conflict are still present? One of the main conclusions of the seminar is the recognition of the need for an efficient, coherent and well thought-out DDR programme that is closely related to SSR initiatives and focuses on the reintegration phase instead of the 'more of the same' or 'slightly different' approaches. In addition, a social contract and mutual confidence have to be re-established, local governance re-installed and the region has to be demilitarised by handing over the security responsibility to the police.

Promoting local peace

Despite the hopes for peace offered by the Lusaka Ceasefire Agreement (1999), the Pretoria Agreement (2002), the 2003–2006 transition period, and the 2006 elections, the eastern provinces, especially North and South Kivu, remain an unfinished chapter of the peace process in the DRC, experiencing considerable levels of violence, displacement and a very complex local politico-security situation.

The eastern provinces have been in a state of war and instability for more than 15 years and it seems that the numerous agreements and military operations have not provided any sustainable solution. How is it that (relative) peace and stability can be attained at the national and regional levels but not at the sub-national or local levels?

The presentations at the seminar underlined the need for the IC to adopt a different approach to the DRC and stressed the significance of a multilayered strategy, effectively including all levels of the conflict. Although, as the recent conflict in the east again demonstrates, the three dynamics of conflict – local, national and regional – intertwine discretely and perniciously, much more attention has to be focused on the local micro level, an area that has often been left unattended.

BOTTOM-UP APPROACH

Treating the symptoms of the conflict without tackling the root causes of violence is a short-term solution, but not sustainable. The lack of understanding by international actors of local conflict dynamics contributes to a failure in securing stability in the region. The dominant peace building culture ignores the micro level dynamics and is too focused on a top-down approach.

During this session of the seminar, reference was made to local grassroots agendas which are reshaping and influencing the national structures and which have to be taken into account in the intervention strategy of the IC. During the war, new power complexes have been created, providing national and regional actors with local (ethnic) support, access to revenues from resource extraction and dominant military positions. Disputes and competition between these different structures and local leaders have a considerable impact on the peace process. It is important to note that local political and socio-economic agendas, although becoming increasingly autonomous from the national and regional levels, are still very much influenced by 'Kinshasa'.

HOW TO PROCEED?

It is time for the IC to rethink and revise its peace building strategy and recognise that local disputes are not purely humanitarian problems, but are also political issues. Some examples of alternative and proven local approaches and the work of certain organisations were discussed during this session. These included the International Rescue Committee, the UN stabilisation plan, Search for Common Ground (SFCG) and ICCLE Leadership Training Programme.

The nature, role and structure of the IC still pose some questions: is the IC the right actor to intervene at the local level? Is it not more logical and efficient to deal with national and regional dynamics? Should a difference be made between grassroots organisations and diplomacy, which operates on the national/regional level?

It was stated that a framework for the implementation of local governance strategies has to be developed. In addition, it was noted that in the long term local peace will be sustainable only if the Congolese government and its institutions are built up and reinforced at all levels.

Foreign militias and regional responses

The security situation in the DRC has been considerably marked by the ambiguous relationship with a number of its neighbouring countries, mostly Uganda, Rwanda and Angola. Despite some signs of stabilisation in regional relationships as well as an evolution in the internal conflicts in the east, the continuing presence of foreign militias on DRC territory poses serious internal security risks and can again lead to a rise in tensions between the countries of the Great Lakes region. Today, the DRC is still harbouring a number of rebel movements that pose a threat to both the Congolese population and regional stability. The main groups are the FDLR, operating in North and South Kivu, and the Lord's Resistance Army (LRA), operating since 2005 in the area of Garamba Park close to the Sudanese and the Central African Republic (CAR) border, and which has now largely moved to neighbouring countries. How should these foreign movements be dealt with since they are hardly interested in national politics, but parasitise on the Congolese population? What lessons can be learnt and how to proceed? What is the role of MONUC?

MILITARY SOLUTION?

From the end of 2008 and during 2009, three military operations were launched to disarm both the LRA and the FDLR and destroy the command of control structures. 'Lightning Thunder', a joint military venture between the Ugandan People's Defence Force (UPDF) – clearly taking the lead – the FARDC, and the Sudan People's Liberation Army (SPLA), and supported by the United States, was launched on 15 December 2008 for a determined period of three months. MONUC was not involved in the preparation or execution of the operation. This military operation marked the end of

the Juba peace negotiations between the LRA and the Ugandan government. In mid-March, the UPDF started withdrawing from Congolese territory and handed over the operation to the FARDC, which was hardly prepared to resume the venture and enjoy the successes of the joint operation. Despite some achievements, the joint operation has not been assessed as having attained its main objectives. Instead, the LRA scattered into small groups and reacted atrociously and brutally towards the population living in that area – especially during the so-called Christmas massacre in 2008. Since then, the UPDF maintains a limited military presence in the DRC.

