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Conflict in the DRC: A Critical Assessment of the Lusaka Ceasefire Agreement

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SOUTH AFRICAN INSTITUTE OF INTERNATIONAL AFFAIRS

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Lusaka Ceasefire Agreement**

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Conflict in the DRC: A Critical Assessment of the Lusaka Ceasefire Agreement

Gerrie Swart & Hussein Solomon¹

Introduction

Conflict can be defined as a situation in which two or more human beings desire goals which they perceive as being obtainable by one or the other, but not by both.² According to Mitchell, conflict refers to actual behaviour, which often involves coercion and usually violence. The behaviour of each party is directed towards preventing the opposing party from reaching its goals.

A fundamental problem for parties employing coercive or persuasive strategies in a conflict is when to 'make peace'. This involves seeking solutions that will bring an end to violence and ultimately secure stability, security and the renewal of peaceful, normal and amicable relations. Such an outcome can be achieved only if all the parties make a concerted effort and decision to compromise through negotiation. The more general process relevant to ending conflict at all social levels can be called 'conflict termination', a matter of at least one party in a conflict determining to abandon coercive behaviour and to adopt a form of settlement strategy that operates through concessions and conciliation.³ Rather than continue costly and ineffective military operations, either because a perceived stalemate exists or because defeat seems more likely than a decisive victory, a national government may take the difficult decision to initiate peace talks with an

¹ GERRIE SWART and HUSSEIN SOLOMON lecture in the Department of Political Science, University of Pretoria.

² Mitchell CR, *The Structure of International Conflict*. London: Macmillan Press, 1981, p.165.

³ *Ibid.*, p.165.

adversary. Alternatively, it could make a direct compromise offer to the opposing party in a conflict situation. As Mitchell⁴ rightly points out, an important characteristic of conflict termination is that it is basically a bilateral process, the main roles being played out by the adversaries.

There have been many unilateral declarations of war, but none of peace. Efforts toward securing peace in any conflict always require dialogue and co-operation between the parties that have been locked in violent conflict with each other: otherwise making peace would be impossible. As witnessed in too many conflict situations, it has always been easier to embark upon destruction, disruption and the deadly use of force than to make the often difficult, but crucial, decision to end conflict and to restore peace and stability. The African continent has seen many instances of such a nature, and the Democratic Republic of Congo (DRC) has become a case study of the effects a brutal, protracted and devastating war can have on an entire nation. In only three years the conflict situation in the DRC exploded into what many have regarded as 'Africa War One'.⁵ Yet such conflict could be prevented if backed up by decisive, firm and concrete measures to deter the emergence of an environment conducive to the outbreak of violence and war. The DRC provides for an interesting yet troubling discussion not only of the conflict itself, but of the actual steps initiated to restore peace, stability, security and eventually peace and prosperity by those individuals who found themselves at the centre of its violent outbreak. With both Dialogues concluded under the Lusaka process accompanied by months and years of intense and gruelling negotiation, the fair question in retrospect would be: Have the Lusaka agreement and the Dialogues provided for under the agreement's auspices been a success?

This report provides a brief background to the conflict in the DRC as it erupted in 1998. It also briefly examines the pre-negotiation stages, which ultimately led to the Lusaka Ceasefire Agreement. The Agreement itself is assessed in terms of its main provisions. Whether the agreement has been a success, considering the various events and incidences of violence and instability that have preceded and followed the peace agreement at various

⁴ *Ibid.*

⁵ Fourie R & H Solomon, *Preventive Diplomacy in Angola and the Democratic Republic of the Congo: A Comparative Perspective*. Africa Institute Occasional Paper No.65, Peace and Governance Programme No.1, Africa Institute of South Africa, 2002.

stages, has remained a matter shrouded in scepticism and doubt. The discussion also assesses the Inter-Congolese Dialogues provided for under the Lusaka Agreement, and debates whether these deliberations have contributed to securing any genuine successes among the failures and losses that have been incurred on the road to the Lusaka Peace Agreement.

Background to the Conflict in the DRC

The decision to terminate a conflict that is often a tacit acknowledgement of defeat or deadlock is a difficult and lengthy one. Very few, if any, violent and protracted conflicts and wars have ended suddenly, with all parties instantaneously dropping their weapons and extending the hand of friendship and reconciliation. If this were the case, there would be little need to venture any further with this paper, or indeed to analyse conflicts at all. The sobering reality, however, is that conflicts do not conveniently end at the drop of a hat (or an army helmet); nor do the parties to a conflict easily embrace one another in elation and joyful exuberance. Conflicts are intense, brutal, cause severe trauma to mostly uninvolved civilians, and breed extreme distrust, fear and suspicion among the participants.

Conflicts that can be ended at some unambiguous and available termination point are thus rare. Usually parties to a conflict are faced with the problem of ending a conflict by working towards a settlement through an indeterminate, almost trial and error, process.⁶ The basic but complex question facing parties and their leaders is always when they should accept the terms the adversary offers, given that circumstances may change to their disadvantage and subsequent terms may be worse. Another problem facing parties to a conflict is when to give up and start compromising. The war in the DRC has produced a catastrophe in the region. However, the armed struggle itself has its roots in many years of misguided and corrupt leadership of a country that once was known as Zaïre.

⁶ Mitchell CR, *op. cit.*, p.166.

From Zaïre to the DRC: Background to 'Africa's First World War'

In the seven years preceding the Great Lakes crisis, Mobutu Sese Seko, the president of Zaïre, had been forced by Western powers to agree to at least some semblance of democracy. The result was catastrophic. The army, more a collection of thugs than a fighting force, went on two disastrous looting and pillaging sprees in the early 1990s, destroying most of Kinshasa's modern business sector, and prompting the flight of foreign multinational corporations. By 1994, inflation was running at an incredible 23,700%, and in that year, the economy shrank by 7.4%. To make matters worse, the output of Zaïre's vital mining sector had shrunk to just 10% of what it had been in 1958, when it was a Belgian colony. It was against this backdrop of state disintegration in Zaïre that the genocide in Rwanda unfolded.⁷

In 1994, the downing of the aeroplane carrying Rwandan President Juvenal Habyarimana (a Hutu) by unknown terrorists unleashed a genocidal campaign on a scale unseen since World War II. In a few short months, the Rwandan Army and Interahamwe militiamen had massacred more than 800,000 Tutsis and moderate Hutus. In response, Tutsi rebels, who had formed the Rwandan Patriotic Front (RPF), succeeded in overthrowing the (majority) Hutu regime in Kigali. More than 2 million Hutus, all of them fearing revenge killings and some of them participants in the genocide, fled to eastern Zaïre, where many joined forces with the Interahamwe who had based themselves there.

Uganda had a definite national interest in returning the Great Lakes region to stability. The country had experienced phenomenal economic growth in the previous decade, and Museveni's government was increasingly concerned that instability in the region would hinder the country's continuing economic success. It was on these grounds (strictly in the national interest) that Uganda decided to intervene to overthrow Mobutu Sese Seko. In late 1996 Rwanda, Uganda and Burundi committed themselves to changing the dispensation in Zaïre: Kagame, Buyoya and Museveni regarded Mobutu as having been instrumental in stoking domestic difficulties in their countries. However, in order to change the regime, the three leaders had to find a replacement for Mobutu, a titular

⁷ Breytenbach W, Chilemba D, Brown TA & C Plantive, 'Conflicts in the Congo: From Kivu to Kabila', *African Security Review*, 8, 5, 1999. Pretoria: Institute for Security Studies.

head of the rebel movement who would be recognisable to the Zaïrean populace. The man they selected was Laurent Kabila. Thus, from the moment that intense fighting broke out in August 1996, Kabila was portrayed to the world as the head of a popular Zaïrean uprising. The ruse was largely successful, and as the rebel movement gained momentum, Kabila was able to enlist support from Zaïre's numerous tribes. The Zaïrean army, long neglected under Mobutu, disintegrated in the rebels' path. Uganda, Rwanda and Burundi continued their support of the rebel movement that Kabila was building. Kisangani, Zaïre's third largest city, fell to Kabila's rebels on 15 March 1997. The Zaïrean army had melted away before their advance, and the fall of Kisangani ended all hope for Mobutu of a Zaïrean counteroffensive and military resistance. The road to the capital, Kinshasa, was open. When his string of victories included the capture in April of Zaïre's second largest city, Lubumbashi (in the south-eastern copper belt), Kabila began to carry himself like a head of state.

Support for Kabila's movement was a response to the ongoing mismanagement of Zaïre by Mobutu and in particular the government's refusal to grant Zaïrean nationality to ethnic Tutsis. In early April the governor of South Kivu had announced that all Zaïrean Tutsis would be expelled from the country. But by that time, Kabila's forces were in control of 75% of the country and Mobutu's forces were confined to Kinshasa.

In April 1997 Kabila's Alliance of Democratic Forces for the Liberation of Congo-Zaïre (AFDL) entered Kinshasa, following the exit of President Mobutu, and Laurent-Désiré Kabila proclaimed himself president, renaming the country the Democratic Republic of Congo (DRC). He received foreign visitors, and invited human rights groups to tour the conquered, or 'liberated' territory.

President Nelson Mandela attempted to negotiate between Mobutu and Kabila, in order to secure an orderly transition to a post-Mobutu Zaïre.⁸ This attempt ended in failure because Pretoria failed to take into account the complexity of the situation in Zaïre. The alliance that had been formed to oust the previous regime however rapidly disintegrated when Kabila

⁸ Solomon H, 'South African foreign policy, preventive diplomacy and the false promise of conflict resolution', *South African Journal of International Affairs*, 9, 2, Winter. Johannesburg: The South African Institute of International Affairs, 2002, p.149.

expelled his former Rwandan allies from his government.⁹ The banning of opposition parties followed, and rule by decree was soon introduced and strictly enforced. The Union for Democracy and Social Progress (UDPS), led by Etienne Tshisekedi, was amongst the political parties banned by Kabila. Etienne Tshisekedi occupied a prominent role within both Zaïre's and the DRC's political landscape. A Minister of the Interior under Mobutu in the 1960s, he had eventually become an opponent and leading critic of the dictator, and had founded his own party in 1982. The Sovereign National Conference elected him prime minister in 1991, and again in 1992. The following year he even formed a government in defiance of Mobutu. He also repeatedly insisted over the years that constitutionally he was prime minister.¹⁰ Tshisekedi fell out of favour with Kabila after the ousting of Mobutu. He was banished from Kinshasa and placed under house arrest for breaching the ban on political activity.

Kabila's relationships with neighbouring heads of state were equally fragile. Museveni developed an antipathy to Kabila, and relations between the two men, and thus their respective states, soured quickly. Showing himself capable of fostering ethnic hatred to achieve his goals, Kabila started to persecute the Tutsis of eastern Zaïre.

On 3 August 1998, a new war, known as the 'second rebellion', started in the DRC. It was aimed against Kabila, and fought by his former allies in Kivu and in towns such as Mbuji-Maji (in Kasai) and Kisangani in the northeast. This war had its origins in the series of serious political errors the new president made during his brief tenure. The Rwandan government had asked Kabila to allow Rwanda to retrain the Zairian army. This was an attempt to end the cross-border raids that were damaging Rwanda's fragile peace and stunting its economic recovery. Kagame realised that Rwanda had supported another Mobutu-type ruler. In consequence, the Rwandans encouraged segments of the new Zairian army to revolt. In retaliation, Kabila began arming Hutu resistance fighters against Rwanda.

The Second Rebellion began when Rwanda and Uganda, fearing the 'negative forces' that the DRC harboured and allegedly aided, pledged to remove Kabila from power. Rwanda supported the Congolese Rally for

⁹ Fourie E & H Solomon, *op. cit.*, p.5.

¹⁰ 'Kabila soldiers break up banned march', Reuters, 28 May 1997. <http://www.reuters.com>.

Democracy (RCD), while Uganda backed the Congolese Liberation Movement (MLC). Burundi joined them in the effort to oust Kabila.

The situation in the DRC was rapidly transformed from a local conflict to a war that engulfed the entire region, with far-reaching consequences. Troops from Zimbabwe, Chad and Namibia joined those Angolan forces already in the DRC to shore up Kabila's government and prevent the capture of Kinshasa.¹¹ In December 1998, the Rwandan vice-president, Paul Kagame, finally admitted that Rwandan troops were aiding the DRC rebels. This admission was made at the request of President Mandela to advance the peace talks. The Rwandan rebel group Interahamwe, based in the Congo, was committed to the overthrow of the Rwandan government.¹² The Ugandan president, Yoweri Museveni, entered the conflict to tackle another set of rebels, the Alliance of Democratic Forces (ADF). Burundi also entered the fray to protect its borders from Burundian Hutu rebel groups operating from inside the DRC.¹³

Efforts to resolve the conflict began virtually simultaneously with the onset of hostilities. The DRC war has already seen approximately 23 recorded peace initiatives since 1997. In 1998, with the conflict at its most intense and violent, regional leaders decided to take decisive actions to put an end to the war that had engulfed an entire region. An emergency summit of SADC leaders was convened in Pretoria in August 1998, calling for an immediate ceasefire. On 13 September 1998, the Southern African Development Community (SADC) mandated Zambian President Frederick Chiluba to head the African peace initiative for the DRC. Various pre-negotiations occurred in the run-up to the Lusaka peace agreement. In January 1999, a summit of five nations with troops in the Congo was held, at which the presidents of Rwanda, Uganda, Namibia, Zimbabwe and Angola agreed to a ceasefire. However the absence of Laurent Kabila and the omission of the RCD left the negotiations incomplete.

