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Background

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paper

The challenge
of building
sustainable peace
in the DRC

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“hd | Background Paper

The Centre for Humanitarian Dialogue (HD Centre) is an independent Swiss Foundation dedicated to helping improve the global response to armed conflict. It attempts to achieve this by mediating between warring parties and providing support to the broader mediation community

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This paper builds on discussions at the African Mediation Retreat 2009.

Introduction

August 2009 will mark ten years since the signing of the Lusaka Ceasefire Agreement that ended the second Congo war. It also marks the tenth anniversary of the establishment of the UN Mission in the Democratic Republic of Congo (MONUC). Yet, the violence persists at an enormous cost, access to land in eastern DRC remains contested, and control over revenues from natural resources remains in the hands of a few. Armed groups, both foreign and domestic, continue to operate with impunity in the eastern DRC and are the source of much of the insecurity in the region. And state institutions remain weak and resource-starved.

Over the last decade, the Congo has witnessed an extraordinary number of attempts by regional and international actors – individuals, states and institutions – to resolve the largest conflict that Africa has seen since independence. The most that these attempts have achieved are several partially respected ceasefire agreements. They have failed to end the violence or to re-establish central government authority throughout the DRC.

Today, the DRC transition is at a crossroads. Despite elections two years ago that aimed to complete a peace process started in December 2002 during the Inter-Congolese Dialogue at Sun City, many Congolese feel disenfranchised by a government increasingly reliant on strong-handedness, as its authority rests on weak national and local institutions – a crisis of governance that the elections did not solve. In the last two years, little progress has been made on the disarmament and reintegration of Rwandan-backed rebel groups or Mai Mai militias¹, and efforts to dismantle and repatriate the Rwandan Hutu FDLR (Democratic Liberation Forces of Rwanda) militia have yielded few results.

¹ The Mai Mai (or Mayi Mayi) are Congolese civilian 'self-defence' militias in the Kivus who mobilise to fight foreign occupation. They have no common leadership or coordination.

Tensions between DRC and Rwanda re-emerged in the last year over Rwanda's continued support of rebel groups active in eastern Congo, in particular the Tutsi-led National Congress for the Defence of the People (CNDP), and growing competition over access and control of key natural resources. By signing the Nairobi agreement in November 2007, Kinshasa pledged to disarm the FDLR. It has not done so, and even continued its collaboration with the Hutu rebel group over lucrative mining interests after signing the agreement.

The Goma agreement signed by the Kinshasa government, dissident CNDP General Laurent Nkunda, and Mai Mai militias on 23 January 2008 called for a ceasefire, the withdrawal of troops from key areas, and the disarmament, demobilisation, and reintegration of combatants. But implementation of both the Goma agreement and the subsequent Amani disengagement process failed, and by August 2008 fighting had resumed. The failure of the controversial joint operations of government forces (FARDC) and MONUC against Nkunda's CNDP rebels, and the very public collapse of government forces in the face of CNDP advances, left an over-stretched and under-equipped MONUC as the only layer of protection against Nkunda's growing control over the region.

The story of the many efforts to mediate an end to violence in the DRC is long and complex and has been told in greater detail elsewhere. This paper briefly examines key lessons that can be drawn from those earlier efforts, and the missed opportunities that continue to challenge current efforts to achieve a durable peace in the Congo. The paper's key argument is that the DRC–Rwanda relationship is the critical factor to resolving the conflict, and that as long as efforts to build peace in the DRC neglect that relationship, these efforts will fail.

1 | The first war (1996–1997)

The conflict in the Congo has involved at least nine African states and a number of proxy movements with varying degrees of local mobilisation and support. The first war began in September 1996 as an invasion by a coalition of neighbouring states of what was then Zaire, and succeeded in replacing president Mobutu with Laurent Kabila in May 1997. International action during the first war took the form of weak declaratory UN resolutions on the war, and intense international and regional diplomatic efforts to negotiate Mobutu's exit. Ambassador Mohamed Sahnoun of Algeria was appointed in January 1997 as joint UN–OAU Special Representative for the Great Lakes region, and South African President Nelson Mandela emerged as the principal mediator in the first war.