Some weeks later, on 20 January 2009, a large military action, *Umoja Wetu*, was undertaken by the Rwandan army and the FARDC. The operation, confined to North Kivu, was aimed at neutralising the FDLR and targeted its economic interests. Again, MONUC was not involved in the initial planning of the joint FARDC-RDF operation, did not participate in it, and had only limited access to information regarding many elements of the joint operation. The operation was viewed as a success by both governments, but the actual objective of the mission, the neutralisation of the FDLR, can be questioned. The joint military operation did not deal with the FDLR in its South Kivu stronghold and the FDLR dispersed into the forest, which only caused a temporary disorder of its organisation, but which did not weaken it. This operation was preceded by the arrest of the CNDP leader, Laurent Nkunda, and was considered more of a symbolic exercise to soothe the IC and to reinforce Kabila's internal political power after his humiliation against the CNDP in the course of 2008. The Rwandan forces complied with the timetable. The main effect of *Umoja Wetu* was the neutralisation of the CNDP as a political menace to the DRC government and a shift in its leadership, while also providing a serious

boost to Rwandan-Congolese relations. The effects on the FDLR were rather limited. Following *Umoja Wetu*, the CNDP military units started their integration with the FARDC as part of the March 23 agreement.

Following the departure of the Rwandan troops, a new 'joint' operation was announced, this time between the FARDC and MONUC (Kimia II). The purpose of this operation was to organise sweeping operations in North Kivu and extend anti-FDLR activities to South Kivu. The main responsibility for this new phase fell on the FARDC; MONUC had very little influence on the operation. The direct consequences of this military operation were severely felt by the local communities: reprisals, human rights violations, random killings, and looting, not only carried out by the beleaguered FDLR but also, as was the case in previous years, by the ill-disciplined and untrained FARDC.

However, it cannot be argued that Kimia II or the other operations did not have any effect at all on the FDLR or the LRA. The FDLR, in particular, has come under serious pressure, with the neutralisation of fighters, an increase in the DDRRR and, perhaps most importantly, a disruption of some of the local financial systems. The current context – disorder in its command and control, increased isolation and the closer relations between the DRC and its neighbours – offers an important window of opportunity for extending the purely military approach to a more long-term integrated approach with continued high military pressure.

The operations against the foreign armed groups present in the DRC underscore, once again, the need for a serious approach to SSR of both the police and the army, as well as a serious effort by the Congolese government and justice system to fight impunity, especially within the ranks of the security forces, whose behaviour seriously undermines the efforts at reconstruction in the DRC and

is a driver for further militarisation and instability in the eastern part of the country.

COMPREHENSIVE STRATEGY

Some elements of such a new approach were mapped out during the presentations and interventions of the seminar and include the following:

- Consolidating the rapprochements between the DRC and the Great Lakes countries, notably Uganda and Rwanda. A political dialogue is needed on the repatriation or relocation of the ex-combatants
- Undertaking military actions against the command of control structure and the leadership of the FDLR. By breaking the linkage between the leadership and its rank and file, more combatants will be given the opportunity to desert from the militia. The problem will not be solved by 'just eliminating the leaders'; the situation is more complex and should be integrated in a dialogue framework
- Mounting a coherent legal effort to tackle the FDLR leaders in Europe, who are playing a decisive role in the strategic conduct on the ground
- Strengthening the role of MONUC in the planning and conducting of military operations. This would allow the FARDC to be more embedded and controlled, which would lead to less humanitarian damage. This would lead to a decrease in the number of 'self-defence groups' turning into vigilante movements. A consequence of the insecurity and lack of protection is that civilians are arming and organising themselves in civilian patrols
- Recognising that, a comprehensive strategy for DDRRR cannot be implemented without a coordination structure

The role of the international community

Previous sessions of this seminar identified specific obstacles to peace and stability in the DRC. With regard to the 2011 elections, the recurring theme in each session concerned the role the IC, including MONUC, could play. How should the IC proceed and what recommendations can be made?

SEMI-TUTELLE?

During the transition period, until 2006, the IC had a very strong footprint because of its interventions in the DRC. The IC provided massive financial and diplomatic support for the election process in the DRC. However, after counting the votes, the provision of similar resources and international interest could not be maintained. For a number of reasons, it is difficult for the IC to maintain a long-term perspective on post-conflict reconstruction. This was also the case in the DRC.

Moreover, differing economic and political agendas of the international actors resulted in the falling apart of the convergence within the IC. The Congolese government exploited this to emphasise its sovereignty and its priorities. The message sent by the Congolese government with the signing of the first phase of the 'Chinese contracts' was a very clearly understood 'respect-us' statement.

The Congolese people had a very high set of expectations from the IC, but there was also much uncertainty on what the IC should have done or should do. Is the IC intervening too actively or is it abandoning the DRC because of 'DRC fatigue'?