¹¹ Cilliers J & M Malan (eds), *Peacekeeping in the DRC: MONUC and The Road to Peace*, ISS Monograph, 66. Pretoria: The Institute for Security Studies, October 2001, p.20.

¹² Louw L, 'Risk assessment: Democratic Republic of the Congo post-Laurent Kabila', *African Journal of Conflict Resolution*, 2, 1. Durban, South Africa: ACCORD, 2001, p.99.

¹³ *Ibid.*, p.93.

UN Security Council Resolution 1234 demanded an immediate halt to hostilities, and called for the immediate signing of a ceasefire agreement. The UN stressed the need for the engagement of all Congolese in an all-inclusive process of political dialogue. A breakthrough was made in April 1999, when Presidents Museveni and Kabila signed a ceasefire accord in Sirte, Libya, under the mediation of Muammar Gaddafi. However, the agreement was rejected by both the RCD and Rwanda. President Chiluba agreed to implement the Sirte accord. The RCD split in May 1999 when Ernest Wamba dia Wamba was ousted as head of the group. The movement subsequently split into six different factions. RCD-Goma was based in Goma and led by Adolphe Onusumba under Rwandan patronage, while RCD-Kisangani formed under Ernest Wamba dia Wamba. The RCD-ML, another faction, was supported by Uganda.¹⁴ The UN Special Envoy, Moustapha Niasse, attended talks in June 1999, which paved the way for a DRC summit in Lusaka, with the purpose of signing a ceasefire agreement.

On 10 July 1999, the DRC government and other parties to the conflict signed the Lusaka Ceasefire Agreement. The long-awaited Lusaka summit was delayed several times as the preliminary meeting of foreign ministers struggled to reach consensus on the technicalities of the draft agreement. Delegations from the DRC government and three Congolese rebel groups eventually entered into direct talks in July 1999, independent of their respective allies, in an effort to make some progress. A third week of negotiations elapsed before the 10th July ceasefire agreement was signed by the leaders of the six states that were parties to the conflict: the DRC, Zimbabwe, Namibia, Angola, Rwanda and Uganda. The rebel groups did not sign the Lusaka agreement initially.¹⁵ On 1 August 1999 Jean-Pierre Bemba became the first of the Congolese rebel leaders to sign the ceasefire agreement on behalf of the MLC. The RCD eventually signed the accord on 31 August 1999. Initial assessments were highly optimistic that peace would follow the signing of the agreement

The parties were tasked with ensuring the strict and swift implementation of the Agreement. On the coming into force of the Ceasefire Agreement in the DRC, the parties would agree to do their utmost to facilitate the Inter-

¹⁴ ICG, 'Storm clouds over Sun City: The urgent need to recast the Congolese peace process', *International Crisis Group Africa Report*, 44, 14 May 2002, p.21.

¹⁵ Cilliers J & M Malan, *op. cit.*, p.30.

Congolese political negotiations, known as the Inter-Congolese Dialogue, which were to lead to a new political dispensation in the Democratic Republic of Congo.¹⁶ All the resolutions adopted by these negotiations were to be binding on all participants. The Dialogue would also provide for agreement on the formation of a new Congolese national army, comprising the Congolese Armed Forces and the armed forces of the RCD and the MLC; the holding of free, democratic and transparent elections; and the drafting of a constitution, which would shape the new dispensation in the DRC after the elections.¹⁷ A Joint Military Commission (JMC) representing all the signatories, was established under the ceasefire agreement to regulate and monitor the cessation of hostilities.

The Lusaka Peace Agreement: Peace or Agreement?

The process of negotiation itself possesses a number of stages. Pre-negotiation and the attendant manoeuvring for advantage may begin well before the negotiators themselves sit down to work out a compromise settlement. A far more usual process (once a genuine desire for some kind of compromise settlement is evinced by both parties, or both have been put under heavy pressure to come to some agreement) is for both to engage in a series of preliminary manoeuvres. These are to ensure that they will come to the negotiations on terms calculated to predetermine the outcome of the substantive negotiations in their favour.¹⁸

Given that parties to a conflict have decided to end the hostilities, both will usually have to abandon the process of long-range tacit bargaining as their main strategy. Instead they will send representatives to engage in face-to-face bargaining over a negotiating table. This direct meeting is usually difficult, both to arrange and to conduct. Because the parties often feel enmity for one another, it is difficult for those facilitating the negotiations even to set up a meeting.¹⁹

¹⁶ USIP, 'The Lusaka Ceasefire Agreement, 10 July 1998', United States Institute of Peace, 1999. <http://www.usip.org/library/drc/>

¹⁷ *Ibid.*, p.9.

¹⁸ Mitchell CR, *op. cit.*, p.212.

¹⁹ *Ibid.*, p.196.

Those wishing to terminate a conflict will argue that the costs and risks of prolonging the conflict far outweigh those of compromise in the present and that the admittedly uncertain benefits of a rapid settlement outweigh the more uncertain benefits to be obtained at some unspecified time in the future.²⁰ The very act of engaging in formal negotiations indicates that on most occasions the parties involved have decided to attempt to find a solution through means other than coercion. Hence their behaviour is often marked by noticeable changes, such as being ready to accept formal ceasefires or unilateral restraints on further coercion.

There are numerous obstacles even to beginning a process of negotiation. Examples that frequently arise are the positions of relative advantage of the various parties; internal constraints within each party that militate against compromise; and the difficulties of communicating to the adversary a desire to compromise without giving the impression of weakness or lack of resolution. These factors can combine to prevent any negotiation taking place until one or the other party reaches the point of exhaustion.²¹ However, that negotiated settlements do occur indicates that there must be circumstances in which parties are prepared to cut their losses, abandon their previous goals and compromise, even if these are rare. The Lusaka Agreement, from the very point of its initiation, exhibited the characteristics described in Mitchell's theories on settlement strategies.

Negotiations undertaken to end a dispute can be viewed as efforts to bring a mutually costly interaction to an end, and return to a situation that resembles to an extent a degree of 'normality' in relations, even though the normalisation agreement, if achieved, may establish a totally different 'normality' from that which existed before the dispute.

The Lusaka ceasefire agreement exhibited elements of both redistribution and normalisation negotiations. The former entails fundamental change in existing arrangements, or of the distributions desired by one party and resisted by another. The latter (normalisation negotiations) are concerned with the termination of undesired and relatively 'abnormal' conditions, and a return either to some status quo or some new but mutually acceptable relationship. Such negotiations are usually appropriate at the end of a

²⁰ *Ibid.*, p.167.

²¹ *Ibid.*, p.200.

conflict process, when a truce, ceasefire, peace treaty or some other formal ending of coercive strategies is desired by both sides. Negotiations at the end of many conflicts therefore contain strong elements of redistribution as the original issues causing the conflict involve some demand for change by at least one party. The alteration fought for might entail the distribution of valued resources or roles, or improvement in the behaviour of one party and in its relationship with the other. Negotiations are likely to be helped by the 'normalisation' elements in the conflict situation, and hindered by the surviving 'redistribution' elements. The initial stages of the Lusaka agreement were indicative of severe impediments that placed immense strain on its successful implementation.

The creation and signing of the Lusaka agreement was achieved with much difficulty. A split in the RCD delayed the process, with each side at first refusing to acknowledge the other's assumed status at the peace talks as well as their authority to sign. Another delay occurred when the former head of the RCD, Ernest Wamba dia Wamba, sat down in the seat reserved for the RCD representative, claiming his right to do so as leader of the movement. There were intensified demands for changes to the Lusaka agreement, which threatened the basis of the peace process. Many hurdles had to be overcome before the preparatory talks in Gaborone could take place. Most of them were created by Laurent Kabila, who signed the Lusaka agreement only under extreme military pressure.²²

The main reason Kabila had been forced to negotiate was the weakening commitment of his allies to continuing the war, and the growing pressure on his regime. At the time of the signing of the Lusaka ceasefire, he faced the threat of imminent military defeat. The agreement may have been his only way of clinging to power. Despite his claims of victories, he had not recovered any of the territory taken by the rebels and their allies since the beginning of the war. However, it was clear from the beginning of the talks that Kabila's position would be further weakened by the ceasefire agreement. Critical observers in Kinshasa noted that Kabila was 'not even' a dictator, and had not been in control of his country at any moment since he had taken over. He had proved himself unable to build a sustainable regime in Kinshasa.²³

²² Cilliers J & M Malan, *op. cit.*, p.65.

²³ ICG, *op. cit.*, p.78.

Yet this did not prevent Kabila from attempting to manipulate the negotiations and the National Dialogue process to his advantage. These developments all contributed toward undermining the agreement. Indeed, it can be argued that the Lusaka agreement was imposed, even forced upon the signatories, metaphorically at gunpoint, rather than being offered as a symbolic "olive branch".

Another obstacle to the negotiation process was the difficult choice of a mediator who would be trusted and accepted as non-partisan by all signatories.²⁴ It would be five months before a former president of Botswana, Sir Ketumile Masire, was accepted in this role. Kabila refused all cooperation with Masire, requesting the appointment of a new facilitator and even seeking to launch his own dialogue to circumvent the Lusaka process.²⁵

Chapter Three of the Lusaka Ceasefire Agreement presented a timetable for its implementation. The total number of days stipulated for the full implementation from the date of signature was 270. Analysts criticised the short period (only 30 days) provided for the disarmament of the various groups, considering that these groups had operated very clandestinely and would not willingly hand over their weapons.²⁶ The 270 days allocated to achieve a comprehensive and solid peace agreement too have grudgingly and progressively extended into more than four years so far.

The almost immediate collapse of the Lusaka Agreement is well known. By October Kabila's forces had begun to push eastwards, while Rwanda and the RCD-Goma tightened their grip on the strategic diamond town of Mbuji-Mayi. Both sides insisted they were merely responding to violations by the enemy.²⁷ The stalemate lasted almost a year and a half. The manner in which the Lusaka agreement was reached contributed significantly to its failure, because it largely froze the armies in their positions, but did not stop the fighting. The agreement was swiftly drained of a substantial

²⁴ Fourie E & H Solomon, *op. cit.*, p.15.

²⁵ Cilliers J & M Malan, *op. cit.*, p.66.

²⁶ Solomon H & K Mngqibisa, 'Towards conflict transformation in the Democratic Republic of the Congo with specific reference to the model of Kumar Rupesinghe', *Strategic Review for Southern Africa*, XXII, 2. Pretoria: Institute for Strategic Studies University of Pretoria, 2000, p.37.

²⁷ Fourie E & H Solomon, *op. cit.*, p.5.

amount of its content and was treated merely as a reference document when the parties found themselves with very few other options.²⁸

According to Mitchell's theory, the problem for those committed to the peace process becomes one of persuading the parties of the need to make a compromise settlement, while redefining defeat in such a way that it appears a partial victory. Often this proves impossible, which is why leaders tend to change when the time comes to make peace.²⁹ One condition of arriving at a compromise solution is the removal of the leader responsible for beginning the conflict. The victors dislike dealing with the governments against whom they have been fighting.³⁰

Laurent Kabila, considered a major 'spoiler' of the peace process, was violently removed when, on 16 January 2001, he was assassinated. His son Joseph Kabila, who expressed his commitment to the Lusaka Agreement, succeeded him. Soon thereafter, Etienne Tshisekedi described the appointment of Joseph Kabila as deepening the juridical and political void in the DRC, and pointed out that Joseph Kabila had not lifted the ban on political activities.³¹ It is abundantly clear that the road to peace in the Great Lakes region was littered with many obstacles and far too many grievances. It became virtually an impossible and insurmountable task to make peace in the DRC without encountering more and more obstacles along the way. This severely complicated and undermined peace initiatives that did not foresee so many contingencies that by now seemed to be emerging on an almost daily basis. Worryingly, a peace agreement was being created that contained far too many loopholes and allowed for an almost self-imposed escape clause whenever a critical juncture was reached and the parties, refusing to bow under intense pressure from their sworn enemies, opted for confrontation rather than reconciliation.

Ending a conflict presents special problems, depending upon whether a party begins the process from a position of perceived advantage, disadvantage or stalemate. In all circumstances the process can be

²⁸ ICG, 'Scramble for the Congo: Anatomy of an ugly war', *International Crisis Group Africa Report*, 26.

²⁹ Mitchell CR, *op. cit.*, p.184.

³⁰ *Ibid.*, p.190.

³¹ Louw L, *op. cit.*, p.93.

complicated by intra-party cleavages. Continuing a conflict may suit some factions, while others would benefit more from the conclusion of some reasonable compromise.

The Lusaka agreement therefore failed to satisfy the aims of everyone of its signatories, and was severely weakened by this circumstance.

The Road to Peace in the DRC: A Potential Minefield?

The conflict in the DRC had come to engulf an entire region and indeed many nations became drawn into the conflict — some willingly, others involuntarily.

Rwanda's first invasion of the DRC secured Laurent Kabila the presidency. The Hutu exiles were scattered by the war, and many thousands of ex-FAR and Interahamwe lost their lives in the process, along with many civilians.³² Kabila however turned against his former benefactors, and Rwanda decided to attempt a second invasion of its neighbour in 1998.

The spillover effects from the Burundian civil war also contributed to the chaos in the DRC. Soon after the outbreak of the Second Rebellion, the Burundian army deployed along the DRC side of Lake Tanganyika in order to guarantee the safety of its borders. The government of Major Pierre Buyoya feared that Laurent Kabila would offer the rebels bases in the DRC, from which to wage war against Burundi. Congolese territory had been a base for the Burundian rebels until 1996, and it was conceivable that it could be used for the same purpose again.