The first meeting between Mobutu's government and the rebels took place in Cape Town on 20 February 1997 and was brokered largely by the United States and South Africa. Despite the presence of high-level envoys from the US (Assistant Secretary of State for African Affairs, George E. Moose and President Clinton's then special assistant on Africa, Susan Rice) and South Africa (Deputy Foreign Minister Aziz Pahad), the talks collapsed and subsequent talks failed to reach agreement. On 17 May 1997, after a failed last-minute effort by Mandela and Sahnoun to produce agreement for another round of talks, Mobutu, facing certain military defeat, left the Congo for the last time, and the anti-Mobutu alliance, consisting of mainly Rwanda, Uganda, and Angola, marched into Kinshasa unopposed. This ended the first war.

Mandela's mediation efforts, aimed at ensuring a smooth transition through a negotiated exit for Mobutu, did not include the so-called non-violent opposition – Congolese NGOs, churches, and long-time opposition leaders – all of whom had considerable public support in their opposition to the Mobutu dictatorship. By excluding Congolese opposition parties from the negotiations for a transitional government, and limiting participation to the forces with guns, mediation efforts in the first war effectively marginalised political leaders who had gained much popularity and legitimacy over the years, especially through their leadership in the National Sovereign Conference of 1993. It also bestowed a considerable degree of international legitimacy on Kabila and the alliance, which only encouraged Kabila, once in power, to ignore later calls by the United Nations and donors for multiparty politics.

The second war (1998–1999) and the road to Lusaka²

² Some of this section is drawn from Carayannis, Tatiana and Herbert F Weiss, 'The Democratic Republic of Congo, 1996–2002' in Jane Boulder (ed.), *Dealing with Conflict in Africa: The United Nations and Regional Organizations* (Palgrave Macmillan: New York, 2003), pp.253–303.

The second war broke out in August 1998 when a similar configuration of neighbouring states, some of whom had been Kabila's patrons in the first war, broke with him and attempted a similar ousting but without their earlier success, partly because Angola switched sides and supported Kabila. A draft ceasefire agreement prepared by UN and OAU representatives two weeks into the second war highlighted one of the issues that would plague the region in its efforts to negotiate an end to the violence: how to define the nature of the conflict. Each party to the war interpreted the conflict differently, and they could not agree on who the belligerents were.

The draft ceasefire agreement identified Angola, DRC, Namibia, Rwanda, Uganda, and Zimbabwe as parties to the conflict – but Rwanda and Uganda had not yet publicly declared their military presence in the Congo, and protested the exclusion of any Congolese rebel groups from the proposed list of signatories. On the other hand, in his continuing efforts to present the war exclusively as a case of foreign aggression by Rwanda and Uganda, Kabila initially denied the existence of an internal rebellion and refused to recognise the Rwandan- and Ugandan-backed Rally for Congolese Democracy (RCD) as a belligerent. Not surprisingly, the RCD defined this war as a revolution against a dictatorial regime, and argued that the only two fighting were the RCD and the Kabila regime.

At its 18th Summit Meeting in Mauritius on 13–14 September 1998, the Southern African Development Community (SADC) appointed Zambian President Frederick Chiluba to lead the peace effort. Shortly afterwards, the European Union appointed Aldo Ajello as Special Envoy, and the United States dispatched Ambassador Thomas Pickering, then Undersecretary of State for Political Affairs, and former US senator Howard Wolpe as Special Envoy.

By early 1999, the war had acquired even greater complexity, as there were now three rebel groups operating in the Congo, collectively controlling over half the country. The RCD had split into two movements as a result of internal disagreements: the RCD-ML (Mouvement de Libération), backed by Uganda; and the RCD-Goma, backed by Rwanda. The Mouvement pour la libération du Congo (MLC), another anti-Kabila armed group, was established with Ugandan support in northern Equateur Province some months after the founding of the RCD.

³ The MLC and the RCD signed in August 1999, after delay caused by a leadership quarrel within the RCD. Eventually, the disagreement was overcome by having all 50 founding members of the RCD become signatories.

