

PEACEKEEPING IN THE DRC

MONUC AND THE ROAD TO PEACE

Jakkie Cilliers and Mark Malan

ACKNOWLEDGEMENTS

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ACKNOWLEDGEMENTS

This monograph is funded by the government of Norway through the Training for Peace in Southern Africa project.

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PREFACE

As this monograph goes to print, significant political and military events and developments, accompanied by a renewed flurry of diplomatic activity, are impacting upon the peace process in the Democratic Republic of Congo. On the one hand, key regional leaders such as Presidents Paul Kagame of Rwanda and Joseph Kabila of the DRC have engaged in talks in Nigeria, Angola, Zimbabwe, Tanzania and elsewhere in recent weeks. The subsequent joint commission is to review their mutual demands for the demilitarisation of the eastern Congo. These types of talks appear to reach across the divide that separates the opposing armed forces in the DRC, offering the prospects for bilateral agreements that could support the implementation of the Lusaka Ceasefire Agreement.

On the other hand, recent battles have been fought for the control of towns in the east, such as at Fizi along Lake Tanganyika and Kindu in Maniema province indicating that logistic and other support for groupings by both Kigali and Kinshasa continues. While various of the armed groups and their supporters appeared to be flaunting the ceasefire agreement monitored by MONUC, Kinshasa again announced the disarmament of 3 000 Hutu fighters in Kamina and its intention to repatriate these persons to Rwanda and allowed a UN team to visit the base.

Some of these developments appear to fly in the face of the 'logic' of peacemaking, and could either indicate a resurgence of the war, or more probably, efforts to gain strategic leverage in advance of the more modest Inter-Congolese Dialogue due to start in Addis Ababa on 15

October 2001. As is to be expected, the clamour for groups excluded from the Lusaka Agreement, such as the Mai Mai, to participate either in their own right or as part of one of the six delegations at the talks, has intensified. Similarly, the establishment of a reconciliation council by some of the parties to the conflict in North and South Kivu provinces points to a strong desire for inclusion in the dialogue, although the pre-emptive move towards a federal substructure for the Kivus is inevitably controversial.

Subsequent to the preparatory talks concluded so successfully in Gaborone from 20 to 24 August, the Consultative Committee of the Inter-Congolese dialogue met for two days in Nairobi in September 2001. Their concern that financial and other constraints may delay the start date in Addis Ababa has been realised. The first week of the dialogue will bring together 80 representatives to work on procedural matters. They will be joined by the rest of the delegates one week later, on 22 October. Some 330 delegates from the government, the armed and unarmed opposition, and civil society will eventually participate if these hurdles can be overcome. The peace process is, therefore, at a critical juncture. However, the momentum towards the dialogue in Addis Ababa continues to hold with some groups, such as the RCD-ML, already having announced the names of their delegates.

Also encouraging are reports that countries such as Angola and Uganda are apparently continuing with the withdrawal of their forces from the DRC. However, continued problems, delays, and perhaps perceived reversals along the many dimensions and layers of the peace process must be expected. The road to peace is a winding one, and there will be many potholes. MONUC has made this road traversable, at least for rugged travellers who are willing to stay the distance. With the support of the international community, regional leaders and a will to achieve peace in the DRC, a u-turn must surely be out of the question.

*Jakkie Cilliers and Mark Malan
October 2001*

EXECUTIVE SUMMARY

The peacemaking process in the Democratic Republic of Congo (DRC) began virtually at the outset of the war, long before many of the interlocutors understood the dynamics of the conflict. It took merely a year from the firing of the first shots of the DRC war in August 1998 to reach an extremely complex ceasefire agreement, and for the UN to authorise a peace operation in its support.

The Lusaka Peace Agreement included provisions on the normalisation of the situation along the DRC border; the control of illicit trafficking of arms and the infiltration of armed groups; the holding of a national dialogue on the future government of the DRC; the need to address security concerns; and the establishment of a mechanism for disarming militias and armed groups.

The *Mission de l'organisation des Nations Unies au Congo* (MONUC) was mandated, among others, to develop an action plan for the overall implementation of the Ceasefire Agreement by all concerned with particular emphasis on the following key objectives:

- the collection and verification of military information on the parties forces;
- the maintenance of the cessation of hostilities and the disengagement and redeployment of the parties' forces;
- the comprehensive disarmament, demobilisation, resettlement and reintegration of all members of all armed groups; and
- the orderly withdrawal of all foreign forces.

The aim of this monograph is to enhance understanding of the complex array of actors and actions that underpin the current Congolese 'peace process' — from the key protagonists and

their interests in the DRC, to the deployment of MONUC, and attempts to initiate the Inter-Congolese Dialogue.

To a large degree, the key to the conflict in the DRC, as well as that in the Great Lakes region, can be found in the eastern Kivu provinces. Since 1959, the various crises in Rwanda and Burundi have generated four major refugee flows that have affected security in the Great Lakes region, and the Kivu provinces in particular. The involvement of foreign forces in the present DRC conflict, on the side of both government and opposition armed forces, has been in pursuit of a variety of powerful interests — ranging from 'legitimate' security concerns to ethnic solidarity and financial gain. Thus the engineering of the very complicated Lusaka ceasefire agreement proved to be much easier than actually getting the foreigners out of the DRC.

The ceasefire was due to come into effect within 24 hours of the signing of the agreement (commonly interpreted as 31 August 1999, when the RCD signed). The Joint Military Commission (JMC), representing all the signatories, was established under the ceasefire agreement to regulate and monitor the cessation of hostilities until the UN deployed a peacekeeping mission.

In his report of 15 July 1999, the UN Secretary-General recommended to the Security Council that the UN's responsibility for the implementation of the ceasefire agreement should be approached in three phases:

- firstly, the deployment of unarmed military liaison officers to the capitals of the signatories and, if the security situation permits, to the rear headquarters of the rebel groups;
- secondly, the deployment of up to 500 military observers inside the DRC; and
- thirdly, the deployment of a peacekeeping force.

These have remained the basis of discussion and planning for the incremental deployment of UN military and civilian personnel and assets during what has come to be known as phases one, two and three of MONUC.

MONUC is now well into its second phase of operations, with a maximum authorised strength of 5 537 military observers and peacekeepers. The satisfactory disengagement of the parties' armed forces has been verified by MONUC, and the emphasis is now on monitoring their adherence to agreed points of deployment and the eventual withdrawal of all foreign forces. However, the security situation in the Kivu provinces remains volatile, and presents a significant obstacle to the transition to phase III operations, which sees the main effort shifting to the Kivu provinces and the primary task to disarm, demobilise, repatriate, resettle and reintegrate all armed groups in the DRC.

Underlying the seemingly insurmountable challenges of effective disarmament and reintegration of combatants, there are far broader and deeper social, political and economic challenges to be met. If peace is to involve more than those armed élite presently masquerading as liberators and purporting to act in the interests of a hapless population, it will require a massive process of social engagement and mobilisation of peoples and communities whose only experience of governance has been a brutal, corrupt and exploitive one.

It has been two years since the signing of the Lusaka agreement, and the much delayed Inter-Congolese Dialogue on the political future of the country is due to start in Addis Ababa on 15 October 2001. However, untangling the web of conflict and creating relative stability and order in the DRC will require a very substantial commitment from the international community over an extended period. Sustainable peace will require an extensive peacebuilding programme and ongoing development assistance lasting decades rather than years. What is at stake in the DRC is not really 'peace', but the (re)creation of a state often described by foreigners as 'Europe without roads'. In this sense, MONUC is merely the start of a process — the first piece in a very large puzzle.

It is hoped that this relatively brief reflection on the progress, problems and prospects for the peace process will help make some sense of what is arguably the most complicated and ambitious post-Cold War experiment in the creation of peace from chaos with fairly modest resources. Indeed, it needs to make sense in a security climate that threatens to push Africa even lower on the global agenda.

CHAPTER 1 **INTRODUCTION**

The Democratic Republic of Congo (DRC) lies at the heart of Africa. The third largest country on the continent and third largest diamond exporter in the world, it has suffered the curse of misrule and exploitation since the founding of the Congolese state a little more than a century ago. The country is now the victim of a series of new and shifting alliances, because the lack of Congolese state control over its territory has allowed others free rein to engage in domestic and interstate conflicts across its borders. These conflicts include the civil war in Angola, the conflicts between Uganda and Sudan, and the complex problems in the Great Lakes area involving Rwanda, Burundi, Uganda and Tanzania. Ongoing instability in the neighbouring Republic of the Congo, the Central African Republic and others also impact upon the DRC. At times, the war in the DRC has engaged troops from all these countries on its soil, as well as forces from a number of other non-contiguous countries such as Chad, Zimbabwe and Namibia.