Uganda also justified its effort to unseat Laurent Kabila by citing its security interests. Having been the the mastermind of the first rebellion that installed Laurent Kabila in power, Ugandan president Yoweri Museveni could not afford to remain out of the second.³³ The UPDF intervened in the DRC to destroy the rebel ADF's Congolese rear bases. The ADF had terrorised the inhabitants of southwest Uganda with viciously brutal

³² ICG, *op. cit.*, p.55.

³³ *Ibid.*, p.57.

attacks, which prompted the UPDF advance into the DRC to disrupt the rebel movement's operations.

Laurent Kabila's backers also increasingly sought to claim a stake in the conflict. Kabila became dependent on both Angola and Zimbabwe for military support. The MPLA regime has intervened in four wars in the two Congos over the past few years. The strategy used in each intervention has been similar to the MPLA's tactics against Unita; encircling the rebels, cutting off their lines of communication and denying them access to secure bases. Many observers have also noted that president Dos Santos was taking on a hegemonic role in deciding who would rule in Kinshasa.

Angola first entered the DRC war to save Kabila's regime, fearful of the security vacuum that might follow his defeat. Another motive was to prevent Kinshasa from supporting the UNITA rebels under Jonas Savimbi. In the months preceding the outbreak of the second rebellion in the DRC, the MPLA's rebel opponents became increasingly powerful. By mid-1998 it became essential for the FAA to cut UNITA's supply lines and deny them access to, and use of, the DRC's ports and airfields. In strictly military terms the intervention of Angola in the DRC was a success, because it undermined UNITA as a conventional military force. Angola emerged as the most important of Kabila's allies.

Zimbabwe's involvement in the fray was highly controversial, given the country's own internal instability and increasingly dire economic situation. Its involvement in the DRC had always been a dangerous and costly adventure. President Robert Mugabe's decision to intervene in August 1998 was motivated by his own ambitions to assert his leadership as an African statesman and to serve the economic interests of the ruling elite. Protocols for military and economic co-operation between Zimbabwe and the DRC pre-dated the outbreak of the war. On 4 September 1998 Presidents Kabila and Mugabe signed a deal providing for a 'self-financing' intervention by the Zimbabwean National Defence Force (ZNDF). According to international reports Zimbabwe Defence Industries (ZDI) was to provide arms and munitions to the DRC, in return for which the Zimbabwean mining company, Ridgepointe, would take over the management of Gecamines and receive a 37.5% share of the DRC state mining company. Profits were also to be used for financing the Zimbabwean war effort. The benefits to Zimbabwe did not materialise as hoped for, and the DRC

government owed the government of Zimbabwe nearly \$2.6 million for arms. The Zimbabwean government admitted in 2000 that its involvement in the DRC war was costing the country more than it could afford, nearly \$200 million in the two years since August 1998. The ZNDF claims to have spent a staggering \$3 million a month for the maintenance of approximately 11,000 troops — a third of its entire force deployed to the DRC. World Bank and IMF assessments estimated the costs at an even greater figure of \$27 million. The fact that Zimbabwe had the resources available to engage in war in a foreign country while Zimbabwe was in desperate and dire straits economically and politically yet again reinforced perceptions that the conflict in the DRC and those who sought to involve themselves in the war were morally reprehensible.

Namibia came into the DRC conflict in a far more moderate fashion than Angola and Zimbabwe. President Sam Nujoma was a long-standing ally of Laurent Kabila and both countries received reciprocal rewards for their loyalties. Namibia allegedly benefited by supplying the DRC with fish and President Nujoma's brother-in-law, Aaron Mushimba, was also awarded a stake in the Miba diamond mining company.

The Lusaka Ceasefire Agreement provided little peace, as it could not prevent the outbreak of further violent conflict. The negotiations seemed to have been regarded as a platform for securing international recognition rather than representing a commitment to peace by the signatories.³⁴ The ceasefire also failed owing to an absence of leadership; instead the agreement relied entirely on the co-operation of the parties. Each party suspected the other of playing a double game, and used this to justify its own duplicity, especially in the absence of an international guarantor who could compel compliance.

The Lusaka agreement outlined military and political measures to bring peace to the DRC, which presented a highly ambitious and utopian vision of what could be achieved within a very unrealistic time frame and in a very highly volatile environment. None of this was conducive to making a lasting peace. The agreement also failed to make provision for the concerted humanitarian action needed in the DRC; nor did the parties sign

³⁴ Fourie E & H Solomon, *op. cit.*, p.15.

a formal protocol covering guarantees of access, security or freedom from rebel or government fees and taxes.

Another factor that made the ceasefire agreement difficult to implement was the geographical vastness of the country and the many geopolitical intricacies the DRC represented in which many ethnic and tribal loyalties were interwoven in the already complicated political make-up of the country that was struggling to reconcile these vast differences. The peace agreement identified the questions of regional security and political reconstruction that must be confronted for peace to be achieved; but it did not define who should oversee its implementation, or how this leadership role would be sustained throughout the various phases set out in the Lusaka document.³⁵ The document provided a mere outline of what a desired peace should look like in the end but failed to indicate what would be necessary not only to reach the destination, but how to stay on course with that vital task that the people and government of the DRC and its neighbours would ultimately have to implement, oversee and guard almost jealously — peace.

At first the Lusaka agreement seemed to mark an ambitious attempt by the region to take the initiative in resolving the conflict. The Zambian-brokered ceasefire called for an 'appropriate' Chapter 7 UN force, defined its mandate and laid down a timetable for its deployment. To police the ceasefire in the interim, the JMC comprising representatives of all the belligerents, was expected to carry out the necessary peacekeeping operations. The inspiration for this concept came from the December 1998 proposal by then Deputy President Thabo Mbeki, which called for a peacekeeping force composed of the belligerent forces under a neutral command. The rationale behind the idea was that the sheer size of the force needed in the DRC was far greater than either the UN or the world's major military powers would be willing to provide. An even more daunting task assigned by the Lusaka agreement to the JMC was to develop mechanisms for tracking, disarming, cantoning and documenting all armed groups in the DRC.³⁶ Yet the Lusaka agreement failed to take the intricate details of such a massive task into account. The JMC was plagued by a severe lack of

³⁵ ICG, *op. cit.*, p.85.

³⁶ *Ibid.*, p.87.

funds and was subsequently forced to suspend many of its activities because it did not receive the \$6 million a year it needed in operating funds.

A major cause of the violent conflict in the DRC was the presence of armed insurgents from Rwanda, Uganda and Burundi fighting their own battles on Congolese soil. The second pillar of the Lusaka peace agreement – the disarmament, demobilisation, repatriation, reintegration and resettlement (DDRRR) of the non-Congolese armed groups – have required equally serious attention.³⁷ (This was the prerequisite for the third pillar, the withdrawal of foreign troops, which would seal a sustainable peace between the DRC and its neighbours and within the DRC itself.) The most prominent of the non-Congolese armed groups were the predominantly Hutu rebel forces, such as the *Armée de Libération du Rwanda* (ALiR), led by men who had been the masterminds of the Rwandan genocide of 1994. They had been supported by the government in Kinshasa because the government lacked a sufficient military strength to resist the occupying forces of Rwanda and Uganda.

Chapter 9 of the Lusaka agreement, which deals specifically with the issue of the disarmament of the armed groups, stipulates that disarmament should be voluntary and be undertaken at the initiative of the signatories themselves.³⁸ Yet the parties were hopeful that the UN would actually take over the responsibility of demobilising the 'negative' forces. On the other hand, the primary duty of the UN mission to the DRC (MONUC) was to observe the implementation of the Lusaka ceasefire agreement, not to disarm the negative forces, or to protect the civilian population in zones vacated by the parties to the conflict.³⁹ The timetable assigned to MONUC under the Lusaka agreement also appeared to be a massive flight of fancy: it called for the disengagement of forces within approximately 14 days, and set many other untenable tasks to be accomplished within a very short period. Among them were the observation and monitoring of the cessation of hostilities; supervision of the disengagement of forces and withdrawal of foreign troops; weapons collection; and the overseeing of humanitarian aid

³⁷ ICG, 'Disarmament in the Congo: Jump-starting DDRRR to prevent further war', *International Crisis Group Africa Report*, 38, 14 December 2001, p.ii.

³⁸ *Ibid.*, p.16.

³⁹ Rusamira E, 'The problem of the disarmament of the negative forces in the Democratic Republic of the Congo: A critical analysis of possible options', *Strategic Review for Southern Africa*, XXIV, 2. Pretoria: ISSUP, 2002, p.65.

and the protection of civilians. MONUC was also expected to engage in a Chapter 8 peace enforcement mission, in which it would track down, disarm and rehabilitate members of 'armed groups', which were not signatories to the agreement. The reality was that MONUC's success was entirely dependent on one condition: that the various groups, belligerents and irregular forces were going to co-operate. That this requirement was not met proved to be a major obstacle.

The Lusaka agreement's major flaw may have been to entrust the signatories with too much initial responsibility with regard to disarmament, given the level of suspicion that clouded talks and negotiations and subsequent encounters between the parties. As Rusamira argues, none of the signatories and parties to the conflict had ever shown a real political commitment to put an end to the war through peaceful negotiation. However, the violent nature of the conflict demanded that talks had to be pursued with the utmost urgency. The manner in which the Lusaka agreement was concluded reflects that the agreement was hastily put together to fulfil the need for an immediate cessation of hostilities. Yet four years on and many more victims later, bullets and barrages of gunfire continued in defiance of that ceasefire.⁴⁰ Many analysts also believe that the parties signed the agreement to hide their real intentions. The warring parties may have used the agreement as a pretext to continue the war on the basis of 'self-defence', if fully convinced the other party would violate the agreed-upon ceasefire.⁴¹

Various other issues that contributed to the conflict were not effectively addressed by the agreement. Mitchell points to another factor: individuals and factions may receive both material and psychological rewards (political power, status and wealth) from their part in the conflict, which may be lost when peace comes.⁴²

Violence has become a rational instrument for the acquisition of material benefits. The strategic role that the diamond town of Mbuji-Mayi and

⁴⁰ Malan M & H. Boshoff, 'A 90-day plan to bring peace to the DRC? An analysis of the Pretoria Agreement of 30 July 2002', *Institute for Security Studies Occasional Paper*, 61. Pretoria: ISS, September 2002.

⁴¹ Institute for Global Dialogue, 'Resolving the DRC conflict through internal dialogue', *Global Dialogue*, 4, 3, December 1999, <http://www.igd.org.za>

⁴² Mitchell CR, *op. cit.*, p.190.

similar locations played indicates where the belligerents' priorities lie. A UN panel of experts investigating the exploitation of the DRC's natural resources released a report in April 2001 accusing Rwanda, Uganda and Burundi of 'mass-scale looting' in the DRC.⁴³ President Museveni's family is said to own shares in diamond mines in the DRC.

It is evident, therefore, that the involvement of foreign forces in the DRC conflict, whether on the side of the government or of the opposing armed forces, has been motivated and sustained by a variety of powerful interests. These range from legitimate security concerns to regional ambitions to ethnic solidarity and to financial gain. It can be argued that among the many factors the Lusaka Peace Agreement failed to take cognisance of was greed. The conflict in the DRC has been a definite case of greed as opposed to grievance.

The Inter-Congolese Dialogue: Talks about Talks?

According to Article 19 of the Lusaka ceasefire agreement, the government of the DRC, the armed opposition, the RCD and MLC and the unarmed opposition were to partake in open national dialogues. These inter-Congolese political negotiations involving *les forces vives* were to lead to a new political dispensation and national reconciliation in the DRC.⁴⁴ The Inter-Congolese Dialogues had a dual purpose: to produce a negotiated settlement to end the war in the DRC, and to revive and consolidate the process of democratisation. This had been thwarted initially by Mobutu Seso Seko and thereafter by Laurent Kabila in his brief and violent tenure as president of the DRC.⁴⁵

The first significant outcome of the ICD was the May 2001 Declaration of Principles, which reaffirmed the inclusion of the RCD, MLC, the political opposition and representatives of civil society in the ICD and the adoption

⁴³ Solomon H, *op. cit.*

⁴⁴ Cilliers J & M Malan, *op. cit.*, p.65.

⁴⁵ Naidoo S, 'The inter-Congolese Dialogue: Negotiations for a democratic state or the formalisation of a new scramble?' Friedrich Ebert Stiftung Occasional Paper No.16, June 2002, <http://www.fes.org.za>.

of the principle of consensus. The Lusaka Agreement also stipulated that 'all participants in the negotiations shall enjoy equal status'.⁴⁶

Sir Ketumile Masire brokered 'pre-dialogue' talks in Gaborone from 20–24 August 2001. Decisions were reached on the place, date and agenda for the Dialogue proper. The Gaborone meeting also produced signs of rapprochement between the MLC and the DRC government, with Jean Pierre Bemba even sharing the same position as Joseph Kabila's government over the immediate withdrawal of foreign troops.⁴⁷ However, despite these cordial exchanges, the war continued.