The second Congo war ended officially with the signing of the Lusaka Ceasefire Agreement in July 1999,³ the result of a stalemate in the war and considerable external pressure. Although the Lusaka process was a product of the region, Wolpe and Ajello were deeply involved in the negotiations. Despite

4 Carayannis, Tatiana, 'The Complex Wars of the Congo: Towards a New Analytic Approach', *Journal of Asian and African Studies*, Vol. 38, No. 2-3, 232-255 (2003).

the ceasefire agreement, violence between competing armed proxy groups continued behind the ceasefire lines until the establishment of a government of national unity in 2003, in what some observers refer to as the third war.⁴

The Lusaka agreement called for the immediate cessation of hostilities within twenty-four hours of its signing. By 'hostile action' it meant not only military attacks and reinforcements, but all hostile propaganda as well – an important emphasis in a region where hate speech has incited violence with devastating consequences. Furthermore, the agreement called for disarming foreign militia groups in the Congo, the withdrawal of all foreign forces from the country, and the exchange of hostages and prisoners of war. It also called for the establishment of a Joint Military Commission (JMC) composed of representatives of the belligerents, each with veto power.

The JMC was to be headed by a neutral chair appointed by the OAU, and charged with ensuring, along with UN and OAU observers, compliance with the ceasefire until the deployment of a UN peacekeeping force mandated to ensure the implementation of the agreement. The signatories of the agreement asked that this mission have both a peacekeeping and a peace-enforcement mandate and explicitly asked the Security Council to authorise coercive force, if necessary, to achieve its objectives of disarming the various armed groups.

Most significantly, the agreement also provided for an all-inclusive process, the 'Inter-Congolese Dialogue' to produce a new political order for the Congo. The former president of Botswana, Sir Ketumile Masire, was appointed to facilitate that process in December 1999. A key provision was that all domestic parties to the dispute, whether armed or not, were to participate in this dialogue as equals. The inclusion of the non-violent political opposition and of civil society groups was a positive element, and in sharp contrast to the exclusion of these groups from earlier mediation efforts in the DRC.

The strengths of the Lusaka agreement were that it:

- recognised the overlapping layers of inter- and intra-state actors involved in the second war
- was signed by almost all major parties to the dispute, including foreign governments and rebel groups
- recognised the need for an internal healing process among Congolese – an inter-Congolese dialogue – in anticipation of the formation of an interim government
- affirmed a rarely applied principle that all parties (except the Mai Mai), including government and civil society, would participate on the basis of equal status
- recognised the security concerns of Congo's neighbours regarding insurgency movements seeking to overthrow their governments from bases in the Congo.

The weakness of the agreement was that it froze the status quo and distinct zones of influence controlled by different rebel factions and their patrons: the

MLC and Uganda in the northwest; in the east, Rwanda and the RCD (and more recent proxies such as the CNDP); and, to a lesser extent, Uganda and increasingly fragmented proxies in the northeast. However, the greatest failure of the agreement was leaving out the Mai Mai, who were neither represented at the peace negotiations in Lusaka, nor mentioned as participants in the internal dialogue. This is despite the Mai Mai being supported by Kinshasa, and at one point being declared to be a part of the new Congolese army. This missed opportunity continues to plague efforts to mediate and consolidate peace today, as the Mai Mai continue to fight Rwandan proxy forces in the Kivus.

3

The Inter-Congolese Dialogue

The Lusaka agreement envisioned a six-week-long national dialogue with armed and unarmed Congolese groups about the future institutions and interim government of the Congo as a parallel process to the disarming of armed groups and the departure of foreign armies. Until his assassination, Laurent Kabila repeatedly refused to cooperate not only with the United Nations, but also with the dialogue's facilitator, President Masire. Kabila never accepted the actual implementation of the agreement's provision that all parties, including the Kinshasa authorities, would enjoy the same status in the Inter-Congolese Dialogue. He quarrelled with Masire over the start date of the negotiations, and eventually shut down the facilitator's office in Kinshasa. Kabila also tried to exploit anglophone–francophone rivalries in Africa by accusing Masire – an anglophone – of being biased in favour of Uganda and Rwanda, and demanded that another facilitator – a francophone – be appointed.

Joseph Kabila, once in power in January 2001 following Laurent Kabila's assassination, took steps to revive the Lusaka process, and on 4 May 2001, two weeks before the Security Council's visit to the region, the Lusaka agreement signatories met again in Lusaka and signed a Declaration on the Fundamental Principles. The Inter-Congolese Dialogue finally got started with a preparatory meeting in Gaborone on 20–24 August 2001, attended by representatives of all signatories to the Lusaka agreement and the Congolese non-violent political opposition and civil society, as well as observers from the UN, OAU, SADC, EU, and the JMC. After some disagreements over who would participate in the talks and on the venue, they agreed that the national dialogue would be held in Addis Ababa for a period of six weeks beginning on 15 October 2001.