The DRC's problems are thus deeply enmeshed in those of the region. This is evident in the number of countries engaged in the pursuit of various external national and sectional interests in the country, either covertly or overtly. However, as in so many African conflicts, the ethnic and racial characteristics that appear to provide the key motivational content to the wars in the DRC obscure the fact that the conflicts are essentially about the abuse of power and bad governance. The subsequent ethnic divisions and the violence they create are merely a result. The primary issues at stake in the DRC relate to democratisation, governance and human rights. A peace process that does not embed these ingredients in a post-conflict political and national culture simply will not last. The common wisdom on the need for the United Nations (UN) to take a long-term view of peacemaking and peacebuilding is therefore both relevant and necessary.

Ideally, the process of making a decision to intervene, the formulation of the mandate for the intervening agent (or combination of agents), and the allocation of structures and means for its implementation should be interrelated. However, many of the post-Cold War UN peace operations have been launched in response to requests to verify and monitor the political goals of previously belligerent parties — as expressed in a mutual ceasefire or more comprehensive peace agreement. In the process of signing a peace agreement that will allow for international supervision and monitoring, warring parties have frequently created structures and guidelines that are very fragile. They have also drafted roles for intervening forces that the latter have clearly been unable to fulfil.

There has thus been a general tendency for political negotiators to introduce a self-defeating dynamic by ignoring the finer details of an envisaged peace process. In most peace negotiations, the major concern is to address and contain a proliferation of interests. This, it is believed, can be achieved only when regional consensus is high, and belligerent parties have been put under pressure to negotiate. The time for action is therefore perceived as short, and the need for impetus as all important. Under such circumstances, negotiators do not wish to wrangle over details, but prefer an approach that minimises problems.¹

The Brahimi Report takes issue with such tendencies, noting that:

"the United Nations Secretariat has, in recent years, found itself required to execute mandates that were developed elsewhere and delivered to it via the Security Council with but minor changes."²

The seeds of destruction become obvious, however, when agreements translate into mandates and action, and the unresolved obstacles become the operational problems of the military and civilian intervening agents.

Efforts to address the conflict in the DRC provide a prime example of the tendency to gloss over detail during peacemaking processes. In the wake of various regional peacemaking initiatives, the Lusaka Ceasefire Agreement was signed on 10 July 1999 by the six states that were party to the conflict.³ It sought to place a heavy burden of responsibility on a UN peacekeeping force, whose presence was deemed an essential component, not only providing for ‘standard’ monitoring and verification tasks, but also for carrying out a number of ‘peace enforcement’ tasks. The latter included the tracking down and disarming of armed groups;⁴ the screening for mass killers, perpetrators of crimes against humanity and other war criminals; and the handing over of suspected *genocidaires* to the International Criminal Tribunal for Rwanda. It was assumed that these tasks would have to be carried out by UN peacekeepers.

Within a year of the first shots fired in the most recent war in the DRC in August 1998, this complex ceasefire agreement was reached, and the UN authorised a peace operation to support it. Two years have passed, and the *Mission de l’organisation des Nations Unies au Congo* (MONUC) is beginning to make some promising advances, despite the discrepancy between its minuscule size and the magnitude of the tasks at hand. However, untangling the web of conflict and creating relative stability and order in the DRC will require a commitment from the international community over an extended period to stay a course that is going to be rough, slow and very laborious. Sustainable peace will require an extensive peacebuilding programme and ongoing development assistance, lasting decades rather than years. What is at stake in the DRC is not really ‘peace’, but the (re)creation of a state often described by foreigners as ‘Europe without roads’. In this sense, MONUC is merely the start of a process — the first piece in a very large puzzle.

This monograph is the fruit of a short but intensive research visit made by the authors to the UN mission during early August 2001. Its aim is to enhance understanding of the complex array of actors and actions that underpin the Congolese ‘peace process’ — discussing the key protagonists and their interests in the DRC and the deployment of MONUC, and the attempts that have been made to initiate the Inter-Congolese Dialogue. It is hoped that this relatively brief reflection on the progress, problems and prospects of and for the peace process will help make some sense of what, with fairly modest resources, is arguably the most complicated and ambitious post-Cold War experiment in the creation of peace from chaos.

CHAPTER 2

CAUSES OF CONFLICT AND KEY PROTAGONISTS

To a large degree, the key to the conflict in the DRC, as well as to that in the Great Lakes region, can be found in the eastern Kivu provinces. Since 1959, the various crises in Rwanda and Burundi have generated four major refugee flows that have affected the demographics, economics, politics and security in the Great Lakes region, and the Kivus in particular. The first was between 1959 and 1963, when an estimated 200 000 Tutsis fled from the Hutu revolution in Rwanda into Uganda, Burundi and eastern Congo. The second, in 1972, involved approximately 300 000 Hutus from Burundi, who fled into Tanzania and Rwanda to escape the genocidal massacres of Hutus by the Tutsi-dominated army. Following the massacre of Hutus and Tutsis triggered by the assassination of president-elect Melchior Ndadaye on 21 October 1993, a third wave of up to 400 000 Hutu refugees from Burundi crowded the existing refugee camps in Tanzania, Rwanda and Burundi, although more than half ended up in Rwanda. The fourth and largest flow of refugees followed the 1994 genocide, and involved approximately 2 million Hutus from Rwanda fleeing into eastern Congo and Tanzania.⁵ Most had fled Rwanda when the Tutsi-dominated Rwandan Patriotic Front (RPF) and its military wing, the Rwandan Patriotic Army (RPA) took power in Kigali, advancing from Uganda under Paul Kagame with the support of the country. Up to 30 000 Hutus who fled into North and South Kivu were members of the former Rwandan army (*ex-Forces armées rwandaises or ex-FAR*) and the Interahamwe (Rwandan Hutu) militia, who had been responsible for the massacre of up to 800 000 Rwandan Tutsis and moderate Hutus in the preceding months. The perpetrators of the genocide subsequently rearmed in the refugee camps of eastern Congo (ironically under the protection of the international community and with substantial financial and other support from the diaspora), and were able to resume the war in 1996 and again in 1998, bolstered by the recruitment of

Congolese Hutus and supporters from Tanzania, Zambia, Congo-Brazzaville, Gabon and the Central African Republic.⁶

Zairian President Mobutu Seso Seko subsequently employed these forces to destabilise Rwanda and Uganda using the conflict as an excuse to delay progress in the stalled constitutional transition process in his own country. His armed forces, the *Forces armées zaïroises* (FAZ), had long engaged in the suppression and persecution of the Zairian Tutsi population of Kivu, the Banyarwanda (a grouping that includes the Banyamulenge), despite the fact that the majority had long since considered themselves Congolese rather than Rwandan.⁷ Starting in October 1996, the Banyamulenge began fighting back, having received training, supplies, encouragement and substantive military assistance from the Rwandan regime, including combat support from the RPA.⁸

Despite the initial RPA pursuit operations and subsequent ongoing military campaign into the then Zaïre (which would eventually see Laurent Kabila installed as President in Kinshasa through the support of Rwanda and Uganda), many Interahamwe and ex-FAR survived, reorganised and continued with their campaign to exterminate the *inyenzi* (cockroaches).

Crossing the border into Zaïre to seek out those responsible for the genocide, the RPA destroyed the refugee camps around Goma during October 1996. Rwanda soon found that it was pushing against an open door: Zaïre was ripe for the taking. With the tacit support of many who had grown tired of Mobutu's excesses, and with the military backing of Rwanda and Uganda, a coalition of forces largely composed of Congolese Tutsis (Banyamulenge) from the east and Angolan Tigers (historical descendants of the Katangan Tigers of Shaba province in southern Zaïre), the *Alliance des forces démocratiques pour la libération du Congo-Zaïre* (AFDL), under the leadership of the still obscure figure of Laurent Kabila, a baLuba from Katanga, led a successful armed revolt that swept across Zaïre from east to west. Kinshasa fell on 16 May 1997. Mobutu fled, and soon thereafter died of cancer.