Addis Ababa in Ethiopia was selected as the location for the opening salvo of the Dialogue. The talks, however, were a total failure. By exploiting the confusion caused by the facilitator over the objectives of the meeting, the government blocked the debate from the very start. It left Addis Ababa once it had achieved what the delegation had really come for: postponing the meeting.⁴⁸ Sir Ketumile Masire announced that the Addis Ababa meeting would be a purely technical gathering, yet changed his mind by declaring that the meeting could not possibly hope to include all the delegates. The government subsequently entered the debate by declaring that the Addis Ababa meeting was really only a technical gathering to decide the opening date of the real Dialogue and to resolve the problem of the Mai Mai and RCD-ML participation.⁴⁹ The only matter the parties could agree on ultimately was the arrangement that talks would be held at a later date in South Africa. Joseph Kabila dealt a decisive blow to the gathering by declaring his intention of holding elections in the DRC as soon as possible, challenging the outcome of the dialogue, which he contended was in danger of being manipulated by 'non-inclusive' political forces. The Inter-Congolese Dialogue came too early for Joseph Kabila. Since he came to power his entire strategy had been to secure legitimacy to his rule by portraying himself as a credible and responsible head of state that was destined to assume the unchallenged role of transitional president. To achieve this, he had to make key changes to the terms of the Inter-

⁴⁶ Cilliers J & M Malan, *op. cit.*, p.67,

⁴⁷ ICG, 'The Inter-Congolese Dialogue: Political negotiation or game of bluff?' *International Crisis Group Africa Report*, 37, 16 November 2001, p.16, <http://www.intl-crisis-group.org>.

⁴⁸ *Ibid.*, p.10.

⁴⁹ *Ibid.*, p.8.

Congolese Dialogue, particularly to article 5, which stipulates that the Head of State must stand on equal footing with the rebel forces.⁵⁰ The Addis Ababa meeting was a failure and had very little chance of being a success. The RCD and MLC were anxious about the date on which to hold the Inter-Congolese Dialogues after the preparatory meeting in Gaborone. Their uncertainty was attributed to the fact that they did not want the process to lose momentum and shared concerns over Joseph Kabila's commitment to the negotiations. The DRC government never had any real intention of ever entering into negotiations at Addis Ababa and they employed stalling tactics and showed an unwillingness to discuss even trivial issues.⁵¹

Kabila's delaying tactics are familiar to negotiation theory, which recognises that a party may enter into particular negotiations with objectives other than achieving the best possible compromise or indeed any compromise at all. Parties frequently engage in sham negotiations, and purposeful negotiations often include largely symbolic elements, which sometimes assume a greater importance than actually reaching agreement. Negotiations are also employed to delay the adversary's vigorous prosecution of the conflict. Proposals are put forward, not in the hope that the adversary will accept them, but to postpone some coercive action.

Pre-negotiation skirmishes tend to take a number of forms, and are often called 'talks about talks'. The issue of who will be permitted to negotiate and with what status often plays a part in this stage. Parties expend considerable ingenuity in trying to control which individuals, groups or governments they will agree to meet.⁵² Who is excluded and who is included can often determine the range of potential outcomes to be considered. The difficulty in setting up discussions between the representatives of governmental and non-governmental parties is one reason why directly negotiated settlements of transnational disputes are intractable.

The danger is that having been excluded from participation in the negotiations, rival factions might find it easier to condemn the eventual

⁵⁰ *Ibid.*, p.10.

⁵¹ Whitman S, 'Balancing Act: An insider's view of the Inter-Congolese Dialogue', *African Security Review*, 12, 4, 2003.

⁵² Mitchell CR, *op. cit.*, p.208.

agreement reached.⁵³ At a meeting in Abuja, Nigeria, significant headway was made on the composition of delegations for the ICD. A preliminary agreement was reached on representation of the Mai Mai, religious orders, traditional chiefs and the unarmed opposition.⁵⁴ The movement forward was hampered when the MLC rebels proposed a presidency that revolved every three years; that the seat of prime minister should be given to the unarmed political opposition; and that the presidency of the parliament should be allotted to the *Forces vives de la nation*. The DRC government immediately rejected the proposal, stating that the post of head of state was neither vacant nor negotiable. Faced with the government's intransigence over the presidency issue, the MLC promptly declared that it was no longer interested in attending another meeting, while the RCD expressed its intention of continuing to fight. In the wake of the meeting, the so-called radical unarmed opposition, the Union for Democracy and Social Progress (UDPS), Innovative Forces for Union and Solidarity (FONUS), People's Movement for the Revolution-Fait Privé (MPR-Fait privé), United Lumumbist Party (PALU), Christian Social Democrat Party (PDSC) and the Congolese-Lumumba National Movement (MNC-L) vehemently opposed the Abuja recommendations, arguing that they violated the principle adopted at Lusaka in May 2001, which granted each group the freedom to select its own delegates.

The ultimate threat available to negotiating parties is withdrawal from the negotiations and the resumption of coercive behaviour, that is fighting. However, the frequent use of threats during negotiations becomes counterproductive. This tactic was often employed during the negotiations. Another element that warranted concern is that increasing the number of participants in the ICD would inevitably complicate the process of negotiation, as each party contributes new views as to desirable outcomes, has different preference orderings and fresh patterns of contingent behaviour. All of these have to be taken into account by other participants in their evaluations of likely outcomes and negotiating stances. A larger number of parties may also reduce the already limited number of benefits available for distribution.

⁵³ *Ibid.*, p.242.

⁵⁴ ICG, 'Storm clouds over Sun City: The urgent need to recast the Congolese peace process', *op. cit.*, p.2.

President Joseph Kabila was severely criticised for entering into parallel consultations with certain members of the unarmed political opposition. Furthermore, for the MLC the issue of which parties would make up the additional list of the unarmed political opposition was a contentious issue.

Part of the problem of establishing a mutually satisfactory relationship before entering formal discussions is the problem of substantive recognition implied in one party's willingness to hold talks with another.⁵⁵ This includes an implied recognition of opposing groups or organisations as being genuine parties to a particular dispute as opposed to having no status in that context. Thus agreeing to open even 'talks about talks' with particular groups can have profound implications for the resultant negotiations because it recognises that the discussions must include some representatives and issues previously ignored. The status with which parties in conflict come to any discussions has an important impact upon what is discussed, the way it is discussed and the outcome of negotiations.⁵⁶

To many analysts and observers, the ICD came to represent negotiations based more on a military stalemate than any desire to make serious headway or hold a constructive dialogue. As laid down in the Lusaka agreement, the dialogue was intended to prepare a new political dispensation that would liberate the Congolese from foreign occupation and interference. However, as a result of the various deadlocks in the dialogue, low-intensity conflict remained the most attractive option to most external actors.⁵⁷ Neither the allies, nor the enemies provided strong political support for the dialogue.

Hindrances to negotiations may be based on different and genuinely held definitions of the situation. Differences arising from cultural and ethnic backgrounds can affect negotiations both indirectly (by making difficult the development of even a minimal level of trust) and directly (by even preventing agreement on what the negotiations should be about).⁵⁸ This can lead to a total inability on the part of the adversaries to understand their opponents' definitions of the problem and the issues in dispute, and

⁵⁵ Mitchell CR, *op. cit.*, p.209.

⁵⁶ *Ibid.*, p.211.

⁵⁷ ICG, 'The Inter-Congolese Dialogue: Political negotiation or game of bluff?', *op. cit.*, p.ii.

⁵⁸ Mitchell CR, *op. cit.*, p.214.

can result in a party developing the conviction that the other side is deliberately distorting what the conflict is really about, to its own tactical advantage. From Lusaka to Gaborone, Abuja to Addis Ababa and Luanda to Pretoria, many of the agreements signed and consultations that were convened were agreements merely in name, whose terms were never implemented or adhered to.

The Inter-Congolese Dialogue, South Africa 2002

The government of the DRC declared a ceasefire in the east of the country in January 2002 after renewed fighting had threatened to derail the Sun City peace dialogues, which began in February 2002. The DRC announced its unilateral ceasefire decision for fear that clashes between its government troops and the Rwandan army would have a negative impact on the outcome of the dialogue.⁵⁹ The RCD accepted the ceasefire offered as an olive branch, after they threatened to pull out due to the renewed fighting.

South Africa became involved in last-minute negotiations based on its funding commitments to the dialogue in order to protect the investment it had made in funding part of the dialogue. South Africa had offered to host talks that were held earlier in 2001, even promising to cover part of the costs. Parties to the conflict proposed that talks be held in South Africa if the budget was not sufficient to hold them in Addis Ababa. However, South Africa lost credibility in the eyes of the key protagonists as its neutrality came into question because of its apparent support for the RCD. The DRC government assumed that South Africa's strong relations with Rwanda would prejudice its role as an honest and neutral mediator.⁶⁰

The ICD resumed on 25 February 2002, but was paralysed for 10 days by unresolved quarrels over the composition of the unarmed political opposition delegation. Groups excluded from the non-armed component demanded to be included.⁶¹ The MLC refused to participate in the debates

⁵⁹ SAPA-AFP, 'Kabila, rebels in surprise Congo peace talks', 14 January 2002, <http://www.iol.co.za>.

⁶⁰ IISS, 'Daylight in Central Africa?', *Strategic Survey 2002/2003*. Oxford, Oxford University Press; The International Institute for Strategic Studies, 2003, p.315.

⁶¹ Naidoo S, *op. cit.*, p.11.

until the issue had been resolved. Then a clash ensued over the question of power sharing. The RCD-Goma and the MLC had gone to Sun City with one priority in common: replacing Joseph Kabila as leader during the transition period. On the other side, the DRC government went to the negotiations with the aim of validating Kabila's presidency.⁶² On 14 March 2002, troops serving the RCD and the Rwandan Patriotic Army (RPA) entered Moliro on Lake Tanganyika, creating the perfect situation for the government delegation to walk out of the talks.

The DRC conflict had appeared ripe for resolution following the start of the ICD in South Africa. However, after seven weeks of negotiations a partial agreement was reached on 19 April 2002 between Jean-Pierre Bemba's MLC and the government of Joseph Kabila.⁶³ This however was an accord outside the framework of the ICD. Named the Political Agreement on Consensual Management of the Transition in the DRC (PACMT), this arrangement united Kabila and Bemba and basically consolidated their control of the transitional authority.⁶⁴ This entailed awarding the post of prime minister to Bemba. Most notably the accord heralded the end of the anti-Kabila coalition and confirmed the isolation of the RCD and its ally Rwanda. With its existence threatened, the RCD responded by forming an alliance with the UDPS, the Congolese opposition party led by Tshisekedi) and threatened to renew hostilities.⁶⁵ This raised serious concerns that Masire's failure to negotiate a new round of dialogue including the non-signatory parties, especially the RCD-Goma rebels, would leave the DRC de facto partitioned.

An International Crisis Group report published in May 2002 called for the urgent need to change the methodology of the peace process, to deliver more effective mediation that prioritised political negotiation and co-ordinated the various political, security and economic dimensions of the conflict. Calls also were made for the appointment of a high profile special

⁶² ICG, 'Storm clouds over Sun City: The urgent need to recast the Congolese peace process', *op. cit.*, p.4.

⁶³ *Ibid.*, p.i.

⁶⁴ Naidoo S, *op. cit.*, p.6.

⁶⁵ ICG, 'Storm clouds over Sun City: The urgent need to recast the Congolese peace process', *op. cit.*, p.ii.

envoy of the UN secretary-general to bring together the various elements of the peace process.

The primary stumbling block to the peace process was lack of confidence and trust between the signatories. Despite four separate meetings between the Rwandan president, Paul Kagame, and Joseph Kabila, little genuine headway was made to instil a trusting working relationship. Despite this another important development driven by the efforts of the South African government as well as cooperation between the heads of state from the DRC and Burundi led to the conclusion of a Memorandum of Understanding (MoU) on 30 July 2002. In terms of the memorandum, the DRC and Rwanda agreed to cooperate in order to end hostilities between the two states.⁶⁶ The agreement stipulates that the DRC will execute measures aimed at disarming the negative forces within the DRC, particularly the Interahamwe and Ex-FAR. In return Rwanda pledged a withdrawal from areas under its control in eastern DRC.

The discussions however achieved relatively little and no institutional follow-up was provided for. Implementation of the Pretoria agreement set a timetable for completion within 90 days. After 45 days none of the preliminary steps had been taken.⁶⁷

On 6 September 2002, in the presence of President Eduardo dos Santos of Angola, Joseph Kabila and the Ugandan president, Yoweri Museveni, signed a protocol of agreement providing for the withdrawal of Ugandan troops from key Congolese cities and the normalisation of bilateral relations. Both agreements (with Rwanda and Uganda) were considered a 'fool's bargain' as both Kampala and Kigali merely sought recognition from the DRC government of their national security concerns. Neither of these agreements was likely to provide for the disarmament of the negative forces operating on Congolese territory.⁶⁸

The Inter-Congolese Dialogues also provided instructive and valuable examples to certain aspects of Mitchell's theories dealing with negotiations: "In negotiations, first obtaining agreement over agenda items that are not

⁶⁶ Conflict Trends, 'Trends in preventive action: Focus on DRC, Rwanda and Burundi', *Conflict Trends*, 3, 2002. Durban, South Africa: ACCORD, 2002, p.4.

⁶⁷ Rusamira E, *op. cit.*, p.71.

⁶⁸ *Ibid.*, p.72.

controversial will, it is hoped, create an atmosphere, which will ease the resolution of the more difficult issues on the agenda.⁶⁹ An extreme version is the familiar ploy of presenting a last-minute demand only after the other outstanding issues have been settled. It is often used in the hope that exhaustion at the end of a long negotiation will increase the temptation to accede; or on the assumption that few negotiators will consider throwing away the benefits of a final agreement for the sake of intransigence over some last-minute addition".⁷⁰ This tactic was employed two weeks before the end of the negotiations over the (sensitive) issue of creating a national army. The Congolese government withdrew its participation in the Defence and Security Commission after refusing to adopt a resolution to restructure and integrate the armed forces into any other but the existing government army.⁷¹ Ketumile Masire's mediation appeared to have met with failure. Negotiations were brought back on track via a concerted effort from the civil society and political opposition camps. President Thabo Mbeki's role also became prominent during this period.

The Mbeki Proposals: Overplaying South Africa's Hand?