MIXED PICTURE

Similar to the preparations for the 2006 elections, all eyes are focused on the 2011 elections. The second democratic elections will be a key test for the state of the Congolese reconstruction process. Although there is already some speculation about whether the elections will actually occur, the coming period provides an opportunity for the IC to rethink its approach towards the Congolese government. This includes issues such as SSR, the role of MONUC and the UN system in general, (full) debt relief and new development projects. As has already been pointed out in previous sessions, only if the IC is united and able to speak with one voice will it have the capacity to be more influential. Thus far, the IC has been incapable of organising its positions and priorities, especially in the realm of SSR. The Congolese government has in the meantime made it abundantly clear that it refuses international coordination mechanisms, considering those infringements on its sovereignty. The ensuing bilateralism effectively hinders governance reform and development policies.

This is what has been achieved so far:

- Signs of progress in the pacification in the east are evident, but these have to be assessed with prudence, since the situation is changing fast and remains very fragile. Reports have shown that already FARDC integrated (Mai-Mai) have left the army to return to the bush
- An unfrozen Rwanda-DRC relationship can be seen as a milestone in the long-lasting difficulties between the two countries and creates perspectives for more regional cooperation. The relationship nevertheless remains difficult as issues such as the FDLR and the return of Rwandophone Congolese refugees to the DRC remain open

THE UN MISSION IN THE DRC (MONUC)

At the centre of the debate on the role of the IC in the DRC is the issue of the future of MONUC. MONUC started its deployment following the signing of the Lusaka cease-fire agreement in 1999. Over the past few years,

the role and position of the UN peacekeeping mission has been increasingly questioned by regional leaders, humanitarian organisations and the Congolese population. However, it is clear that, despite some serious problems, the presence of MONUC was and remains of key importance in dealing with the security crises in the east – one only has to consider the war between the FARDC and the CNDP and the current operations against the FDLR. Moreover, the Congolese state remains very dependent on MONUC in order to protect civilians and guarantee a certain level of stability. In order to overcome the organisational, doctrinal misunderstanding and an overstretched force operating with too few troops, new ideas and additional support are certainly needed.

HOW TO PROCEED?

However, we should not focus too much on the 2011 election results, but rather look beyond this event. There are significant challenges that the IC should take into account:

- Priority should be given to a new, more coherent effort in SSR
- A clearer and stronger governance approach is needed, not only on the part of international actors but also from the Congolese government, which needs to show a more demanding leadership, national ownership and governance
- The IC should act faster
- Regional tensions caused by the decentralisation process should be followed and analysed more closely
- The departure of MONUC should be organised with great accuracy, as this would entail a loss in terms of the means and logistics of the Congolese security forces. This discussion should be linked with the SSR process

Attendance at the seminar on the Post-conflict State in the DRC, Kloofzicht, 24 and 25 August 2009

Surname	Name	Organisation/institute
Alan	M	UN/MONUC
Autesserre	Séverine	Barnard College/Colombia University
Boshoff	Henri	Institute for Security Studies (ISS), South Africa
Buscher	Karen	Ghent University
Cilliers	Jakkie	Institute for Security Studies (ISS), South Africa
De Bilderling	Roxane	Belgian Embassy in SA
De Boeck	Filip	Catholic University of Leuven, Belgium
de Villers	Gauthier	UCL/Africa Museum Tervuren, Belgium
El Abdellaoui	Jamila	Institute for Security Studies (ISS), Addis Ababa office
Englebert	Pierre	Pomona College, USA
Gallien	Pascale	Ministry of the Interior, Belgium
Garrett	Nick	Resource Consulting Services (RCS)/ London Schools of Economics, UK
Hoebeke	Hans	EGMONT – Royal Institute for International Relations, Belgium
Huybrechts	Lars	Ministry of the Interior, Belgium
Jansen van Vuuren	Liezel	DOD, South Africa
Johnson	Dominic	Pole Institute, DRC
Kajemba	Eric	OGP, DRC
Kassa	Michel	ILC, DRC
Lacaille	Guillaume	International Crisis Group

Surname	Name	Organisation/institute
More	Sylvie	Conflict Research Unit (CRU), Clingendael Institute
Mutton	Jan	Belgian Embassy in SA
Muzalia	Godefroid	Ghent University, Belgium
Nijskens	Renier	Federal Public Service Foreign Affairs, Belgium
Nzekani Zena	Prosper	Ministry of Defence, DRC
Omasombo	Jean	Royal Museum for Central Africa/ CEP University of Kinshasa
Risch	Line	EGMONT – Royal Institute for International Relations, Belgium
Romkema	Hans	Conflict & Transition Consultancies, the Netherlands
Schomerus	Mareike	London Schools of Economics, UK
Scukubenner	Markus	IFC
Sematumba	Onesphore	Pole Institute, DRC
Tjemolane	JD	DOD, South Africa
Tull	Denis	Stiftung Wissenschaft und Politik, Germany
Turlan	Pascal	International Criminal Court (ICC)
Van Laethem		Belgian Embassy, South Africa
Van Puijenbroek	Joost	IKV Pax Christi
Vircoulon	Thierry	IFRI, France
Vlassenroot	Koen	Ghent University/EGMONT – Royal Institute for International Relations, Belgium
Warrberg	Warl	Embassy of Sweden, South Africa
Wolters	Stefanie	Radio Okapi, DRC