Once in power, Kabila changed the name of the country to the DRC, but it was soon evident that he would not reverse the corruption, mismanagement and self-enrichment that had characterised governance in the Mobutu era. Mobutuism had wrecked the country, but Kabila did little to fill the vacuum, clinging to power through a combination of coercion, divide-and-rule tactics and foreign support. When he failed to address the security concerns of Uganda and Rwanda in the east, and expelled his advisors in Kinshasa, they backed a new rebellion against him in August 1998. The core of these forces comprised Tutsi soldiers in the *Forces armées congolaises* (FAC), and a new local rebel movement made up of Congolese Tutsis (Banyamulenge), the *Rassemblement congolais pour la démocratie* (RCD).

The rebellion turned into a full-scale war when 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. Rwanda and Uganda had long been sympathetic to the *União Nacional para a Independência Total de Angola* (UNITA) cause and Angola, having supported a change in government in Kinshasa, was intent on ensuring an anti-UNITA government in Congo. This could not be guaranteed with Kabila in alliance with Rwanda and Uganda. Eventually, an RPA air assault on Kitona and Kinshasa was foiled by massive Angolan intervention. The Rwandan forces who fought their way into UNITA-controlled territory in north-eastern Angola were flown back to Rwanda. The war reached a stalemate.

The decision by Angola, Zimbabwe and Namibia to support Laurent Kabila followed a summit attended by a number (but not all) of Southern African Development Community (SADC) leaders hosted by President Robert Mugabe of Zimbabwe on 18 August 1998 at Victoria Falls. The following day, the defence ministers of Angola, Namibia and Zimbabwe announced that their three countries would go to Kabila's assistance. The first troops were dispatched shortly thereafter. The subsequent Defence Protocol between the Republic of Angola, the DR Congo, the Republic of Namibia and the Republic of Zimbabwe was signed in Luanda on 8 April 1999 by the ministers of defence of the four countries. Article 4 of the treaty states:

"That an armed attack against one of them shall be considered an attack against the

other and that in the event of such an attack, each of them will assist the Party so attacked by taking forthwith individually or in collaboration with other parties, such action as it deems necessary, including the use of armed force, to repel such attack and restore peace and security in the territory of the Party so attacked."

Article 11 establishes "a Joint Committee to be called the 'Angola-DRC-Namibia-Zimbabwe Co-operation Committee' whose function shall be to ensure the smooth implementation of this Protocol."

Less than a month after the Victoria Falls summit, on 4 September 1998, presidents Kabila and Mugabe signed a deal providing for a 'self-financing' intervention by the Zimbabwe National Defence Force (ZNDF). The International Crisis Group has explained the arrangement as follows:

"Under its terms, 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 per cent share of the DRC state mining company. Moreover, between 20 and 30 per cent of the DRC government's 62,5 per cent of the firm's profits was to be used for financing the Zimbabwean war effort. Subsequent agreements have dealt with electric power, civil aviation and agriculture ... Other Zimbabwean mining interests include a joint venture between its army firm Osleg (Operation Sovereign Legitimacy), and the DRC's Comiex, to buy diamonds and gold for sale on the Kinshasa Precious Minerals Market."⁹

Recently, the UN Integrated Regional Information Network (IRIN)¹⁰ reported that Zimbabwe was also part of a complex logging contract to cut down 33 million hectares of Congolese trees in the first three years of operation with estimated profits worth US \$300 million.¹¹ The deal is being executed through a company called the Congolese Society for the Exploitation of Timber, known by its French acronym SOCEBO.

Zimbabwean deployment in the DRC has also been informed by other considerations, the most important of which is its regional power ambitions. These, in turn, are largely driven by President Robert Mugabe's antipathy towards South Africa and the desire to find a counterweight to South African influence within SADC (including its dominant economic role). Zimbabwe has a long-standing partnership with Angola, and has at times portrayed its role in the DRC as part of a somewhat unlikely Bantu alliance against a 'Nilotic plot' to establish an ethnically based 'Empire Hima-Tutsi' in the heart of the DRC.¹²

At the height of the war, Zimbabwe had some 13 000 troops in the DRC, mostly deployed in and around Mbuji Mayi, where between 3 000 and 5 000 soldiers are engaged in active mining in the Shaba and Kasai Oriental provinces (Pweto, Kabinda, Ikela) and at Mbandaka in Equateur province. These troops constituted the bulk of the combat forces available to both Laurent and Joseph Kabila — Zimbabwe provided the second largest contingent in the country after Rwanda on the opposing side. Much has been made of the Zimbabwean mining interests in the DRC and the involvement of senior ZANU-PF politicians and ZNDF officers in various lucrative contracts. These benefits aside, it is well known that, overall, Zimbabwe has not profited from its engagement in the DRC, that its troops are not paid regularly and that the deployment there places a heavy burden on the fiscus.

Rwanda and Zimbabwe could be regarded as the key players in the DRC at present, on the grounds that they constitute the core forces on either side in the war. However, on the 'SADC allies' side, it is Angola, not Zimbabwe that has a national strategic interest, in pursuing an ongoing engagement and influencing developments in Kinshasa. It was, after all, the decisive intervention from the *Forças Armadas Angolanas* (FAA) that saved Laurent Kabila from defeat in August 1998, when Angolan artillery and air power played a key role in defending Mbuji Mayi and Mbandaka. A friendly or pliant government in Kinshasa that would help to oppose support to UNITA from the Bandudu, Kasai Occidental and Shaba provinces is a direct national security concern for Angola. UNITA logistics have run through Shaba (Katanga) for decades, and UNITA

combatants have often retreated into the DRC to avoid Angolan armed forces.

Unlike Zimbabwe, Angola and the DRC are both Central African rather than Southern African powers, with President dos Santos having emerged as something of a regional power broker in recent years, riding on the back of the strength of the FAA and the regionalisation of the Angolan conflict into Congo-Brazzaville, the DRC, Zambia and Namibia. Angola has the ability and has repeatedly demonstrated the will to project power into this region from its bases in Cabinda, Brazzaville, Pointe-Noire and Dolisi at short notice. It does not require a large and ongoing presence in the DRC. With the war inside Angola again on the upsurge, there is also little justification for President dos Santos to retain a substantive military presence in the DRC when his troops are needed more urgently elsewhere.

Namibia, which laboriously transported its first two companies by road through Angola to the DRC, had about 2 000 troops there prior to withdrawal and owes Angola a substantial 'liberation debt' for the support provided during the liberation war.

Uganda entered the DRC to secure its borders and to counter the Allied Democratic Front (ADF) and the Lords Resistance Army (LRA). The LRA, led by self-proclaimed mystic Joseph Kony, has embarked upon a campaign of terror against the population of northern Uganda in 1998. Sudan had backed Kony in retaliation for Uganda's support of the rebel Sudan People's Liberation Army (SPLA).¹³ The two countries signed a peace agreement in 1999, in which each pledged not to support the other government's opponents. Uganda undertook to release prisoners of war, and Sudan promised to return thousands of children abducted by the LRA. As part of the efforts to restore diplomatic relations that had been broken off in 1995, Sudan's President Bashir appointed an envoy to Kampala and invited Uganda's President Yoweri Museveni to visit Khartoum late in 2001.¹⁴

With the support of Uganda, the *Mouvement pour la liberation congolais* (MLC) grew from what the International Crisis Group called a "motley collection of 154 fighters in December 1998 to a force of over 6 000 that controlled most of Equateur province" barely twelve months later.¹⁵ Despite the trumpeting by Uganda that MLC leader Jean-Pierre Bemba was an 'authentic Congolese leader', Ugandan People's Defence Force (UPDF) commander Brigadier Katumba Wamala commanded more than 10 000 Ugandan troops in Equateur province from his headquarters in Gbadolite by December 2000.¹⁶

According to a UN expert panel, commercial considerations have become important in the Ugandan engagement in the DRC. While the veracity of the panel's findings have been widely disputed, it is evident that Uganda's gold exports have increased dramatically since 1998. Coffee smuggling has also become an important source of revenue, and it is reported that President Museveni's family owns shares in diamond mines in the DRC. Oxfam argues that the potential oil reserves in the Semliki Valley, bordering on the DRC, are another consideration.¹⁷ Evidence regarding the intense involvement of UPDF officers in Congolese resource extraction has been mounting for several years. During December 2000, for example, the International Crisis Group stated that:

"Official figures by the Bank of Uganda ... show that Uganda's gold exports shot up from \$12,4 million in 1994-95 to \$110 million in 1996 ... Major General Salim Saleh, the President's brother ... was deeply involved in buying gold in UPDF controlled areas ... Other senior UPDF officers have behaved in a similar fashion ... Brigadier Kazini is accused of distributing diamond and cobalt concessions while he was the commander of UPDF operations in the DRC ... Ties between front-line UPDF commanders and businessmen fuelled much of the Hema-Lendu violence, which may have claimed some ten thousand lives in the Ugandan controlled north-east since the war's outbreak."¹⁸

It is evident from the above 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 — ranging from legitimate security concerns, to regional ambitions, ethnic solidarity and financial gain. Under such circumstances, the

engineering of a ceasefire was much easier to accomplish than actually dislodging the foreigners from their foothold in the DRC.