Official negotiations over power sharing did not commence until 8 April 2002, four days before the official closing date, and after the arrival of President Thabo Mbeki. During the preceding weeks no draft document had been submitted for discussion. President Mbeki proposed and put forward two plans entitled "Mbeki I" and Mbeki II". On 9 April the MLC declared that it accepted Kabila as president. The RCD, however, announced that its rejection of Kabila was non-negotiable.⁷²

In his second plan President Mbeki proposed offering RCD-Goma a first vice-presidency, putting it in charge of the ministries of defence and the interior, the security services and of organising the elections. Jean-Pierre Bemba and Joseph Kabila's parties were given a virtually ceremonial role under this arrangement. This 'favouritism' led the MLC and Kabila to reject

⁶⁹ Mitchell CR, *op. cit.*, p.224

⁷⁰ *Ibid.*, p.226

⁷¹ ICG, 'Storm clouds over Sun City: The urgent need to recast the Congolese peace process', *op. cit.*, p.5.

⁷² *Ibid.*, p.5.

Mbeki II, and to produce a joint alternative proposal that dramatically reduced the political prominence of RCD-Goma in the transitional government. The proposals received instant backing from the majority of participants in the ICD, who were eager to avoid power-sharing solutions dictated by the RCD and its ally Rwanda. President Thabo Mbeki proposed that Joseph Kabila should hold the post of interim President, but supported by a triumvirate of vice-presidents selected from the main armed groups (the MLC and the RCD) and a representative from civil society. In many respects securing representation from civil society appears to be virtually impossible, owing to the sheer diversity of cultures, ethnic groupings and factional interests that comprise civil society in the DRC and indeed the entire region.

Various attempts were made to include the RCD in negotiations and to produce an inclusive agreement. The RCD-Goma's and Rwanda's overt readiness to accept the failure of the negotiations caused the MLC and Joseph Kabila to conclude talks without them.⁷³ The accord struck by the government and the MLC, supported by civil society and the majority of the political opposition, remained a framework agreement. It allotted the presidency to Joseph Kabila, the seat of prime minister to Jean-Pierre Bemba and the presidencies of the National Assembly and the Senate to RCD-Goma and the unarmed political opposition, respectively. However, in reality the agreement remained unoperational. The problem of when to cut one's losses by accepting an often highly unfavourable compromise offer is especially acute. Even if a compromise is successfully worked out, the post conflict situation may be considerably worse at least for the members of the losing party than existed before the dispute.⁷⁴ Therefore, to some of the warring factions in the DRC conflict, no negotiated settlement was better than a settlement that would have meant defeat, humiliation and a peace imposed, even forced, on highly unfavourable terms, on severely disparate participants that found themselves more ready, willing and able to fight to the death, than to live in peace.

⁷³ *Ibid.*, p.6.

⁷⁴ Mitchell CR, *op. cit.*, p.182.

The Inter-Congolese Dialogues: Victors or Vanquished?

By definition both defeat and compromise will impose losses, but these will not necessarily be borne equally. Those who stand to lose most will almost inevitably oppose the suggested compromise. Among them are those whose leadership positions will be threatened or lost through defeat.⁷⁵

The Sun City accord gratified the personal ambitions of Jean-Pierre Bemba by offering him the position of prime minister. The accord also achieved victory for Joseph Kabila by securing the backing of the MLC, the RCD-ML and the RCD-N, which meant a symbolic reunification of 60% of the DRC.⁷⁶ Moreover this allowed him to eliminate the anti-Kabila coalition and isolate Rwanda, which was perceived as the enemy of Congolese unity. The Sun City accord also gave Kinshasa an undeniable military advantage: not only would MLC soldiers be joining the ranks of the FAC to make it a far more powerful military force, but the zone occupied by Rwanda would be encircled. The Kinshasa government however still remained suspicious of Bemba's real intentions. A triangular relationship between Kinshasa, the RCD and the MLC was the ideal sought after.⁷⁷ The RCD-Goma rebels desired more powerful positions and rejected the offer of the presidency of the parliament.⁷⁸

The failure of the Lusaka agreement was perpetuated by the ICD held in Sun City in April 2002. The parties failed to reach consensus, because of the intense rivalry between the MLC and the RCD, who did not care to be seen as equals.⁷⁹ Civil society groups were also fearful of being dominated by the three large armed organisations that had been holding the country hostage for a protracted period. The partial agreement reached between the government and the MLC was the minimum result required to save the

⁷⁵ *Ibid.*, p.190.

⁷⁶ ICG, 'Storm clouds over Sun City: The urgent need to recast the Congolese peace process', *op. cit.*, p.7.

⁷⁷ *Ibid.*, p.9.

⁷⁸ Naidoo S. *op. cit.*, p.16.

⁷⁹ Solomon H, *op. cit.*, p.150

ICD.⁸⁰ The Sun City talks began badly, were poorly organised and substantially failed to address the real issues.

Little should be expected of formal public conferences save 'playing to the international gallery' and the production of propaganda. The advantages of private discussions are that they may permit the making of specific concessions to the adversary without loss of prestige.⁸¹ The Sun City talks were held in a glaring spotlight, which may have blinded the participants, obstructing their vision of the objective they ultimately gathered for in South Africa – the achievement of a definite and clear peace agreement to end war in the Democratic Republic of Congo.

The Sun City agreements concluded were not based on a shared vision and were not sufficient to establish a 'new political order' in the DRC.⁸² Mitchell's theoretical insights allude to the difficulties encountered even when parties are actually attempting to engage in constructive dialogue: "Communication becomes and remains difficult between parties in intense conflict, so that formal negotiations may be the first opportunity for direct communication and efforts at persuasions between the parties for some time. Even in face-to-face exchanges, communication may still be hampered by the conflict attitudes that develop among people engaged in any intense long-lasting dispute".⁸³ The agreement reached with much difficulty during the Sun City process was not sufficient to secure the instant cessation of hostilities and the immediate arrival of a peaceful DRC either.

Many negotiators have used the imposition of time limits for agreement. The risks of using this tactic are obvious, as the imposition of time limits can work to the disadvantage of the party that sets them. However, this form of coercion may work if the adversary consents to a perhaps ill-considered agreement, giving a definite advantage to the party imposing the time limit.⁸⁴ In other circumstances a mutually agreed time limit may heighten

⁸⁰ ICG, 'Storm clouds over Sun City: The urgent need to recast the Congolese peace process', *op. cit.*, p.7.

⁸¹ Mitchell CR, *op. cit.*, p.245.

⁸² ICG, 'Storm clouds over Sun City: The urgent need to recast the Congolese peace process', *op. cit.*, p.8.

⁸³ Mitchell CR, *op. cit.*, p.226.

⁸⁴ Mitchell CR, *op. cit.*, p.231.

the sense of urgency in reaching a settlement and be salutary for those concerned in negotiation, even though this does mean that opportunities to explore the problem and search for an innovative solution are lost.⁸⁵ It is fair to conclude that in any conflict there always exists an urgent need to bring violence to a swift end and to restore peaceful relations in as short a timeframe as possible. In the search for a peaceful solution to the DRC crisis hasty decisions may have led to 'quick fix' solutions i.e. placing more emphasis on quantity than quality in drawing up the Lusaka Agreement, without taking cognisance of the fact that more time may have been the essential ingredient to produce a solid and lasting peace agreement that would not fade into oblivion and would not require a rethink every other day, week, month or year. Forestalling agreements for pure selfish gain became another regrettable feature of the Lusaka process.

Therefore it would be a fair assumption that the duration of the ICD talks was insufficient to produce a concrete agreement to end the war. The time available was reduced further by Bemba's temporary boycott and the suspension of the Kabila government's participation.⁸⁶ The first ICD talks at Sun City can be criticised for the irresponsible manner in which they gambled with the lives of many innocent people and wagered the future of an entire country and region to serve the political interests of a few leaders who sought to be the greatest beneficiaries of the peace process. Time that was wasted by the respective representatives could also have been used more productively in driving the peace process forward. Yet the proverbial storm clouds cast over Sun City provided a silver lining in the end.

The Inter-Congolese Dialogues: Winning the Peace or Losing the War?

According to Mitchell, the difficulties of arriving at a compromise settlement in a situation where neither side has any clear advantage are even greater.⁸⁷ Accordingly Mitchell argues that factions within each party arguing for a continuation of the coercive strategies, 'for more of the same', for a 'little greater effort to bring final success' will be stronger and more

⁸⁵ *Ibid.*, p.231

⁸⁶ Naidoo S, *op. cit.*, p.20.

⁸⁷ Mitchell CR, *op. cit.*, p.179.

persuasive. Many factors tend to make parties fight on, even when they appear to be in total stalemate. In indefinite situations other inertial factors appear and affect a leadership group's willingness to take a positive decision to stop fighting. This includes the search for a better post-conflict situation. In a stalemate a mutual desire emerges for a markedly improved situation than existed before the conflict developed. This, and the demand that future conflicts with the current adversary should be prevented is a specific feature of the desire for a settlement.⁸⁸ Parties to a conflict relate the level of costs incurred and sacrifices made to the kind of settlement that will ultimately be acceptable. The general rule seems to be that the higher the sacrifices involved and the more prolonged the conflict, the more parties will require significant gains in the final agreement.⁸⁹

Despite the various setbacks, a groundbreaking pact on interim rule was agreed upon in principle by consensus during talks in Pretoria in October 2002 between the DRC government, the RCD and the MLC.⁹⁰ South Africa's minister of local government, Sydney Mufamadi, had mediated the peace deal in Pretoria in a last desperate effort to salvage the failures of the ICD in Sun City. Presidents Kabila and Museveni both followed this with an announcement of their readiness to launch the Ituri Pacification Committee. The Ugandan army withdrew two battalions from the DRC, and on 17 December 2002 the warring parties signed a peace deal after more than four years of devastating civil war. Signatories expressed their gratitude to President Thabo Mbeki for his and South Africa's support in the peace process.⁹¹

The Inter-Congolese Dialogue II: The Final Act?

Government representatives and rebel groups from the DRC converged upon South Africa yet again for the final session of the ICD in 2003. This led to the unanimous endorsement of a transitional constitution to govern the

⁸⁸ *Ibid.*, p.180.

⁸⁹ *Ibid.*, p.181.

⁹⁰ Sapa, 'DRC parties agree on power sharing formula', 30 October 2002, <http://www.news24.com>.

⁹¹ Sapa, 'DRC delegates laud peacemaker Mbeki', *Pretoria News*, 19 December 2002.

DRC for two years.⁹² This followed the agreement signed on 17 December 2002 by the approximately 360 delegates in attendance in Pretoria, in which a government was shaped that would prepare for the first democratic elections to be held in the former Zaïre in nearly 40 years. The resolutions agreed upon will, together with the 34 other resolutions adopted during previous sessions, constitute the so-called Final Act in the DRC peace process.⁹³ According to President Thabo Mbeki⁹⁴

... all the signatories to the Final Act committed themselves to honour all the agreements they had entered into, including the Global and Inclusive Agreement signed on 17 December 2002, an Additional Memorandum of the Army and Security, and the Constitution of the Transition, adopted at Sun City on 1 April 2003. The united leaders of the people of the DRC also recommitted themselves to a number of important objectives in that they agreed to pursue the goals of peace, national unity and reconciliation and to protect the rights of all citizens and promote democratic governance.

After the historic deal was signed on 1 April, the UN's secretary-general, Kofi Annan, welcomed it, calling it a breakthrough, which is potentially of 'great significance'.⁹⁵

President Thabo Mbeki reaffirmed South Africa's commitment to the peace process, and declared that his country's engagement with the DRC had not ended with the signing of the Final Act. He also warned that lasting peace rested on successful implementation of the agreement.⁹⁶ Mbeki, at that time chairman of the African Union, also promised to mobilise support from that body to help ensure a smooth two-year transitional period for the DRC, particularly in resolving outstanding matters concerning the military and logistics.⁹⁷

⁹² IRIN, 'DRC: Parties endorse document of transitional constitution', 1 April 2003. United Nations Integrated Regional Information Networks, Office for the Co-ordination of Humanitarian Affairs, 2003, <http://www.irinnews.org>.

⁹³ AFX, 'ICD wraps up DRC peace talks', *News24.com*, 2 April 2003, <http://www.news24.com>.

⁹⁴ Mbeki T, 'Working together to solve Africa's problems', Statement and letter by President Thabo Mbeki, *ANC Today*, 3, 13, 4–10 April 2003, <http://www.anc.org/ancdocs/anctoday>.

⁹⁵ Sapa, 'DRC's Kabila sworn in', *News24.com*, 7 April 2003, <http://www.news24.com>.

⁹⁶ IRIN, 'South Africa: Pretoria remains engaged in DRC peace process', 4 April 2003, <http://www.irinnews.org>.

⁹⁷ IRIN, 'DRC: Mbeki vows to mobilise AU support for transition', 6 May 2003, <http://www.irinnews.org>.

The Agreement Reached

Signatories of the Final Act renewed their commitment to cease hostilities and embark on the process of setting up a restructured and integrated army, which would comprise the MLC, the RCD, rebel splinter groups and the pro-government Mai-Mai militia. The constitution and the inclusive agreement of 17 December 2002 were declared the only sources of authority for the duration of the two-year transition to the elections. The agreement also called for reunification, pacification, reconstruction, restoration of territorial integrity, transparent elections at all levels and the re-establishment of the state's authority throughout the country. The delegates agreed that Kabila would keep his post as president in the new national government. The four vice-presidential posts were to be filled by members of the rebel movements and the non-armed political opposition parties.⁹⁸ President Kabila also decreed an amnesty for people accused of 'acts of war, political crimes and crimes of opinion' committed during the period between 2 August 1998 and 4 April 2003. He justified this step as being necessary to reunite the Congolese people, many of whom had been among the nearly 2.5 million victims of the war.⁹⁹

Prospects for Peace After the Inter-Congolese Dialogue II: Will the Peace Last?