Appendix B

Programme

	Day 1: The process of state building
9.15–9.30	**Opening Address** *Dr. Jakkie Cilliers, Executive Director, Institute for Security Studies.*
9.30–11.00	**Panel 1: Evaluating the post-conflict state** *Speakers:* *Jean Omasombo – Royal Museum for Central Africa / CEP University of Kinshasa* *Muzong Kodi – Chatham House* *Pierre Englebert – Pomona College* *Filip de Boeck – K.U. Leuven*
11.00–11.15	Coffee break
11.15–12.30	**Panel 2: Post-conflict and security governance** *Speakers:* *Henri Boshoff – Institute for Security Studies (ISS)* *Thierry Vircoulon – Institut Français des Relations Internationales (IFRI)* *Hans Hoebeke – Egmont - Royal Institute for International Relations* *Prosper Nzekani Zena – Congolese Defence Force*
12.30–14.00	Lunch
14.00–15.30	**Panel 3: Management of natural resources (mining and forests)** *Speakers:* *Nick Garrett – Resource Consulting Services (RCS) / London School of Economics* *Eric Kajembe – Observatoire Gouvernance – Bukavu* *Guillaume Bumba – K.U. Leuven*
19.00	Dinner
	Day 2: Dealing with dynamics of violence and conflict
9.30–10.45	**Panel 4: The politics of mobilisation, demobilisation and re-integration** *Speakers:* *Koen Vlassenroot – Ghent University / Egmont – Royal Institute for International Relations* *Joost Van Puyenbroeck – IKV/Pax Christi* *Onesphore Sematumba – Pole Institute*
10.45–11.00	Coffee break
11.00–12.15	**Panel 5: Promoting local peace** *Speakers:* *Severine Autesserre – Columbia University* *Michel Noureddine Kassa – ILCCE, Kinshasa* *Dominic Johnson – TAZ*
12.15–14.00	Lunch
14.00–15.15	**Panel 6: Foreign militias and regional responses** *Speakers:* *Hans Romkema – Conflict & Transition Consultancies* *Mareike Schomerus – London School of Economics* *Guillaume Lacaille – International Crisis Group*
15.15–15.30	Coffee break
15.30–17.00	**Panel 7: The role of the international community** *Speakers:* *Denis Tull – Stiftung Wissenschaft und Politik* *Renier Nijskens – Belgium Ministry for Foreign Affairs* *Kenny Pedro – South African Department of Foreign Relations and Cooperation*
17.00	**Concluding remarks** *Koen Vlassenroot – Ghent University / Egmont – Royal Institute for International Relations*

ISS Head Office

Block D, Brooklyn Court, 361 Veale Street
New Muckleneuk, Pretoria, South Africa

Tel: +27 12 346 9500   Fax: +27 12 346 9570
E-mail: iss@issafrica.org

ISS Addis Ababa Office

1st Floor, Ki-Ab Building,
Alexander Pushkin Street,
Pushkin Square, Addis Ababa, Ethiopia

Tel: +251 11 372 1154/5/6   Fax: +251 11 372 5954
E-mail: addisababa@issafrica.org

ISS Cape Town Office

2nd Floor, The Armoury Building, Buchanan Square
160 Sir Lowry Road, Woodstock, South Africa

Tel: +27 21 461 7211   Fax: +27 21 461 7213
E-mail: capetown@issafrica.org

ISS Nairobi Office

Braeside Gardens,
Off Muthangari Road, Lavington, Nairobi, Kenya

Tel: +254 20 386 1625   Fax: +254 20 386 1639
E-mail: nairobi@issafrica.org

ISS Pretoria Office

Block C, Brooklyn Court, 361 Veale Street
New Muckleneuk, Pretoria

Tel: +27 12 346 9500   Fax: +27 12 460 0998
E-mail: pretoria@issafrica.org

www.issafrica.org

SEMINAR REPORT

ISBN 978-1-920422-16-5

9 781920 422165

Liberté • Égalité • Fraternité
RÉPUBLIQUE FRANÇAISE

KINGDOM OF BELGIUM

Federal Public Service
**Foreign Affairs,
Foreign Trade and
Development Cooperation**