Table 1: Forces deployed to and in the DRC (late 2000)

	<i>Estimated size of forces deployed to the DRC</i>	<i>What they bring to the war effort</i>
ALiR (Interahamwe and ex-FAR)	30 000-40 000	Seen as determined fighters. They are divided between the conventional frontline, and the eastern Kivus region.
Angola	2 000-2 500	The Army is poorly disciplined, but heavily equipped. Troops in the DRC are 'second echelon' quality. Nevertheless, their air power is a decisive advantage despite poor equipment maintenance.
Burundi	2 000	Thought to be adequate tactically at the small unit level. But at present they are distracted by heavy fighting in Burundi.
Democratic Republic of Congo (FAC)	45 000-55 000	Even the 'élite' troops have proven to be unreliable in battle. This number includes Interahamwe and FDD forces present in the FAC.
Forces de la défense pour la démocratie (FDD)	16 000	Burundian rebels who have come to fight in the service of Kabila. Their forces are split between the Congo and the Tanzanian refugee camps.
Mouvement pour la libération congolais (MLC)	6 500-9 000	Troops of various quality and origin. They enjoy the advantage of Bemba's complete control over the movement.
Namibia	1 600-2 000	Infantry, some artillery. Generally of little importance to the overall conflict.
RCD-Goma	17 000-20 000	Unreliable in battle. Many deserted from the FAC when the rebellion broke out, and have little loyalty to the rebel cause.
RCD-ML	2 500	Divided by internal feuds, and little able to assist Uganda with the war effort against Kabila.
Rwanda	17 000-25 000	Troops are respected for their determination. The force, however, has little firepower, and remains something of a guerrilla army.
Uganda	10 000	Greater firepower than the RPA, but troops are less reliable.
Zimbabwe	11 000	Viewed as well-equipped and professional military. However, their performance in combat to date has been poor.

International Crisis Group, Scramble for the Congo: Anatomy of an ugly war, Report 26, 20 December 2000, p 4.

Table 2: Ugandan recorded gold production versus exports*

Year	Production (tonnes)	Exports (tonnes)	Difference (tonnes)
1994	0.001627	0.02159	0.019963
1995	0.0015	3.1	3.0985
1996	0.003	5.1	5.097
1997	0.0064	6.8	6.7936
1998	0.00815	5.0285	5.02035

1999	0.00473	11.4	11.39527
2000	0.00441	10.8	10.79559
* According to the acting director of energy and mineral development, more gold is produced illegally in Uganda than is recorded, which accounts for the difference between the two figures. M Olupot & A Mugisa, Uganda doesn't 'steal Congo gold', The New Vision, 15 August 2001, < www.newvision.co.ug >.			

CHAPTER 3

THE LUSAKA CEASEFIRE AGREEMENT

The peacemaking process began virtually at the outset of the DRC war, long before many of the interlocutors understood the dynamics of the conflict. For example, an emergency summit of SADC leaders was convened in Pretoria on 23 August 1998. The leaders present decided to confirm their recognition of the legitimacy of the government of DRC and to call for an immediate ceasefire, to be followed by political dialogue aimed at securing a peaceful settlement to the crisis. The meeting mandated President Mandela, as chairperson of SADC, to organise a ceasefire in consultation with the Secretary-General of the Organisation of African Unity (OAU).

On 3 September, Mandela surprised observers by announcing at a press conference that SADC had unanimously supported the military intervention by its member states in the DRC.¹⁹ This announcement paved the way for a series of diverse regional meetings, involving both SADC and non-SADC players, that were intended to halt the conflict. At the 18th SADC Summit, held in Mauritius on 13-14 September 1998, the regional heads of state and government:

"welcomed initiatives by SADC and its Member States intended to assist in the restoration of peace, security and stability in DRC, in particular the Victoria Falls and Pretoria initiatives."

Significantly, SADC leaders "commended the Governments of Angola, Namibia and Zimbabwe for timeously providing troops to assist the Government and people of DRC."²⁰ Zambian President Frederick Chiluba was appointed by the SADC heads of state to lead mediation efforts, assisted by the presidents of Tanzania and Mozambique.²¹

On 6 November 1998, Rwandan Vice-President Paul Kagame finally admitted that Rwandan troops were helping the DRC rebels. He justified this on the basis of national security concerns. According to media reports, in doing so, Kagame was acceding to a request by President Mandela to admit involvement, in a bid to advance peace talks. A month later, Rwandan President Pasteur Bizimungu, along with Ugandan President Museveni, were verbally attacked by 34 African leaders for their invasion of the DRC during the 20th Franco-African Summit held in Paris from 26-28 November. Not to be outdone by diplomacy in Francophone Africa, French President Jacques Chirac announced during the summit that a ceasefire agreement would be signed the following month. Kabila dismissed his claim, while the rebels expressed their lack of faith in a deal reached in Paris without their participation.

In the absence of a ceasefire, Libya entered the fray. During 24-26 December 1998, Muammar Gaddafi held separate meetings with Laurent Kabila and Yoweri Museveni. Shortly thereafter, on 18 January 1999, a summit of five nations with troops in the Congo was held in Windhoek, Namibia. The presidents of Rwanda, Uganda, Namibia, Zimbabwe and Angola agreed on a ceasefire at this meeting. However, with Kabila not present and the RCD not invited to the summit, this agreement came to nothing.

By the end of February 1999, renewed enthusiasm for the peacemaking process was shown by regional leaders. Over the weekend of 27-28 February, at least five heads of state were engaged in different consultations to agree on the contents of a peace plan championed by President Chiluba. Namibian President Sam Nujoma was on a mission to South Africa, where he met President Nelson Mandela. Chiluba himself went on a visit to Rwanda to consult President Pasteur Bizimungu, while Mozambican President Joaquim Chissano (the vice-chairperson of

SADC) travelled to Luanda to hold talks with President Dos Santos on ways of bringing peace to the DRC. South African Foreign Minister Alfred Nzo and Tony Lloyd, Britain's Minister of State in the Foreign and Commonwealth Office, also travelled on separate missions to Luanda over this period. The United States sent Thomas Pickering, the Under-Secretary of State for political affairs, to Harare, Zimbabwe, where he met President Robert Mugabe as the first leader he consulted during his five-nation African tour.

Although the UN Security Council had issued three presidential statements calling for an end to hostilities in the DRC, strong UN concern over the lack of progress in the peace process was first exhibited on 9 April 1999 when the Council agreed on Resolution 1234. Some seven months after the start of the war, this resolution demanded "an immediate halt to the hostilities" and called for:

"the immediate signing of a ceasefire agreement allowing the orderly withdrawal of all foreign forces, the re-establishment of the authority of the Government of the Democratic Republic of the Congo throughout its territory, and the disarmament of non-governmental armed groups in the Democratic Republic of the Congo, and stresses, in the context of a lasting peaceful settlement, the need for the engagement of all Congolese in an all-inclusive process of political dialogue with a view to achieving national reconciliation and to the holding on an early date of democratic, free and fair elections, and for the provision of arrangements for security along the relevant international borders of the Democratic Republic of the Congo."²²

A tall order indeed, but the terms of Resolution 1234 were to be echoed (and amplified) three months later in the Lusaka Ceasefire Agreement.

No breakthrough was made until 18 April 1999, when presidents Museveni and Kabila signed a ceasefire accord in Sirte, Libya, under the mediation of Muammar Gaddafi. This agreement — which provided for the deployment of peacekeepers, the withdrawal of foreign troops, and the initiation of a national dialogue — although welcomed by the Security Council, was rejected by both the RCD and Rwanda. However, on 4 May, President Chiluba agreed to work with Gaddafi to implement the Sirte accord, while Rwanda insisted that it recognised only the Chiluba peace initiative.²³

The peace process was further complicated by an announcement on 17 May 1999 that the RCD had ousted Ernest Wamba dia Wamba as the chairperson of the movement. During April, Wamba had disagreed with the Goma-based RCD leaders on the continuation of military hostilities, and had relocated to Kisangani. Henceforth, peace makers would have to deal with three de facto rebel movements — RCD-Goma, led by the new RCD President, Emile Ilunga; RCD-Kisangani, chaired by Mbusa Nyamwisi; and the MLC, led by Jean-Pierre Bemba.