On 7 April 2003 President Joseph Kabila took the oath of office as head of a transitional government that would aim at restoring peace and democracy. Kabila would also head the committee, which had the responsibility for ensuring that all parties to the peace pact abide by it. President Kabila however was not present to sign the crucial accord in person, which in the eyes of many may be construed as a blatant disregard for the peace process especially at such a crucial juncture in its attempted implementation. The RCD-Goma declared as 'invalid' Joseph Kabila's swearing-in as interim President, citing a technicality that prevented him from taking the oath

⁹⁸ IRIN, 'DRC: Calendar set for transitional government institutions', 6 May 2003. United Nations Integrated Regional Information Networks, Office for the Co-ordination of Humanitarian Affairs, <http://www.irinnews.org>.

⁹⁹ Sapa, 'DRC declares amnesty war acts', *News24.com*, 17 April 2003, <http://www.news24.com>.

under a particular Supreme Court of Justice.¹⁰⁰ Azarias Ruberwa, secretary-general of RCD-Goma, stated that the inauguration ceremony was conducted by the president of the supreme court of justice, who was appointed five years ago. 'The context demands that the president takes his oath before new institutions and a new man', Ruberwa said. However, Mulegwa Zihindula, Kabila's spokesman, dismissed the rebel claim, saying the president had been properly sworn in before the supreme court of justice, which remained as an institution. Such incidences are a definite indication of the troubling times that lie ahead as similar political challenges and disputes are likely to become even more intense as the DRC's elections draw near.

The ink on the ominously titled Final Act sealing peace in the embattled DRC had hardly dried when reports appeared of ethnic violence in which at least 1,000 people were killed in the Droro massacre in the Ituri region.¹⁰¹

President Thabo Mbeki initiated emergency talks in a bid to defuse the crisis, while South Africa's deputy minister of foreign affairs, Aziz Pahad, warned of the need to rein in militias and non-statutory forces.¹⁰² The AU condemned the massacre as an attempt to derail the peace process. Rwanda said that although it had pulled out of the DRC in line with the July 2002 agreement, it did not rule out the possibility of redeploying its troops to the DRC if the perpetrators of the genocide in Rwanda in 1994 were not disarmed. These warnings did not aid the peaceful implementation of the Final Act. Uganda completed its withdrawal of troops from northeast DRC, leaving a few soldiers guarding military equipment. However, artillery fire was exchanged between local Mai Mai militia (allegedly backed by the DRC) and fighters of the RCD.¹⁰³ This was followed by reports of a massacre in the eastern DRC in which 60 people, mostly women and children, were killed. MONUC expressed its concern over the ongoing military activity in Orientale province and the Kivu Nord and Sud provinces, where violence

¹⁰⁰ IRIN, 'DRC: Rebels declare Kabila's inauguration "invalid"', 9 April 2003, <http://www.irinnews.org>.

¹⁰¹ AFX, 'DRC: 1000 die in ethnic violence', *News24.com*, 6 April 2003, <http://www.news24.com/Africa>.

¹⁰² Fabricius P, 'Mbeki's urgent bid to halt Congo killings', *Cape Argus*, 9 April 2003.

¹⁰³ Sapa, 'Heavy weapons fire heard in east DRC', *News24.com*, 25 April 2003, <http://www.news24.com>.

had started to rise.¹⁰⁴ The head of the UN mission 'deplored the resumption of fighting at a time when talks of ending war are being held'.

A major problem in ending conflict is that serious internal cleavages and disputes within a party may already exist. Cleavages also appear when the problems attendant on the ending of a conflict have to be confronted. Even in cases where no significant intra-party differences existed before the start of the conflict, they are likely to develop when questions of compromise, surrender or the cessation of hostilities arise. The most integrated party will exhibit signs of internal disunity when the need to make a possibly disadvantageous compromise becomes pressing.¹⁰⁵ An effective tactic for one faction of an embattled party is to accuse its rivals of preparing a premature 'sell-out' to the enemy. Before a settlement can be reached, an intra-party struggle may have to be resolved. The various deliberations following 1 April 2003 did not translate into a smooth and effortless post-conflict transition to peace either and revealed many potentially destabilising situations and crises that presented a definite danger to efforts to sustain the peace that was achieved with much difficulty as is.

In May 2003 President Mbeki made an urgent appeal to Kofi Annan to authorise the UN troops stationed in the DRC to act more aggressively in defending civilians or to make way for an envisioned African Peace and Intervention Force. Mbeki, as AU president, appealed to Annan that UN troops should be given a mandate to open fire on militia attacking civilians in renewed ethnic clashes in Bunia, eastern Congo.¹⁰⁶ An unavoidable course of events had conspired to spark off yet another crisis in the DRC with the eruption of violence in Bunia in the Ituri region, which prompted the international community to take decisive action.

In response, the UN Security Council authorised the deployment of a French-led international force with full combat status to the north-eastern regions of the DRC, including the Ituri region around Bunia, under Resolution 1484. The international force will not be a UN mission, but at the insistence of France, the 15-member council gave it a mandate under

¹⁰⁴ Sapa-AFP, 'DRC peace process hindered by three provinces, 29 April 2003, <http://www.News24.com>.

¹⁰⁵ Mitchell CR, *op. cit.*, p.187.

¹⁰⁶ Munusamy R, 'SA urges UN to let troops fire on militia', *Sunday Times*, 11 May 2003.

Chapter VII of the UN Charter, which allows the use of deadly force if necessary.¹⁰⁷ Resolution 1484, however, made provision only for the temporary deployment of the French-led force.

The crisis in Ituri province began on 7 May 2003 when Uganda withdrew more than 6,000 troops from Bunia. Rival Lendu and Hema tribal groups fought bloody clashes in which civilians were the main victims. Conflict broke out in the Ituri district due to in-fighting in the rebel Congolese group FAPC, a breakaway faction of the Hema group, the UPC. A DRC armed faction, the Party for the Unity and Safeguard of Integrity of Congo (PUSIC) blamed government troops for the killings in the Ituri regions.¹⁰⁸ EU ambassadors also approved the deployment of peace enforcement troops to the eastern DRC in June 2003 in response to the UN authorisation of the deployment of a 1,400-strong multinational force.¹⁰⁹ The UN special rapporteur on the human rights situation in the DRC, Iulia Motoc stated in September 2003 that there were indications that genocide may have occurred in the eastern district of Ituri.¹¹⁰

The French-led Interim Emergency Multinational Force (IEMF) that was deployed to Bunia was regarded as totally insufficient. The International Crisis Group's report entitled *Congo Crisis: Military Intervention in Ituri* stressed that¹¹¹

Only a more forceful and geographically more extensive UN intervention maintained for much longer than IEMF is envisaged can lead to and secure a sustainable peace. It must have the physical capability and political backing to use its Chapter Seven mandate robustly against some degree of potential armed opposition and be geared towards restoration of Congolese state sovereignty.

On 1 September MONUC assumed responsibility for peacekeeping efforts, taking over from the IEMF in Bunia. The UN Security Council had

¹⁰⁷ 'French ready to head Congo force', *Sunday Times*, 1 June 2003.

¹⁰⁸ Sapa, 'Government troops blamed for DRC slayings', *The Star*, 3 June 2003.

¹⁰⁹ IRIN, 'DRC: EU ambassadors approve deployment of multinational force', 6 June 2003, <http://www.irinnews.org>.

¹¹⁰ IRIN, 'DRC: Indications of genocide in Ituri exist, rights envoy says', 1 September 2003.

¹¹¹ ICG, 'Congo crisis: Military intervention in Ituri', *op. cit.*, p.i

strengthened MONUC when on 28 July it gave the force a Chapter VII mandate.¹¹²

If MONUC forces cannot deploy outside Bunia, cannot support the cantonment and demilitarisation of the militias operating in the Ituri region or protect the civilians living in the rural areas, the pacification of Ituri will be considered untenable. The situation in the Kivus too has been described as horrific, because serious fighting continues. Ituri has become yet another battlefield for the proxies of Rwanda, Uganda and Kinshasa. If the current crisis is not urgently resolved, it could become a prelude to a third phase of the Congo war. In late August 2003 militia groups such as the UPC in the Ituri district agreed to work with the transitional government in restoring state authority across the region.¹¹³ This would ultimately mean that the Lusaka agreement was negotiated in vain. This would also seriously undermine the viability of negotiation and mediation efforts to resolve serious and violent conflicts in Africa. The pacification of the Ituri violence could prove to be the make-or-break test of peace in the DRC.

The formation of the transitional government on 1 July 2003 has been hailed as a positive development. It was followed by the signing of an agreement between the government, the RCD-Goma and the MLC on the sharing of military positions in the new administration.¹¹⁴ President Kabila firmly declared that 'with the formation of the transitional administration, the war which still shrouds several parts of the nation has lost its purpose, as all pretexts put forward to justify it are void'.¹¹⁵

Another positive development was the holding of a meeting by the special representative of the UN secretary-general, and head of the UN peacekeeping mission in the DRC, William Swing, who explained its purpose as follows:¹¹⁶

¹¹² IRIN, 'DRC: UN troops take over from multinational force', 1 September 2003, <http://www.irinnews.org>.

¹¹³ IRIN, 'Ituri militias agree to work with transitional government, 25 August 2003.

¹¹⁴ IRIN, 'DRC formation of transitional government praised', 2 July 2003.

¹¹⁵ Sapa, 'DRC new government 'turning point'', *News24.com*, 1 July 2003, <http://www.news24.com>.

¹¹⁶ IRIN, 'DRC: MONUC convenes first meeting on future national elections', 19 August 2003, <http://www.irinnews.org>.

Under UN Resolution 1493 of 28 July 2003 the UN mission-MONUC together with other UN agencies, donors and NGOs were encouraged to provide assistance, during the transition period, for the reform of the security forces, the re-establishment of a state based on the rule of law and the preparation and holding of elections throughout the territory of the DRC.

The DRC's total external debt is to be reduced by about 80% under the International Monetary Fund and the World Bank's Heavily Indebted Poor Countries (HIPC) Initiative. The launch of the parliament in August 2003 was another positive step. The National Assembly and Senate of the two-year transitional government convened in Kinshasa, and were presided over by President Joseph Kabila and his four vice-presidents. The opening session has been heralded as the first and crucial step towards the reunification and the pacification of the Congo. These developments can also be applauded for the concerted efforts that have been made by the parties to restore stability, security and above all else a sense of normality in a country that has experienced extreme disruption and destruction.

The fundamental challenge however remains to ensure a smooth transition period free from such conflict as the clashes in Ituri, and to ensure that all parties stick to the agreements reached, without seeking to advance their own selfish political agendas to gain more from a conflict that has already claimed too many lives. Cracks have already begun to appear in the fragile transitional arrangement. Sporadic fighting continued in September 2003 in Bunia, the main town of Ituri district in northeastern Democratic Republic of the Congo, a day after six people were killed there during a public protest. The fighting erupted just after MONUC had launched an operation to rid the town of weapons by carrying out house-to-house searches. The operation, called Bunia Without Arms, coincided with what the *Union des Patriotes Congolais* (UPC) considers as its third anniversary.¹¹⁷ The rebel group took control of Bunia after fighting with rival militias. Fighting between primarily Hema and Lendu militias and allied ethnic groups has continued.

After more than three years, the ICD and the follow-up talks mediated by the UN and South Africa have produced a peace agreement billed as 'all-inclusive'. However, the transitional government set up in the 17 December

¹¹⁷ IRIN, 'DRC: Six killed as fighting erupts during protest in Bunia', 16 September 2003, <http://www.irinnews.org>.

2002 agreement signed in Pretoria will have to deal with ongoing conflicts which are unresolved, the most serious of them in Ituri. The UPC, which holds Bunia and some surrounding towns, was not among the rebel groups that signed the Pretoria agreement.

The armed forces: The weakest link

The armed forces and the final composition of the country's defence establishment have remained a serious stumbling block as the peace process progressed. RCD-Goma rejoined the negotiations for implementing the formation of a national transitional government for the DRC. RCD-Goma withdrew from talks on 22 May 2003, after accusing the government of trying to keep the post of the head of army for itself and seeking to control the majority of the military regions.¹¹⁸ The swearing in of the transitional government was delayed due to arguments dealing with the composition of the national army — a point of contention that had emerged on many previous occasions as well. The question of a national army that would unify the numerous armed factions in the DRC remained one of the unresolved issues carried over into the transitional period.

Although the armed forces have combined to form one army, the armed forces are far from united. The military chief of staff of the DRC, Lt-Gen Liwanga Mata Nyamunyobo issued a summons to officers of the RCD-Goma to appear before the Military High Court for having refused to take part in the inauguration of the newly unified national army. However, uncertainty remained over the precise name of the new force. RCD-Goma said it was opposed to the army being called the *Forces Armées Congolaises* — the name that had been used by the former Kinshasa governments of President Joseph Kabila and his late father.¹¹⁹ 'We are adhering to law, and we therefore want the army to be called the *Forces Armées de la République Democratique du Congo* as was stated in the transitional Constitution pending a decision on a definitive name'.¹²⁰ The controversy emerged as the leadership of the newly unified national military was sworn into office in

¹¹⁸ IRIN, 'DRC: RCD-Goma rejoins follow-up committee negotiations, 6 June 2003, <http://www.irinnews.org>.