The peace talks opened as planned at the UN Economic Commission for Africa (ECA) conference hall in Addis Ababa. Citing financial constraints,

Masire limited participation to only 80 representatives rather than the original 330 agreed in Gaborone. This played into Kinshasa's stall tactics and after just three days, Kinshasa walked out of the meetings in protest that not all parties were represented. Kinshasa insisted that the Mai Mai be included in the talks, a proposal strongly opposed by the Congolese rebel groups who argued that only parties included in the Lusaka agreement should be invited to participate in the dialogue. Kinshasa's objective was to weight the talks in its favour by promoting the participation of groups it could easily manipulate.

After four months of repeated false starts and disagreements over participation and in particular the Mai Mai question, the national dialogue finally re-opened in South Africa's Sun City on 25 February 2002, initially without the participation of one of the principal actors, the MLC, which complained that the government was unfairly sending bogus civilian opposition parties. Eventually, all of the actors participated in the talks which lasted for a total of 52 days.⁵ Despite numerous efforts by South Africa, the dialogue failed to achieve even a general agreement between the key actors. A rump agreement supported by the US for a transitional power-sharing arrangement in which Joseph Kabila would remain president and MLC leader Jean-Pierre Bemba would be named prime minister, was signed by the government and the MLC. This agreement was rejected by the Rwanda-backed RCD-Goma and the political opposition, both of which were marginalized by this side-deal. On leaving Sun City, Masire acknowledged, 'we are leaving Sun City without fully realising all our goals'.⁶

5 For an account of the Sun City negotiations, see Bouvier, Paule and Francesca Bomboko, *Le Dialogue Intercongolais* (Paris: L'Harmattan, 2004).

6 Integrated Regional Information Network report, 22 April 2002.

Despite these failings, the talks produced dozens of meaningful resolutions intended to establish such institutions as a Truth and Reconciliation Commission – negotiated institutions that could potentially provide the basis for a durable peace rather than having to reinvent the wheel.

Observers have put partial blame for the failures of Sun City on the facilitation, which never quite understood the dynamics and underlying relationships between the negotiating parties, a shortcoming unrelieved by Masire's inability to speak French. Much of the actual negotiations occurred outside the facilitated sessions, often late in the evening, and out of sight of the mediation staff. Masire also permitted Kabila's stall tactics continually to derail the process, and faced problems of inadequate funding. By May 2000, several weeks after he had been appointed, Masire had still not received the \$6 million pledged from international donors for his office.

Of course, the parties themselves were to blame for the failures of Sun City for neglecting the continued violence – or the emerging third war – in eastern DRC. By marginalizing the RCD, the parties ignored the underlying objectives of Rwanda and its goal to establish a sphere of influence in eastern Congo through direct military occupation, proxy forces, or both; and focused instead on negotiating plum government positions for themselves. The subsequent talks held in Matadi, meant to finalise the rump agreement between Kabila and Bemba, collapsed when Kabila withdrew from the agreement.

The escalating violence between rival Rwandan and Ugandan proxy forces in the east prompted the appointment of two UN Special Envoys, who played a much more proactive mediation role than Masire – former Senegalese prime minister and seasoned politician Mustafa Nyasse, and a former Eritrean diplomat, Haile Menkerios, who had dealt with the Kabila alliance during the first war and was thus familiar with the region’s geopolitics. The resulting Pretoria agreement, brokered by Nyasse and Thabo Mbeki in December 2002, established an all-inclusive framework for the ‘1+4’ transitional government of national unity that was eventually seated in 2003. It corrected the failures of Sun City, as both Nyasse and Mbeki recognized that the power realities between Kinshasa and Kigali could not be ignored. It also ensured that some Mai Mai would be represented in this agreement, thus avoiding the participation problems that delayed Sun City for months.