However, on the other side of the conflict, some 2 000 Chadian troops, who had been backing Kabila, began withdrawing on 26 May in accordance with the provisions of the Sirte agreement. Rwanda surprised observers with the announcement of a unilateral ceasefire due to come into effect at midnight on 28 May 1999. This was followed by an announcement on 31 May that a team of military experts from the DRC and Uganda would begin drawing up plans for the withdrawal of Ugandan troops, and that an intervention force would be deployed to secure the border between the DRC and Uganda. Although the latter did not eventuate, a team of 62 Libyan 'peacekeepers' also arrived in Kampala at this time.

On 7 June 1999, a summit of DRC allies was held in Harare. At this meeting, the presidents of Angola, Namibia and Zimbabwe declared Rwanda's announcement of a unilateral ceasefire null and void, as Kigali had intensified its military campaign in the eastern DRC in support of the RCD. However, it was noted at the Harare meeting that Kigali's ceasefire was a step forward, and that the opportunity provided by the prevailing climate should be seized to negotiate peace.

The military situation turned critical for Kabila in the midst of the Lusaka process. On 15 June 1999, RPA forces captured Lusambo in Kasai Oriental, and in doing so threatened to take the diamond-rich capital of Mbuji Mayi. Rwanda was induced to stop its advance and sign the

ceasefire only by the application of intense international pressure. The situation continued to deteriorate thereafter, with the forces of MLC leader Jean-Pierre Bemba eventually threatening Mbandaka. Zimbabwean, and to a lesser degree Angolan, Namibian and DRC government forces were by now fighting in alliance with the Interahamwe and ex-FAR calling themselves the *Armée de libération du Rwanda* (ALiR), providing them with arms, training and other assistance.

South Africa became the focus of renewed peacemaking activities when the inauguration of President Mbeki provided an opportunity for President Chiluba to chair a meeting of regional leaders in Pretoria on Thursday 17 June. This meeting brought together leaders from the 14 SADC member countries, as well as from Rwanda, Uganda, Libya and Kenya. The UN Special Envoy for the DRC Peace Process, Moustapha Niasse, also attended the Pretoria talks, which paved the way for a DRC summit that was scheduled for 25 June in Lusaka, with the purpose of signing a ceasefire agreement.

The long-awaited Lusaka summit was subject to several lengthy delays, as the preceding meeting of foreign ministers struggled to reach agreement on the technicalities of a draft ceasefire agreement. After failing to deliver a ceasefire plan, as had been hoped, by Saturday 26 June, negotiations continued among regional ministers and rebel representatives throughout the following week in Lusaka. Delegations from the DRC government and three Congolese rebel groups eventually entered into direct talks in Lusaka on 2 July, independent of their respective allies and the Zambian mediators, in an effort to achieve some progress.

A third week of intensive negotiations elapsed before, on 10 July 1999, the agonising Lusaka process gave birth to a ceasefire agreement that was signed by the leaders of the six states that were parties to the conflict (the DRC, Zimbabwe, Namibia, Angola, Rwanda and Uganda) — but not by the Congolese rebel groups.

The Lusaka Ceasefire Agreement provides for the following major activities:

- cessation of hostilities and disengagement/redeployment of foreign forces;
- orderly withdrawal of all foreign forces;
- national dialogue and reconciliation;
- re-establishment of state administration over the territory of the DRC;
- disarmament of the armed groups;
- formation of a national army; and
- the normalisation of the security situation along the common borders between the DRC and its neighbours.

Some aspects relating to both the manner and content of these activities are discussed below, but it is important to bear in mind that subsequent UN Security Council resolutions concerning the implementation of the Lusaka Ceasefire Agreement reflect this body's political will and its interpretation of the agreement's feasibility and do not always adhere to the details reflected in the ceasefire agreement.

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. On 31 August 1999, the RCD eventually signed the accord, after a compromise agreement had been brokered under which all 50 founding members signed the document on the movement's behalf. The peace process facilitator, President Frederick Chiluba of Zambia, cautioned that this signing would not automatically bring peace to the DRC, and called on the UN Security Council to approve the deployment of a peacekeeping force "with a mandate commensurate to the task at hand."²⁴

The ceasefire was due to come into effect within 24 hours of the signing of the agreement

(commonly interpreted as 31 August 1999, when the RCD signed). The Joint Military Commission (JMC), representing all the signatories, was established under the ceasefire agreement to regulate and monitor the cessation of hostilities until the deployment of UN and OAU military observers. It was also to be responsible, with the military observers, for peacekeeping functions until the UN force had arrived to take over that function. The establishment of the JMC was long delayed by negotiations over the appointment of a chairperson and wrangles about RCD representation and procedural issues, as well financing and logistical problems. Based in Lusaka, the JMC comprised two members each from the belligerent parties, including the MLC and both of the RCD factions, as well as 'neutral' observers from Zambia and representatives of the UN and OAU.

CHAPTER 4

MONUC PHASE I

As described by the UN Secretary-General in his mid-July 1999 report to the UN Security Council, the mandate for the UN peacekeeping force to help implement the Lusaka Agreement would include the following tasks:²⁵

- working with the JMC and the OAU to implement the agreement;
- observing and monitoring the cessation of hostilities;
- investigating violations of the ceasefire agreement and taking necessary measures to ensure compliance;
- supervising the disengagement of forces as stipulated in the agreement;
- supervising the redeployment of forces to defensive positions in conflict zones, in accordance with the agreement;
- providing and maintaining humanitarian assistance to and protecting displaced persons, refugees and other affected persons;
- keeping the parties to the ceasefire agreement informed of its peacekeeping operations;
- collecting weapons from civilians and ensuring that the weapons so collected are properly accounted for and adequately secured;
- scheduling and supervising the withdrawal of all foreign forces in collaboration with the JMC and the OAU; and
- verifying all information, data and activities relating to military forces of the parties.

Notably absent from Annan's report was any reference to the 'tricky bits' of the ceasefire agreement, such as tracking down and disarming armed groups, and screening them to identify mass killers and other war criminals.

In his report of 15 July 1999, the UN Secretary-General had recommended to the Security Council that the UN's responsibility for the implementation of the ceasefire agreement should be approached in three phases:

- firstly, the deployment of unarmed military liaison officers to the capitals of the signatories and, if the security situation permitted, to the rear headquarters of the rebel groups;
- secondly, the deployment of up to 500 military observers inside the DRC; and
- thirdly, the deployment of a peacekeeping force.²⁶

These have remained the basis of discussion and planning for the incremental deployment of UN military and civilian personnel and assets during what has come to be known as phases I, II and III of MONUC.

On 6 August 1999, the Security Council duly approved the deployment of up to 90 military liaison officers to the capitals of the parties to the agreement. Their tasks, as mandated by Security Council Resolution 1258, included the following:²⁷

- to establish contacts and maintain liaison with the JMC and all parties to the agreement;
- to assist the JMC and the parties in developing modalities for the implementation of the agreement;
- to provide technical assistance, as requested, to the JMC;
- to provide information to the Secretary-General regarding the situation on the ground, and to assist in refining a concept of operations for a possible further role of the UN in the implementation of the agreement (once it is signed by all parties); and
- to secure from the parties guarantees of co-operation and assurances of security for the possible deployment in-country of military observers.

The mission set up its advance headquarters in Kinshasa, and deployed military liaison officers (MLOs) in Kinshasa, Kigali, Kampala, Harare and Windhoek. Liaison officers were also sent to Bujumbura, to Lusaka as the provisional seat of the JMC, and to the OAU headquarters in Addis Ababa. By January 2000, small teams of up to four MLOs had managed to deploy to only nine locations in the DRC: Kinshasa, Kananga, Kindu, Goma, Boende, Lisala, Gemena, Gbadolite and Isiro.