¹¹⁹ IRIN, 'DRC: Three RCD-Goma officers summoned before military court', 10 September 2003, <http://www.irinnews.org>.

¹²⁰ *Ibid.*

the presence of President Joseph Kabila, his four vice-presidents and other members of the recently installed two-year national transitional government. Some 30 officers from the former belligerent forces, who were named to head the various military branches and regions, solemnly pledged 'fidelity to the DRC, obedience to the President of the Republic and respect for the institutions and laws of the country and of the military'. The danger, however, always exists, given the past experiences of conflict within the DRC, that the military may become a source of discontent and a threat to security if disenfranchised.

Accusations were levelled against members of RCD-Goma for fomenting a new rebellion. The spokesman of the transitional government of the DRC, Vital Kamerhe, equated an item of internal RCD-Goma correspondence leaked to the media with an act of rebellion: 'Members of the RCD who want to maintain the status quo with regard to administration and military control of territories as was the case during the war are in fact saying they want to continue the rebellion'.¹²¹ RCD-Goma military officials and members of parliament had demanded a general amnesty and guarantees of their personal security before reporting to Kinshasa. Many members have remained behind in Goma due to security concerns and fear of being arrested for their wartime activities. The fact that such suspicion and concern exists points to inherent deficiencies in the terms of the settlement. No genuine amnesty has been offered to rebel members implicated in war crimes for whom international warrants of arrest have been issued. Controversy on this front was an inevitable result of the appointments of the military. For example, Gabriel Amisi and Laurent Nkunda, both from the RCD-Goma and named as brigadier-generals in the unified national army, were cited by human rights groups as having been 'the primary leaders of the Kisangani massacres'.¹²² The UN Security Council in its July 2002 report issued a strong call that those responsible should be held accountable for the killings.

Clearly the wrong message has been sent by appointing cold-blooded human rights violators to serve and protect a nation's citizens. Given the violent, turbulent and traumatic recent history the DRC has had to endure,

¹²¹ IRIN, 'DRC: RCD-Goma members accused of fomenting new rebellion', 26 September 2003, <http://www.irinnews.org>.

¹²² IRIN, 'DRC: Controversy surrounds certain military appointees'.

which has included gross and flagrant human rights violations, such moves can only be lamented as yet another fatal error that could erode the already fragile peace that is desperately being sought.

A pivotal part of the DRC that has received very little attention, but in many cases has been the source of many violent and intense confrontations, has been the Kivus.

The Kivus: The Key to Total Peace?

The Kivus have been dubbed 'the powder keg' because it was there that the crucible of conflict, ethnic massacres, first exploded in the 1990s and regional war in 1996 and 1998. The Kivus are considered a turbulent peripheral area that challenges the already weak organisation of the central Congolese state. The consequences of the breakdown of the state were especially acute in the Kivus. Towards the end of his reign Mobutu struggled to hold onto power, and did not hesitate to revive old rivalries in the region and to divide the political opposition along ethnic lines. In the two Kivu provinces, which were exposed to the contagion of the ethnic conflicts in neighbouring countries, a populist political class emerged that made the minority Banyamulenge and the Banyarwanda the scapegoats for all the political problems of the Congo.

All parties in the region seek to shape the Kivus to their own requirements by applying as much coercive clout as they can muster.¹²³ The Kivus were the most violent part of the Congo during the last four years of the war, and among those who contributed to this constant state of upheaval were the Rwandan army's occupation troops; the RCD rebels allied with Rwanda and Kinshasa's proxies, including the local Mai Mai; the Rwandan and Burundian Hutu rebels; and the Banyamulenge forces who opposed the RCD.

The Kivu provinces have been on fire for virtually a decade. The Rwandan genocide during April-July 1994 added a further destabilising element when a million Hutu refugees spilled across the border, among them

¹²³ ICG, 'The Kivus: The forgotten crucible of the Congo conflict', *International Crisis Group Africa Report*, 56, 24 January 2003.

ideologues of anti-Tutsi hatred. Regrouping as Interahamwe, *Rassemblement Democratique pour le Rwanda* and later the AliR; recruiting from the North Kivu Hutus; retraining and, with Mobutu's help, rearming extremists in the refugee camps enabled these extremists to continue their attacks across the DRC's highly permeable borders with northwestern Rwanda and Burundi.¹²⁴

The central problem is that the disasters visited upon the Kivus have received unjustifiably little attention. The Congolese peace process based on the Lusaka Accords has never fully taken into account the local conflicts that pre-existed and were exacerbated by the war. One of the Sun City resolutions adopted in April 2002 by the Peace and Reconciliation Commission of the ICD mentions the need to hold a Kivu reconciliation conference; yet it failed to develop the institutional support and follow-up mechanism needed to secure its actual implementation.

The conflict in the Kivus has also produced more civilian casualties than Ituri. Both cases represent a serious shortcoming in the Lusaka ceasefire agreement, which has been selectively implemented. Certain regions of the DRC seem to have been virtually unaffected by the peace agreements. It is vital for the success of the Final Act that its provisions are fully carried out in all parts of the country, and that the transitional political leadership exhibits a real political will to act as the guarantors of peace and security in the DRC.

The DRC after Lusaka: Towards Regeneration or Stagnation?

The events of 1 April 2003 now seem a distant memory, a footnote in history. To many it represents merely another date etched in the timeline of the many events that have both shaped and shattered the Democratic Republic of Congo since its birth as a free and independent nation. Ironically, the country has enjoyed very little freedom because it has been dominated by crises masterminded by outside forces. The Lusaka agreement attempted to act as a panacea to the crisis in the DRC by seeking to achieve everything in the shortest period of time. It attempted to please everyone at the risk of achieving very little.

¹²⁴ ICG, *op. cit.*, p.5.

The lessons learnt from the painful and slow process toward lasting peace in the Middle East can also be instructive, in that for the last five years Middle Eastern countries have sought to achieve peace in a region that also is prone to chaos, crisis and instability.

Refugees International in a report issued in September 2003 called for 'political and military boldness' in helping the DRC through its precarious transition from war to peace.¹²⁵ The report stressed that this was a time of great opportunity for the DRC, but cautioned that success could be achieved only if all parties were committed to capitalising on these opportunities. Efforts to sustain the peace have already been witnessed. On 16 December 2003 the African Development Fund, of the African Development Bank (ADB) and the DRC signed two loan and grant agreements totalling \$68 million for an economic recovery and reunification support program. The agreement will make it possible to consolidate the macroeconomic stability in the context of the reunification of the country.¹²⁶ Economic recovery and even some semblance of a return to normal economic activity, growth and investment is critically important of the country is to succeed in the massive task of reconstructing a devastated and war-torn society. The EC's Humanitarian Office (ECHO) will increase its aid to the Democratic Republic of the Congo (DRC) in 2004 by €5 million (\$6.3 million) over 2003 to €40 million 'as recent improvements in the security situation allow aid agencies to gain access to more people in need', ECHO announced in January 2004. ECHO said recent progress on both the political and military fronts presented 'a unique window of opportunity for the pacification of the Great Lakes Region', and that its adoption of the €40 million plan for 2004 demonstrated its 'sustained commitment to peace in the DRC'.¹²⁷ The Belgian Parliament also offered its assistance to the DRC in its drafting of a future national constitution.

In December 2003 a ministerial delegation of the political, defence and security commission of the DRC visited Kisangani carrying a message of hope and reconciliation, while gauging the state of national reunification at

¹²⁵ IRIN, 'DRC: NGO urges "political and military boldness" to sustain peace', 17 September 2003, <http://www.irinnews.org>.

¹²⁶ IRIN, 'African Development Fund provides \$68 million for economic recovery and reunification, 16 December 2003, <http://www.irinnews.org>.

¹²⁷ IRIN, 'DRC: ECHO to increase aid to €40 million due to improved conditions', 6 January 2004, <http://www.irinnews.org>.

the provincial level.¹²⁸ Local elections for the DRC are also envisioned for April 2005, parliamentary elections in July 2005 and presidential elections in September 2005.¹²⁹ Yet the possibility of genuinely free, fair, peaceful and democratic elections are all contingent upon whether the DRC can sustain and secure a the year 2004 as one that is free from further risks of war, violence, conflict and instability and ensuring that continuous consultation and cooperation among members of the transitional government are fostered and promoted vociferously.

Conclusion

The way negotiations are carried out is almost as important as what is negotiated. The choreography of how one enters negotiations, what is settled first and in what manner is inseparable from the substance of the issues. The Lusaka Agreement has proved to be important, not only as a solution to the conflict in the DRC but also as a route towards peace. Yet, the Lusaka agreement has been a flawed agreement on many fronts.

The Lusaka Ceasefire Agreement was born out of a desperate attempt to end the conflict in the DRC. The agreement was negotiated on idealistic and overly optimistic terms; yet on many occasions negotiations took place in bad faith and amidst the backdrop of continuous fighting among the disparate participants. The agreements were only partially implemented on many occasions. None of the parties to the conflict are or have been capable of dealing with opposition through any means other than war or repression. Thus the notion of power sharing is foreign to them, and the prospect of a government of national unity in the DRC may never fully appeal.

One of the other problematic aspects has been that the facilitator of the internal peace process, Sir Ketumile Masire, operated parallel to, rather than as part of, the peace mission in the DRC. The divergence between the speed with which MONUC wishes to act and the much slower process

¹²⁸ IRIN, 'DRC: Ministerial Delegation pushes for national unity in Kisangani', 22 December 2003, <http://www.irinnews.org>.

¹²⁹ IRIN, 'Belgium offers to assist in drafting of constitution', 18 December 2003.

necessitated by the ICD has led to irritation within MONUC.¹³⁰ The UN has repeatedly emphasised the need to ensure that progress in the political sphere (the ICD) is made simultaneously with the military aspects: the withdrawal of foreign forces and the disarmament, demobilisation, reintegration and repatriation or resettlement of armed groups.

The repeated failures of the ICD raised serious doubts about the framework of the Lusaka agreement, whose three pillars are intertwined. This means that the absence of one can cause the collapse of them all. Thus without the disarmament of the negative forces, the withdrawal of foreign troops was not seriously pursued, which resulted in the failure of many of the agreements that were undertaken during the ICD. A permanent mechanism for security and defence co-operation between the Congo and its neighbours and bolstered by sound bilateral agreements has been suggested as the only viable way to guarantee that the DRC will not become a source of destabilisation.¹³¹

The true deficiency of the Dialogue process lay in its attempt to mitigate the crisis by creating new institutions without looking at the internal causes of the situation. These were the breakdown of the state and the collapse of the political, economic, and social dimensions of the lives of the Congolese people. This environment of disorder subsequently affected the entire surrounding region

Judged by the theory of conflict termination, settlement strategies and structure of negotiations, the Lusaka peace agreement has been more of a failure than a success. Although the peace agreement secured a negative peace after 1 April 2003, many doubt whether it will succeed in securing a positive peace. Aid agencies have already voiced their concern that survivors of the war are now most likely to become victims of famine, disease and infrastructure collapse and of intense societal decay produced by the destructive and violent war. Efforts to reconstruct the country as a whole, but especially politically have also come under scrutiny.

¹³⁰ Cilliers J & M Malan, *op. cit.*, p.72

¹³¹ ICG, 'Storm clouds over Sun City: The urgent need to recast the Congolese peace process', *op. cit.*, p.19.

A committee overseeing the two-year transitional process in the Democratic Republic of the Congo (DRC) has again expressed concern about continuing delays on the part of the country's national unity government in adopting key legislation for the transitional period intended to culminate in national democratic elections. The International Committee to Accompany the Transition comprising foreign ambassadors to the DRC and chaired by the UN Mission in the country, known as MONUC, made their concerns known in a statement issued in January 2004.¹³²

DRC: Continuing concern over delays in transitional period

Fears exist that the two-year deadline set by the constitution for the organisation of election will not be met, but also go well beyond the six-month supplementary period that has been provided. Under the DRC's transitional constitution, the national unity government has from 24 to 30 months to organise national elections. However, none of the five institutions — the truth and reconciliation commission; a national human rights observatory; a high authority for media; a national electoral commission; and a commission for ethics and the fight against corruption, as called for by the inter-Congolese dialogue — is yet fully functional, despite the transitional period having begun with the installation of a national government on 30 June 2003.

The DRC peace process is very fragile, UN Secretary General Kofi Annan's special representative to the Great Lakes Region, Ibrahima Fall, has said. In fact some analysts have begun to describe it as one of Africa's toughest peace deals yet. There is a need to bring relief to ordinary Congolese who have not enjoyed personal human security for nearly 40 years now. Without external intervention that is both internationally supported and robust, the peace process will likely stagnate and regress, culminating in cycles of violence in the Great Lakes region.¹³³ The war has also disrupted internal human security with an estimated four million people that are internally displaced.

¹³² IRIN, 'DRC: Continuing concern over delays in transitional period', 9 January 2004, <http://www.irinnews.org>.

¹³³ Boshoff H & M Rupiya, 'Delegates, dialogues and fesperadoes: The ICD and the DRC peace process', *African Security Review*, 12, 3, 2003.

The likelihood of the DRC achieving total security and stability remains an illusive dream. The only genuine defence the people of this vast and embattled nation have is trust, faith and hope that their country does not find itself beset by yet another war of the scale and magnitude that had been witnessed since 1998. However even this defence is slowly growing thin in the midst of a humanitarian tragedy that is threatening to engulf the country in further despair, tragedy and disaster. Attempting to predict the way forward will prove just as difficult and detrimental as to seek a definite answer and solution as how to bring the DRC back from the brink of the widespread collapse that has been witnessed over this vast and troublesome expanse. The most immediate need is to restore security, stability and order — if these vital pillars are not reinstated and maintained little else can be expected to function in any kind of normality. The DRC is testament to the severe and apocalyptic nature a war of such devastating magnitude and severity can come to assume. The only genuine way forward is to ensure that future generations beyond this decade do not fall into the same crevices of chaos conflict and carnage, but instead learn to foster hope, peace, tolerance and forgiveness and rise above the destructive behaviour that past generations have inflicted on a truly magnificent country — a country that now is more ominously known for its liabilities, uncertainties and risks than for its vast, natural assets, beauty and tremendous human potential.