4

Regional solutions for regional problems

The regional powerbrokers who mediated the Lusaka Ceasefire Agreement recognised the limitations of a divided region in undertaking the implementation of the agreement. During pre-Lusaka discussions about an OAU-led, inter-African peacekeeping force for the Congo, OAU Secretary-General Salim Ahmed Salim acknowledged publicly that his organisation lacked the capacity to undertake such an operation successfully.⁷ In addition, members of the OAU supported widely divergent policies in the Congo wars – some supported Kinshasa, some the rebels, and some opted for neutrality. It was virtually impossible to obtain agreement on a common policy, leaving aside the lack of capacity and means.

7 International Crisis Group, *Africa’s Seven-Nation War*, p.8.

For SADC there were similar concerns about resources and capacity. South Africa, the region’s dominant economy, made it clear that it had no intention of carrying the financial burden of a regional peacekeeping force: ‘I think there is a growing consensus that any DRC mission should not be just a SADC affair. We want other western countries to join in. We know if it is just SADC then South Africa will be left to underwrite the whole deployment. We do not want the DRC buck to stop here.’⁸

8 A South African defence official, quoted in United Nations, Integrated Regional Information Network, ‘Military Apprehensive ahead of DRC Peacekeeping’, 27 August 1999.

Although largely absent as an institutional force from the first war, SADC responded significantly to the later wars in the Congo. This response has taken three forms: mediation, military intervention and advocacy with the international community. Many of the efforts to mediate a peaceful settlement during the second Congo war were SADC-driven and much of the mediation in both wars was undertaken by leaders in the SADC region. President Mandela was especially instrumental in the Mobutu–Kabila negotiations in

1996–1997, and President Chiluba led regional efforts to pressure the parties into signing a ceasefire agreement. While some SADC powerbrokers were, from the beginning, deeply committed to achieving a ceasefire, clearly others were motivated by the belief that military victory was unlikely or would be too expensive.

The lesson one can draw from the Congo wars about regional solutions is that, despite deep regional divisions, regional actors can (and did) initiate and successfully negotiate agreements to end conflicts in which large and important portions of that region are participants in the conflict. However, the lessons from the Congo also suggest that regional mediation in a regional conflict involving numerous state actors from that region is difficult without external partners. This is due partly to capacity constraints but mostly to the need for external guarantors and credible, punitive threats for non-cooperation.

In each case in the DRC, the winning formula for brokering agreements was stepped-up regional engagement, often led by South Africa, with high-level UN support (in the form of either peacekeeping or special envoys, and eventually both), and sharply increased US diplomatic pressure on Rwanda, Uganda and the DRC. In DRC, the problem has not been negotiating agreements so much as ensuring their implementation after signing.

5

The peace and justice dilemma in the DRC

Missing from all mediation efforts thus far in the DRC are provisions to address impunity and to begin a serious national dialogue about justice. While the Inter-Congolese Dialogue agreed on the establishment of a Truth and Reconciliation Commission (TRC) to promote reconciliation and victim compensation, donor priorities during the election process, on top of the unprecedented costs of the election itself, resulted in funding only two of the five commissions of the transition – the Independent Electoral Commission and the High Commission for the Media. The TRC thus never got started, and, as a transitional institution, its mandate expired with the installation of the newly elected government in 2006.

The neglect of justice in efforts to build peace in the DRC has contributed to the ongoing cycles of violence by allowing actors with shady records, inside and outside Congo, to operate with impunity. This, combined with the appearance of the International Criminal Court (ICC) on the international stage in 2002, presents both challenges and opportunities for current efforts to build a durable peace in the DRC.

The result of the recent stand-off between Kinshasa and the CNDP is but one example. Laurent Nkunda's arrest by Kigali and the subsequent three-way deal between Rwanda, DRC, and Bosco Ntaganda, Nkunda's former chief of staff who has an outstanding ICC arrest warrant, has put MONUC and international mediators in the rather awkward position of embracing a ceasefire agreement that includes a signatory wanted for war crimes by the ICC. This has also raised pressure on MONUC to arrest Bosco, now officially an officer in the Congolese national army. Recent revelations that he was part of a joint MONUC-FARDC military operation against the FDLR have been a further embarrassment to the Mission.

We are in uncharted waters with the ICC, as the recent arrest warrant against Sudan's President Bashir has starkly shown. While MONUC has indicated that it will support the DRC government in fulfilling its obligations under the Rome Statute, it is not clear how the Mission would do this operationally, and additional calls for arrests in the DRC are likely to continue to raise tensions in the Mission's mandate. This is not only awkward for the Mission but for the UN-AU mediation, which signed off on the 23 March 2009 Goma agreement. That agreement, in addition to providing for the transformation of the CNDP into a political party, also calls for the government to pass an amnesty law for former rebels⁹ – which presumably could include Bosco.