On 30 November 1999, the Security Council extended MONUC's mandate until 1 March 2000 (Resolution 1279) and requested the Secretary-General:

"to accelerate the development of a concept of operations based on assessed conditions of security, access and freedom of movement and cooperation on the part of the signatories to the Ceasefire Agreement."²⁸

The Security Council also requested the Secretary-General:

"with immediate effect, to take the administrative steps necessary for the equipping of up to 500 United Nations military observers with a view to facilitating future rapid United Nations deployments as authorized by the Council."²⁹

However, the ability of the MLOs and technical assessment team to provide the Secretary-General with an accurate appraisal of the modalities for further UN deployment remained severely limited. The UN team's capacity to observe the ceasefire, help the JMC investigate ceasefire violations, make a security assessment of the country and determine the present and future locations of combatants' positions required it to deploy throughout the country, and at the ill-defined battlefronts. The mission was not able to deploy effectively, and was prevented from executing its mandate as a result of both inadequate security guarantees from the DRC government and differences with Kinshasa on the need to deploy observers in government-held areas.

It was also quite apparent that the ceasefire was not being respected by the signatory parties. There were continuous claims and counterclaims of ceasefire violations from and by all sides. These infringements allegedly included tank and artillery attacks, ground attacks with support from helicopter gunships, aerial bombing raids, attacks on civilians, territorial advances, troop deployments, blockades, and reinforcements within and across borders. The alleged ceasefire violations took place along and behind the frontlines and were geographically widespread, including the provinces of Shaba, Kasai Occidental, Kasai Oriental, Equateur, and North and

South Kivu.

Suffice it to say that every single stipulation of the key article I of the Lusaka Peace Agreement was repeatedly abrogated, and that it was predominantly the signatories themselves (and not the 'armed groups') that were at fault.³⁰ Yet, the MLOs were unable to verify most of the alleged violations, and the Secretary-General was forced to admit that "information could not be confirmed" and to use phraseology such as "strongly suggest", "apparently on suspicion" and "allegedly" in his reports to the Security Council.³¹

On the other hand, the signatory parties apparently saw the UN as the solution to such violations. During the 24 January 2000 Security Council meeting on the DRC, there were strident calls by almost every African leader present for the deployment of a "full-fledged UN peacekeeping mission" without any further delay. In addition to demanding a sizeable force, no less than six countries called for such a force to be established under Chapter VII of the UN Charter. These were the DRC, Mozambique (with Chissano also speaking in his capacity as chairperson of SADC), Zimbabwe (with Mugabe also talking on behalf of SADC), Uganda, Rwanda and Namibia.³² However, the UN Secretary-General, a week previously, had already presented a report recommending a second phase deployment and concept of operations that, while putting more than observers on the ground, fell far short of such demands.

CHAPTER 5

MONUC PHASE II: CONCEPT AND IMPLEMENTATION

In his report of 17 January 2000 on MONUC, the UN Secretary-General urged the Security Council to authorise a considerable expansion of the mission — from the existing 77 MLOs to 5 537 military observers and peacekeepers.³³ Annan said his proposal was based on the assumption that the parties to the conflict would respect the Lusaka Peace Agreement and the relevant Security Council resolutions. He added that, even with the willingness of the parties to provide security for MONUC personnel, the general level of insecurity, the difficult terrain and degraded infrastructure of the DRC would not allow the deployment of the additional 500 observers and civilian staff envisaged in Resolution 1279 (November 1999) without the co-deployment of formed units of soldiers to protect the latter and to 'facilitate' their activities.

In addition to the 500 military observers, the force was to consist of four reinforced infantry battalions numbering a total of 3 400 troops. These were to be located near the current or potential areas of operation of the military observers and civilian personnel — identified provisionally as Mbandaka in the north, Mbuji Mayi in the south, Kisangani in the east, and at a point to be determined in the south-east. To patrol and provide transport on the inland waterways, two marine companies of 150 troops and four boats each were also requested. In addition, the Secretary-General highlighted the need for very substantial aviation assets, including helicopters and fixed-wing aircraft.

According to the report, the military tasks of the expanded MONUC force would include military liaison, the monitoring of the cessation of hostilities, the investigation of ceasefire violations and the verification of the disengagement of the various forces. The UN estimated that approximately 20 000 RPA and 10 000 UPDF troops were present in the DRC, while on the government side, the estimate was approximately 12 000 Zimbabwean, 7 000 Angolan and 2 000 Namibian troops.³⁴

Annan stressed that the UN troops:

"would not serve as an interposition force; nor would they be expected to extract military observers or civilian personnel by force. They would not have the capacity to protect civilian personnel from armed attack."³⁵

Additional tasks — including facilitating the eventual disarmament and demobilisation of armed groups, and monitoring and verifying the withdrawal of foreign forces — would require the

approval of the Council for a larger operation (the so-called phase III).³⁶

Basically, the envisaged concept of operations was the same as that advocated for the 500 military observers according to the November 1999 resolution creating MONUC. However, it recognised that the observers could not survive in a hostile environment without the support of formed infantry units. These formed units of the expanded MONUC force were not expected to make a direct contribution to the military observers' capacity to monitor and report accurately on troop disengagement and ceasefire violations. However, when the Security Council finally authorised the expanded MONUC mission on 25 February 2000, it formally changed the mandate to protect UN and JMC personnel as well as civilians. Operative paragraph 8 of Resolution 1291 states that the Council:

"Acting under Chapter VII of the Charter of the United Nations, *decides* that MONUC may take the necessary action, in the areas of deployment of its infantry battalions and as it deems it within its capabilities, to protect United Nations and co-located JMC personnel, facilities, installations and equipment, ensure the security and freedom of movement of its personnel, and protect civilians under imminent threat of physical violence."³⁷

However, the authorisation for deployment was postponed until an undefined point in the future through the condition imposed by the Council that:

"the phased deployment of personnel ... will be carried out as and if the Secretary-General determines that MONUC personnel will be able to deploy to their assigned locations and carry out their functions ... in conditions of adequate security and with the cooperation of the parties, and that he has received firm and credible assurances from the parties to the Ceasefire Agreement to that effect."³⁸

The preamble to Resolution 1291 also emphasises that phase II of the deployment of MONUC should be based, *inter alia*, on the development of "a valid plan for the disengagement of the parties' forces and their redeployment to JMC-approved positions." The response of the Lusaka agreement signatories to this invocation emerged from a JMC meeting in Kampala, which announced on 9 April 2000 a plan for the total cessation of hostilities, disengagement on both sides of the (ill-defined) frontline to establish a security corridor, and the redeployment of forces. The new ceasefire and disengagement agreement was to come into force on Friday, 14 April.³⁹ The idea was for all combatants to stop fighting; then to pull troops 15 kilometres back along each frontline and to maintain them in those positions for three months, while the UN peace keepers deployed in the buffer zone between the warring parties. If all went well, the warring countries could then begin to withdraw.

The idea of using MONUC as a buffer force was at odds with the UN concept of military operations, which was restricted to the task of verification and monitoring. Nevertheless, the Under Secretary-General for Peacekeeping Operations, Bernard Miyet, told the Security Council that the Kampala disengagement plan made the full phase II deployment by the UN more urgent, and that MONUC had stressed the need to deploy in the (government-held) towns of Mbandaka and Mbuji Mayi as rapidly as possible. UN spokesperson Fred Eckhard said the JMC and MONUC would monitor and verify the disengagement of forces, while MONUC would also be required to monitor and verify the various combatants' movements. Eckhard added that the UN mission urgently needed specialist military units "to prepare for the deployment of its troops and equipment in the interior of the DRC."⁴⁰

While welcoming the new agreement, France cautioned that more details were needed to make sure the deal was in line with the Security Council resolutions authorising the full deployment of MONUC forces. In similar vein, an RCD spokesman said that the new deal specified that the rival forces would pull back only from four small towns — Lisala and Boende in the north, and Kabalo and Kabinda on the southern front — where it was agreed that observers should be deployed. This would leave other key flashpoints, such as Ikela and Dekese, unobserved.⁴¹

However, little progress was made, either in meeting the Council preconditions for expanded

MONUC deployment (as stated in Resolution 1291), or for satisfactory disengagement plans.

The Kampala agreement was revisited by a meeting of the military chiefs of staff of the parties in Harare on 6 December 2000. The parties, with the exception of the MLC, ratified detailed subplans for the disengagement and redeployment of their forces.

The concept of withdrawal outlined in the Harare subplan requires, in sequence:

- the disengagement and withdrawal of all parties to New Defensive Positions (NDPs);
- the withdrawal of all foreign forces from NDPs to designated assembly areas; and
- the repatriation of forces from the assembly areas to their respective countries.