DRC: Chronology of Key Events

1998	
2 August	RCD rebels launch armed rebellion against DRC president Laurent-Désiré Kabila. Uganda and Rwanda back the rebels.
13-14 September	The first summit on the DRC conflict brings together seven heads of state from southern Africa and east Africa at Victoria Falls, Zimbabwe.
26-27 October	Ministers from 11 African countries meet in the Zambian capital Lusaka and adopt the framework for a ceasefire in the DRC. Zambia acts as regional mediator.
November	Another rebel movement, the MLC, is formed in Equateur Province under Jean-Pierre Bemba with Ugandan backing.
1999	
22 March	SADC reaffirm support for Kabila in Botswana, but is concerned over continuous destabilisation in the region.
April	Ernest Wamba dia Wamba, the first president of the RCD, moves to Kisangani as the movement starts a series of splits.
3 April	Kagame vows to keep his troops in DRC as long as his national security is under threat.
5 April	RCD moves his base from Goma to Kisangani, tension within the RCD increases. Disagreement between RCD and MLC in Kisangani also intensifies.
20 April	Kabila dissolves ADFL, which swept him to power in 1997, accusing members of opportunism and self-enrichment.
16 May	A new RCD(Goma) leader is named: Emile Ilunga. The Goma and Kisangani factions are associated with Rwanda and Uganda respectively.
4 May	President Chiluba agrees to work with Colonel Muammar Gaddafi to implement Libyan peace accord. Rwanda says it only recognises the Zambian initiative. Presidents of Uganda, Rwanda and Tanzania meet to discuss the growing rift between the Ugandan and Rwandan military campaigns.
10 July	Lusaka Ceasefire Agreement signed in Zambia by the six states involved in the conflict. The rebel MLC signed on 1 August. RCD rebels sign later on 31 August.
6 August	UN Security Council authorises deployment of UN Liaison personnel in support of the Lusaka agreement.

1999 (continued)	
September	The RCD-Kisangani faction is renamed RCD-ML. Wamba dia Wamba is confirmed president with Bunia as his capital.
1 November	Secretary General issues a second report on the UN Preliminary Deployment in the DRC. Annan seeks approval for 500 observers in Congo and wants authorisation for the deployment of the Observer Mission (MONUC).
30 November	UN Security Council Resolution 1279 establishes MONUC.
December	Former president of Botswana, Ketumile Masire appointed to serve as facilitator of the Inter-Congolese Dialogues provided for in the Lusaka Agreement.
2000	
17 January	SADC gathers in Maputo to discuss peace implementation, but Laurent Kabila is absent.
24-26 January	Seven regional heads of state meet in New York with UN mediators.
24 January	Security Council Meeting on Congolese Peace Process. UN Secretary General Kofi Annan states that the Lusaka Peace Accord remains the only solution.
24 January	MONUC announces first phase of deployment of liaison officers to Bunia.
23 February	Seven African heads of state meet in Lusaka and adopt a new timetable for applying the DRC ceasefire.
24 February	UN Security Council expands MONUC in Resolution 1291.
20 March	Sir Ketumile Masire visits Kinshasa where he is prevented from travelling in the interior of the country.
12 May	MONUC reinforcements arrive in Kisangani from Kinshasa.
4-10 June	Heavy fighting between Ugandan and Rwandan forces in Kisangani.
16 June	UN Security Council passes Resolution 1304 condemning Rwanda and Uganda for their actions in Kisangani, it is also approved and Rwanda and Uganda are called upon to withdraw from the DRC.
21 August	Kabila inaugurates the Transitional Parliament, the first legislative body since May 1997. A government-formed committee selects 240 deputies and Kabila himself appoints the other 60 members.

2001	
16 January	DRC president Laurent-Désiré Kabila is assassinated. Joseph Kabila assumes control of the presidency.
19 January	Rebels accuse Joseph Kabila of instigating new acts of war and reject him as a Head of State. Fighting erupts in Eastern Congo.
31 January	Joseph Kabila, in his capacity as president of the DRC, meets with U.S. Secretary of State Colin Powell in Washington D.C. and meets with UN Secretary General Kofi Annan in New York to discuss the future of the DRC and prospects for peace.
15 February	DRC's new president, Joseph Kabila, takes part in his first summit on the DRC in Lusaka, together with four other countries involved in the conflict and the rebel movements.
July	The UPC formed with Thomas Lubanga as leader.
20–24 August	Preparatory meeting for the ICD held in Botswana.
15 October	First meeting of the ICD in Addis Ababa. Meeting fails to yield any positive developments.
2002	
25 February	Inter-Congolese Dialogue resumes, yet meeting is delayed for 10 days following disagreements surrounding the composition of the unarmed political opposition.
19 April	ICD Sun City peace meetings adjourn after reaching wide agreement, but defer key terms on power sharing.
May	Humanitarian agencies estimate 500,000 people are displaced in Ituri region.
12 June	Former prime minister of Senegal, Moustapha Niasse, appointed UN Special Envoy to assist in driving Inter-Congolese Dialogue process forward.
30 July	Peace accord between Rwanda and the DRC signed in Pretoria.
6 September	Luanda accord signed between Uganda and DRC. A 100-day timetable is set for UPDF withdrawal after the establishment of an Ituri Pacification Committee.
17 December	Comprehensive peace deal signed at ICD talks in Pretoria.
6 January	Rwandan-backed <i>Rassemblement congolais pour la démocratie</i> (RCD-Goma) rebel movement forms alliance with the Bunia-based <i>Union des patriotes congolais pour la réconciliation et la paix</i> (UPC-RP) of Thomas Lubanga in Ituri District, northeastern DRC. The agreement commits the two parties to 'co-operate and support each other mutually in the domains of politics, military, and economy'.

2003	
16 January	Government asks UN Security Council to establish a UN criminal court to try rebel groups accused of committing atrocities, including genocide, in the northeast of the country.
24 January	In adopting resolution 1457, UN Security Council unanimously approves a new six-month mandate for the panel of experts investigating the illegal exploitation of natural resources and other forms of wealth in the DRC.
31 January	UN World Food Programme (WFP) begins an emergency operation to airlift food to some 115,000 people in the town of Bunia, northeastern DRC, who have been displaced by fighting.
10 February	DRC President Joseph Kabila and Ugandan President Yoweri Museveni reaffirm their commitment to the Luanda accord of 6 September 2002 following a two-day summit in Dar es Salaam, Tanzania. The accord provides for the total withdrawal of Ugandan troops from the DRC and the normalisation of relations between Kinshasa and Kampala.
March	Delegates and parties to the conflict in the DRC convene for the follow up ICD talks at Sun City, South Africa.
6 March	After 11 days of talks in Pretoria, delegates adopt a draft constitution and a memorandum on the military and security arrangements during the transition period.
20 March	UN Security Council asks Secretary-General Kofi Annan to increase the presence of MONUC, especially in Ituri, where violence has escalated in the recent past. It also asks Annan to increase the number of personnel in MONUC's human rights component 'to enhance the capacity of the Congolese parties to investigate all the serious violations of international humanitarian law and human rights perpetrated on the territory of the country since the beginning of the conflict in 1998'.
1 April	Signing of the Final Act. The Final Act sees the commitment of all parties to honour all the agreements they had entered into, including the Global and Inclusive Agreement signed on 17 December 2002, an Additional Memorandum of the Army and Security, as well as the Constitution of the Transition, adopted at Sun City on 1 April 2003.

2003 (continued)	
2 April	In Sun City, South Africa, DRC government, rebel movements, political opposition parties and representatives of civil society agree to set up a transitional government to oversee democratic elections after two years. DRC President Joseph Kabila to retain his post, supported by four vice-presidents from rebel groups and the civilian opposition.
2 April	Violent clashes erupt in Bunia, exactly one day after the signing of the Final Act.
4 April	The long awaited Ituri Pacification Committee inaugurated in Bunia, the principal town in the Ituri district. The 177-member commission includes representatives of the DRC, Uganda and Angola governments, MONUC, civil society bodies, a business people's association, political and military parties to the conflict in Ituri, and 90 grassroots communities that form the largest block of the commission.
8 April	President Joseph Kabila sworn in as the interim head of state of the Democratic Republic of the Congo in Kinshasa.
11 April	International Committee to accompany the transition in the DRC holds first meeting at MONUC headquarters.
6 May	Azarias Ruberwa Manywa, RCD-Goma secretary-general, is named as his movement's candidate for the fourth and final vice-presidential post for a two-year national transition government, joining the three vice-presidential candidates already named: MLC leader Jean-Pierre Bemba; Abdoulaye Yerodia Ndombasi, a close ally of DRC President Joseph Kabila; and Arthur Z'ahidi Ngoma, a representative of the unarmed political opposition.
8 May	Rwandan President Paul Kagame and his Ugandan counterpart Yoweri Museveni hold talks in London — the fourth since tension between Rwanda and Uganda mounted after fighting two years earlier in Kisangani — aimed at easing tension between the two countries.
12 May	Rebel UPC takes control of Bunia.
22 May	RCD-Goma withdraws from discussions of the follow-up committee of the inter-Congolese dialogue, accusing the government of trying to keep the post of head of army for itself, and of wanting to control the majority of military regions.

2003 (continued)	
29 May	Swearing-in of a transitional government is postponed because of an argument over the composition of the national army.
30 May	RCD-Goma announces it will rejoin negotiations leading to the formation of national transitional institutions in the DRC.
2 June:	UN Secretary-General Kofi Annan recommends a one-year extension of MONUC's mandate, and calls for an increase in MONUC's authorised military strength from 8,700 to 10,800.
4 June	UN Secretary-General Kofi Annan appoints two special envoys to help with the formation of a unified national army: Moustapha Niasse, who had served as Annan's special envoy for the DRC peace process, and Gen Maurice Baril of Canada, who had served as a military advisor to the UN.
2 July	Thousands of displaced residents of Bunia who fled inter-militia fighting return home.
16 July	First elements of a planned 3,800 UN peacekeeping task force for the Ituri District arrive in Bunia.
18 July	Transitional government officials designated by the DRC's two principal former rebel movements — RCD-Goma and the MLC — refuse to take the oath of office because it included swearing allegiance to President Joseph Kabila.
24 July	Transitional government officials designated by the principal rebel groups RCD-Goma and the MLC take oath of office after an initial refusal to do so, due to the requirement of a pledge of allegiance to president Joseph Kabila. RCD-Goma and MLC transitional government officials take their oath of office in Kinshasa, after a modification is made in the pledge of allegiance.
28 July	UN Security Council unanimously adopts resolution giving MONUC a stronger mandate and increasing its authorised strength from 8,700 to 10,800 troops. The council also extends the mission's mandate for another year, until 30 July 2004, and institutes a 12-month arms embargo against foreign and Congolese armed groups in the east of the country.

2003 (continued)	
30 July	Fighting erupts between RCD-Goma and Mai-Mai militias in South Kivu.
19 August	MONUC convenes first meeting on future national elections.
25 August	The National Assembly and Senate of the two-year transitional government of the DRC launched in the capital Kinshasa.
1 September	UN troops take over from French-led multinational force.
1 September	Installation of military leadership delayed, due to reported mutiny in Kisangani.
5 September	New unified national army inaugurated, yet disagreement emerges about new name for the army.
9 September	DRC military chief of staff Lt-Gen Liwanga Mata Nyamunyobo summons three officers of the RCD-Goma — Brig-Gen Laurent Nkunda, colonels Elie Gichondo and Erick Ruhorimbere, who had been named commander and deputy commanders, respectively, of three of the country's 10 military regions — to appear before the Military High Court (<i>Haute Cour Militaire</i>) for having refused to take part in the inauguration of the newly-unified national army.
17 September	Military officials and members of parliament of RCD-Goma demand a general amnesty and security guarantees before reporting to Kinshasa.
23 September	Two rival militias in Bunia — the primarily <i>Hema Union des patriotes congolais</i> (UPC), and the primarily <i>Lendu Front des Nationalistes Integrationnistes</i> (FNI) — agree to allow the free circulation of people and goods in the region.
26 September	RCD-Goma members accused of fomenting new rebellion.
9 October	Ituri militias agree to the cantonment of their forces, a promise they have made on previous occasions.
21 October	The International Committee to Accompany the Transition (known by its French acronym, CIAT) overseeing the two-year transitional process in the DRC chides the national unity government for a wide range of delays which, it said, 'risked jeopardising the holding of nationwide elections within the next 24 months'.

2003 (continued)	
28 October	UN Panel of Experts on the Illegal Exploitation of Natural Resources and Other forms of Wealth of the DRC releases its final report, listing names of individuals, companies and governments involved in the plunder of gems and minerals, and recommending measures to be taken to curb the exploitation.
15 November	Voluntary return to neighbouring Rwanda of 103 members of the Democratic Liberation Forces of Rwanda (FDLR — <i>Forces Democratiques de Liberation du Rwanda</i>), including FDLR leader Paul Rwarakabije, after almost a decade in the DRC.
11 December	UN Security Council urges the transitional national government to adopt a national disarmament, demobilisation, reintegration (DDR) programme, and to accelerate reform of the armed and police forces.



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