⁹ The Amnesty Law was signed by President Kabila on 7 May 2009.

The experience of the ICC in the DRC thus far raises two fundamental and difficult questions for the Court, with implications for peacebuilding efforts in the Congo that go beyond embarrassment. First, how will the ICC square its temporal jurisdiction with the duration of the Congo wars so that its actions are not perceived as arbitrary enforcement of international criminal law? Second, will the ICC go up the chain of command even when that chain crosses national borders? Both of these questions have implications for mediation. Any efforts to address impunity in the DRC wars will have to address Rwanda's role in them. The findings of the proposed mapping exercise of human rights violations committed in the DRC from 1993 to 2003, which is expected to be completed in 2009, will further highlight the significance of these questions.

One of the biggest drawbacks of reliance on the ICC as the sole mechanism of justice in the DRC is that the Court's temporal jurisdiction means that it cannot address all of the crimes committed during these wars – the wars began in 1996 and the ICC's jurisdiction extends back only to 2002. Whatever the ICC does in the DRC, its jurisdictional constraints will prevent it from providing a 'full service' justice solution. Also, in choosing to focus primarily on Ituri, the ICC is addressing only one part of the story of the Congo wars. This, and the combination of the botched case against Thomas Lubanga and the arrest of popular opposition leader, Jean-Pierre Bemba in 2008 for crimes allegedly committed in the Central African Republic, has eroded much of the goodwill enjoyed by the ICC initially in the Congo.

Bemba's arrest prompted outrage in the DRC, and accusations that the ICC is a political instrument of Kabila, or Western powers, or both. Increasingly,

Congolese human rights lawyers favour a special chamber inside the Congolese judicial system supported by external donors, aware of the limitations of the ICC and the depressed international appetite for ad hoc tribunals. While this would help rebuild the DRC's justice system and allow for local ownership of justice – two elements critical in building a durable peace – the ICC has neither the mandate nor the resources to do this. These are the enduring issues with which current and future mediation efforts will have to contend.

6 | Time for a new approach?

Recent developments have again emphasised the fragility of the DRC peace process, as was evident with the escalation of hostilities between government forces and Rwandan-backed CNDP forces in October 2008. The strategic border town of Goma nearly fell in the last week of October, exposing the weaknesses of not only the FARDC but of MONUC. MONUC peacekeepers would have been overrun had CNDP forces not been persuaded, through intense international pressure, to hold back their advance. In December, a series of brutal attacks and abductions by the Ugandan Lord's Resistance Army (LRA) rebels, and in particular the so-called Christmas Day Massacres following the failed US-supported Ugandan military operation against the LRA, highlighted the limitations of military solutions to rebel activity in eastern DRC, and the high civilian cost of failure.

This has prompted a debate about the direction and capacity of MONUC, and about the nature and limits of peacekeeping. Calls to reinforce MONUC's capacity, particularly for civilian protection, and for the deployment of an EU bridging force until more peacekeepers could arrive (and, some argued, for a military solution against the CNDP and FDLR) have had mixed results. While the UN Security Council has authorised a troop increase of 3000, there has been little appetite in European capitals for the deployment of another Artemis-type operation in the Congo. More troops could very well serve to raise expectations about MONUC's ability to protect all civilians all of the time, rather than resolve the core issues that are inherently political.

While security threats from non-state armed groups fighting over lucrative mining resources are real, it is important not to over-subscribe to resource-based, or 'greed' explanations of conflict in the DRC. Regardless of whether greed is the underlying motivation of some actors or a means to political power for others, political grievances are equally real and demand political solutions.

The UN Secretary-General's announcement of a high-level mediation effort in November 2008, headed by former Nigerian President Obasanjo, was greeted with cautious optimism that this would bring about the focused and

comprehensive international political approach that had been lacking in the post-electoral period. The arrest of Nkunda by the Rwandan government in January 2009 (the result of Nkunda's growing national ambitions and increased international pressure on Kigali), and the three-way deal between Rwanda, DRC and Nkunda's chief of staff General Bosco Ntaganda to cooperate in pursuing the FDLR caught the international community by surprise.