However, the plan states that the latter provision "does not preclude a Party from repatriating its forces directly from the NDPs." Foreign forces are defined as the armed forces of Angola, Namibia, Rwanda, Uganda and Zimbabwe operating in the DRC.⁴²

MONUC subsequently received notification from Angola, the DRC, Namibia, Rwanda, Uganda and Zimbabwe that executive orders had been issued to their military forces to begin the disengagement process. The Harare disengagement plan stipulated that the military forces of the parties would undertake a 15-kilometre disengagement over a two-week period, starting on 21 January.⁴³ However, the intransigence of the DRC government with respect to freedom of movement for MONUC was still unresolved.

As far as the fighting in the DRC was concerned, by December 2000, fortune still appeared to favour Rwanda and Uganda, but less than it had several months earlier. Since August 2000, the Kampala-backed MLC had threatened the key Congo river town of Mbandaka. Further south, the Rwandans and their RCD-Goma allies had repulsed a government-FAC offensive in Shaba, and captured the border town of Pweto.⁴⁴ They continued to threaten Mbuji Mayi. On both fronts, only Zimbabwean and, to a lesser extent, Angolan and Namibian forces, stood between the rebels, and Kinshasa. It was under these pressing circumstances that Laurent Kabila was mysteriously assassinated in Kinshasa on 16 January 2001. His cohorts appointed his son, 29-year old Joseph, as president. Sworn into office on 26 January 2001, Joseph Kabila breathed new life into the DRC peace process by consenting to more than token UN deployment and to disengaging the FAC from the frontline according to the Harare plan. Joseph Kabila also removed another huge obstacle to the peace process by accepting Sir Ketumile Masire as facilitator of the inter-Congolese dialogue.

Until this point, MONUC had been marking time, but the new attitude of the government created a window of opportunity to proceed with phase II deployment. Whereas *Bemba's Front pour la libération du Congo* (FLC)⁴⁵ now presented the major obstacle to the consensual deployment of MONUC, this was not nearly as problematic as opposition to deployment by the Kinshasa government had been.

During a visit of UN Department of Peacekeeping Operations (DPKO) planners to MONUC from 8 to 19 January, a revised draft concept of operations was elaborated. Given the fragility of the ceasefire, the size of the country and the difficulties of access and mobility beyond major towns, the updated concept of operations was based upon a gradual build-up of capability. This was intended to encourage the parties to cease hostilities, position MONUC to respond in a timely and effective manner once the parties began the disengagement and redeployment process, and to minimise risks to UN personnel. It would also set in place the conditions for subsequent expansion of the mission to include possible later tasks in the eastern provinces.⁴⁶

MONUC was to make maximum use of its existing resources to build on its presence in the DRC by deploying further military observer teams and redeploying others to establish four sector headquarters — at Kisangani, Mbandaka, Kananga and Kalemie. These sector headquarters were to be an integral part of the command, control and communications infrastructure from where MONUC co-ordinates the additional military observer teams required for the verification and monitoring of the disengagement and redeployment. The four regional joint military commissions (which were located at Lisala, Boende, Kabinda and Kabalo) were to be relocated

to the MONUC sector headquarters to facilitate the close liaison, co-ordination and confidence-building required to effect the verification and monitoring process.

In the updated concept of operations, the deployment of up to 550 military observers was envisaged, as well as up to 1 900 armed personnel to guard equipment, facilities and supplies located at the sector headquarters and support bases. Two riverine units comprising some 400 troops were also requested, as well as the necessary rotary and fixed-wing air assets. The total military personnel required numbered approximately 3 000 officers and other ranks.⁴⁷

The Harare disengagement plan allowed two weeks for the completion of the verification phase, which was to begin once the parties had disengaged and moved to designated NDPs. Thereafter, MONUC would conduct verification and monitoring of the process sequentially across the four areas identified within the plan, in blocks of 14 days. Appropriate medical facilities, air assets (including full air operations and ground support), communications, general support services and administrative staff would be deployed to each of the sector headquarters.

The updated concept also called for the deployment of river boat units, probably at Kinshasa and Mbandaka, to build confidence by showing a UN presence, enhancing the flexibility of MONUC resupply activities, and assisting with the movement of military observers where access would otherwise be restricted. An additional benefit would be the stimulation of trade along the river. MONUC also intended to put in place a public information capability that would enable it to explain and clarify MONUC's intentions and activities, and to respond in a more timely and effective manner to statements by the parties.⁴⁸ On 22 February 2001, the Security Council reaffirmed the authorisation and mandate for MONUC contained in Resolution 1291 (February 2000), and endorsed the updated concept of operations outlined above.⁴⁹

In its Resolution 1341 of 22 February 2001, the Security Council demanded that the parties to the Lusaka Ceasefire Agreement implement fully and without reservation plans for the disengagement and redeployment of forces. Warring parties were given two weeks, starting on 15 March, to withdraw by 25 kilometres from their frontline positions.

Taken somewhat by surprise by the sudden concessions of the government, the RCD and FLC initially tried to block the disengagement agreement and thus the further deployment of MONUC, but were forced to co-operate under mounting diplomatic pressure. The ceasefire between the parties was generally being respected, with significant violations (involving FAC and FLC skirmishes) reported only around Bolomba in Equateur province in early May. On the other hand, the RCD continued to report numerous incidents in the eastern provinces, involving attacks on their forces and on civilians by non-signatory armed groups.

CHAPTER 6

MONUC PHASE II: PROGRESS AND REVISED CONCEPT

By April 2000, it had become apparent to Rwandan leader Paul Kagame that Laurent Kabila could not be overthrown, given the support of Namibia, Angola and Zimbabwe, and that, in Shaba province, his RPA forces were overextended. The clashes with Uganda in Kisangani had also exposed the northern flank of the RPA. The weakness of the RCD-Goma had already forced Rwanda to take a much more direct role in the provision of what passes for security in this area. The situation called for a strategic redeployment of forces and led to the offer, during August 2000, of a 200 kilometre withdrawal — essentially a repositioning of forces to the strategic Kivus, but presented as a move to provide space for the deployment of MONUC. Movement would only start in February 2001, when troops of the RPA and RCD-Goma started to withdraw eastward to some 25 kilometres from their earlier positions in and around Pweto, monitored by a team of MONUC military observers. In March 2001, Rwanda informed the UN Secretary-General that the RPA would now implement its offer to move back as far as 200 kilometres. It subsequently became apparent that the Rwandan withdrawal of 1 000 of its 30 000 troops in the DRC was largely symbolic, and that these forces have most probably been redeployed to the Kivus.⁵⁰

With Namibia planning to conclude the withdrawal of its 2 000 troops from the DRC by the end

of August 2001, and the challenges of policing Zimbabwe in the volatile run-up to presidential elections in early 2002, the requirement for continued deployment of the ZNDF may rapidly decline. The ethnic composition of the Zimbabwean troops in the DRC may play a role in a decision to withdraw. If the ceasefire holds and MONUC succeeds in monitoring the NDPs effectively, the isolation of Rwanda as the only remaining external country with troops in the DRC in the event of a Zimbabwean withdrawal is unlikely to be lost on Harare. There is also some speculation that components of the ZNDF presence in the DRC may be privatised to ensure the protection of the concessions and interests with which the DRC has sought to reimburse Zimbabwe for its support. This would be an ominous development that could create a precedent for countries such as Rwanda and Uganda.

By June 2001, the UN had deployed a total of 2 366 military personnel, including 497 liaison officers and military observers. Liaison officers were stationed in the capitals of the states party to the Lusaka agreement, as well as at the headquarters of the DRC rebel movements (Bunia, Gbadolite and Goma). There were also 17 UN officers providing planning support to the JMC in Lusaka. Military observer teams of four officers each were positioned in 22 locations throughout the DRC, and all four sector headquarters were rendered operational by the deployment of infantry guard units provided by various countries at each headquarters. The composition of the guard units is as follows:

- Kalemie— Uruguay, as of 29 March 2001
- Kananga— Senegal, as of 4 April 2001
- Mbandaka— Senegal, as of 27 April 2001
- Kisangani— Morocco, as of 10 May 2001

Morocco has also been providing a guard unit for the logistical base at Goma since 10 May, while Tunisia deployed a protection element of 220 troops in Kinshasa itself on 20 May. The deployment at Mbandaka of a 176-strong riverine unit from Uruguay was completed on 4 June 2001, while South Africa began deployment of a 96-strong mission support contingent on 5 April 2001. The latter comprises seven staff officers, an aero-medical evacuation unit, an airfield crash/rescue unit, and six air cargo-handling teams.⁵¹