The sudden and rapid rapprochement between the two governments and their joint operations (led largely by Rwandan forces) against the FDLR, while welcomed by the international community, have been met with caution in the DRC and, in some cases, alarm that Rwandan forces were back in the country. Cooperation with Rwanda had initially been called for by Vital Kamerhe, then president of the Congolese parliament and emerging political challenger to President Kabila, and adopted in a plan of action by the national parliament. But Kamerhe and others criticised President Kabila's decision to invite Rwandan troops into the DRC both on its merits and to exert political pressure on an increasingly unpopular president already vulnerable to charges that his national allegiances lie outside the DRC.

This was a gamble that Kamerhe lost and which resulted in his forced removal from leadership in parliament and from the president's (PPRD) party. While a feared constitutional crisis was avoided when Kamerhe stepped down, these recent events are further evidence of a worrisome concentration of power around the president, shrinking space for political dialogue, and a general crisis of leadership in the DRC that do not bode well for peace efforts.

7

Key challenges for building sustainable peace

This is a challenging moment for peacebuilding efforts in the DRC. While the FDLR's headquarters have been destroyed and its mining trade disrupted, the majority of the FDLR fighters remain in the DRC, even though Rwanda has claimed victory and has for now withdrawn most of its troops. So while a short-term security gap has been addressed with Nkunda's arrest and the temporary disruption of the FDLR, the question of long-term international and regional engagement in support of a sustained political process to restore state authority throughout the DRC remains open.

Moreover, the sustainability of the new DRC–Rwanda relationship is yet to be determined. Insecurity in the region remains high and the prospect of a contested or postponed national election in the Congo, currently scheduled for 2011, is likely to heighten regional tensions. Meanwhile, the international community is suffering from Congo fatigue, as regional actors seek to

disengage from the ongoing conflict in the east. In what would be a ‘back-to-the-future’ scenario, it is likely that as joint MONUC-FARDC operations against the FDLR continue to fall short, there will be greater US and international support for inviting Rwandan troops back into eastern DRC.

Although they had initially welcomed the UN Special Envoy, neither Kinshasa nor Kigali is today keen to see President Obasanjo play a monitoring role. Together with Nkunda’s arrest, and the CNDP’s recent announcement that it is giving up arms and becoming a political party, this makes questionable the continued relevance of the UN–AU mediation. There are three possibilities proposed for the mediation:

1. it could transfer its political role back to MONUC now that the CNDP is no longer a military threat, and the objective of normalised relations between DRC and Rwanda has been achieved bilaterally
2. it could use the opportunity of having signed the 23 March 2009 Goma agreement as an entry point for a final push, over the next several months, towards the implementation of the various agreements on amnesty, demobilisation, and returnees
3. President Obasanjo’s mandate could be broadened to give the mediation the responsibility to coordinate international partners and mobilise their political re-engagement through the 2011 elections, and to avoid having to redeploy a high-level mediator each time the process stalls.

There is an emerging consensus among Congo analysts that efforts to end the violence in DRC have deeply neglected politics, and in particular Rwanda’s real interests in the region. There is thus an urgent need for a comprehensive political framework that would address the key issue in these conflicts – Congo’s relationship with Rwanda, which has not been fully addressed in peace agreements in the DRC, and which would support local reconciliation efforts. The Inter-Congolese Dialogue was to be the ‘founding act’ of the process of national reconciliation,¹⁰ but it never quite met those expectations as it failed to create a new political dispensation in the DRC.

¹⁰ International Crisis Group, ‘The Inter-Congolese Dialogue: Political Negotiation or Game of Bluff?’, *ICG Africa Report 37*, 16 November 2001, p.24.

It is unlikely that MONUC, with diminished political influence, or the UN–AU mediation as currently and modestly constituted could fulfil this role and continue the agenda begun at Sun City, given resource constraints imposed by the global financial crisis and in the absence of a broad consensus on a long-term peacebuilding effort. What the mediation effort (and MONUC) can do, however, is to push for a rethinking beyond the current instruments of engagement, to what long-term international engagement in the DRC might look like. This could include identifying the clear and productive division of labour between international and regional actors that would best produce and sustain the comprehensive political framework for building a sustainable peace currently lacking in the DRC.