On 15 March 2001, there were some 280 military observers deployed. This figure stood at 520 by the beginning of August, a very encouraging development, as this was the 'sharp end' or real line function of MONUC. The Harare subplan had specified 96 new deployment points to which the antagonists would relocate, placing themselves between 30 and 300 kilometres from opposing formations along a loosely defined confrontation line. Of course, the 14-day timeframe specified in Harare for such relocation was unrealistic, owing not only to the logistics of redeploying such large numbers of troops, but also to mutual suspicions that redeployment would either not be reciprocal or used as an opportunity for territorial gain by opposing forces. Nevertheless, since April 2001, MONUC had verified the compliance of the parties with movement to 86 of the deployment points. The ten remaining points were not deeply worrying, as these were either linked to the specific unresolved political issues of Equateur province, or to Katanga, where forward force movements had happened after Harare, and the subsequent disengagement plan therefore differed from the terms of the Harare agreement.⁵²

Although Jean-Pierre Bemba's MLC troops had nearly completed their redeployment in Equateur province by the end of July, the MLC had not relinquished administrative control of the areas its military forces were vacating, thus effectively preventing government forces from moving forward to their designated positions at Losombo, Abunakombo and Djefera. However, government and allied forces had agreed to hold their current locations for the time being.⁵³ On 4 August, the force commander talked to Bemba and reached agreement that MONUC would soon begin to verify the movement of MLC forces in Equateur to deployment points.⁵⁴ In Kisangani, MONUC was engaged in efforts to persuade the RCD-Goma to withdraw its military forces from the city.

However, MONUC felt that the commitment on all sides to redeployment was fairly firm, and that it was time to make the transition from verification to monitoring of adherence to deployment points, and the withdrawal of foreign forces. This would require the urgent establishment of four

new command centres and the deployment of an additional 100 military observers. Meanwhile, MONUC continued to investigate all reports of ceasefire violations and other incidents raised by the parties, except in areas where security considerations precluded the entry of unarmed military observers.

For example, it was felt that there was little that MONUC could do about the continuing attacks and incursions by armed groups in the east, such as those that occurred in early August when Rwandan-backed rebels of RCD-Goma reported that they had taken the town of Lokandu from militias backed by government forces. This fighting is not technically a violation of the ceasefire, as the Mai Mai and Interahamwe militias did not sign the Lusaka accord. On the other hand, MONUC cannot accurately monitor and report on such situations due to its poor presence in the east and the fact that RCD clearance and security guarantees for such monitoring are still lacking.

Regarding the withdrawal of foreign forces, by 8 June 2001, only Uganda and Angola had provided information on the numbers, disposition and armaments of their forces in the DRC. Uganda had initiated the process by submitting a detailed plan for UPDF withdrawal from ten locations across the northern part of DRC.

Uganda reacted vigorously to the release of the second Report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the DRC in April 2001. The report condemned Rwanda and Uganda in no uncertain terms for their exploitation of the riches of the DRC, although it tended to gloss over the situation elsewhere in the country. The panel recommended that the Security Council should immediately declare a temporary embargo on the import or export of various precious metals, timber, gold and diamonds from or to Burundi, Rwanda and Uganda. A further recommendation was that the Security Council should freeze the financial assets of the rebel movements, their leaders and companies, or individuals who were participating in the illegal exploitation of the natural resources of the DRC. The panel named Jean-Pierre Bemba as a key actor in this regard. Other measures called for were an immediate embargo on the supply of all military materiel to the rebel groups and their backers in the DRC and an end to all co-operation with those military forces at present in the DRC in violation of its sovereignty until those armies have withdrawn.⁵⁵

President Museveni, whose brother Salim Saleh featured prominently in the report, was particularly incensed by the allegations, and threatened not only to withdraw his forces from the DRC, but also to disengage from the Lusaka peace process.⁵⁶ Pressure from various leaders dissuaded him from acting on these threats. Uganda subsequently announced the withdrawal of two battalions at the end of March 2001. During April, President Museveni said he would soon pull out another two battalions. In June, those Ugandan forces who had left, returned to the DRC in support of Bemba who had been suffering military setbacks in clashes with the Mai Mai militias. Although the UPDF withdrawal has not been completed,⁵⁷ UPDF support for Bemba has declined, causing him to return to the ceasefire lines that the MLC had bypassed in the weeks immediately following the finalisation of the ceasefire. During August 2001, Uganda's defence minister expressed the hope that Ugandan troops would be out of the DRC by the end of the year, except for a 'symbolic presence' in Buta, Bunia and the Rwenzori mountain area.⁵⁸ MONUC observers were monitoring the ongoing repatriation of Ugandan forces from Basakusu, Dongo, Lisala and Gbadolite in the DRC. However, UPDF forces would remain at Buta and Bunia, pending further evaluation of the situation, and accepted that a Ugandan military presence would be maintained on the western slopes of the Ruwenzori mountains until the country's security interests had been addressed in accordance with the Lusaka agreement.

Zimbabwe has signalled on several occasions its willingness to withdraw, but this has been tempered by expressions of concern for the 'chaos' that would ensue if this was not done as part of a mutual exercise involving the withdrawal of 'uninvited forces', that is, the troops of Rwanda and Uganda. The Namibian forces had started moving by the beginning of August, and were effectively out of the DRC by the end of the month. The Angolan forces, estimated at 1 200 in number at the time of Laurent Kabila's assassination, were reinforced by additional troops deployed to Kinshasa and environs shortly thereafter, both to secure the situation in Kinshasa and to forestall any sudden advance by Bemba from the north-east. The Angolans are the only

foreign forces whose country is contiguous with the DRC, and observers regard the withdrawal issue as somewhat academic because the FAA have traditionally moved freely across the border.

Though Rwanda initiated the 'unilateral' withdrawal of some 1 000 troops early in the year, there had been no further movement from the RPA by August 2001. Rwandan engagement in the Kivus is an immediate national security issue for Kigali. Mass murder and the attendant flow of refugees have been recurrent themes in the history of Rwanda since 1959. Although the 1994 genocide is the most well known, it is not the only massacre that has occurred, and the Tutsis have not always been the victims, but have also featured prominently as perpetrators, particularly in neighbouring Burundi. Ultimately, Rwandan security is as closely linked to the Kivus as that of Israel to the occupied Palestinian territories. The results are equally messy. In the absence of a friendly government in Kinshasa, able to police and administer the Kivus, the alternative solution is permanent domination through occupation of the areas from which these threats emanate. As a result, Rwanda will not withdraw from the Kivus without very firm security guarantees, despite the evident resentment against Rwandan domination in the Kivus, and a long-standing suspicion among locals that the Rwandans are not only in the province to fight the Interahamwe or to profit from the minerals, but to annex it.

From the Rwandan perspective, the withdrawal issue is firmly linked to either the disarmament of the armed groups operating in the Kivus or to measures that would ensure effective border security. Nominally, Zimbabwean withdrawal has been linked to a Rwandan pull-out. Eventually, the withdrawal of all foreign forces and the disarmament, demobilisation, repatriation or resettlement of the armed groups will probably not be a clear sequential process, but will involve uneven progress on both of these fronts.⁵⁹ Indeed, the Harare subplan provides for such a situation, specifying that:

"[t]he following prerequisites must be met before a final withdrawal of foreign forces can take place:

- Disengagement of Forces.
- Disarmament of Armed Groups.
- Holding of the National Dialogue and establishment of new institutions that will ensure the disarmament of illegally armed civilians."

It is up to all parties to the Lusaka agreement to create the conditions that will allow for the deployment of MONUC phase III. In his 8 June 2001 report to the UN Security Council, the Secretary-General stated that the withdrawal and demobilisation plans developed by the JMC and Political Committee⁶⁰ (as required by Resolution 1341 of 2001) would need considerable expansion and refinement before they could serve as a suitable basis covering a mandate for the third phase of MONUC deployment. Specifically, it was noted that the parties had failed to provide detailed information on the strengths, disposition and armament of all forces in the DRC, as requested by the Security Council Mission to the Great Lakes when it met the Political Committee in Lusaka on 22 May 2001.⁶¹

It was thus too early to consider entering the third phase of MONUC deployment — before the completion of the disengagement and verification phase, and without the benefit of realistic and approved plans for disarmament, demobilisation, resettlement or repatriation. On the other hand, it was felt that the momentum generated by the substantial disengagement of forces and the partial withdrawal of foreign forces should not be lost. The Secretariat therefore updated MONUC's concept of operations to ensure that the mission had the necessary resources both to complete the current phase and to prepare for the complex and varied tasks envisaged for phase III.

The revised concept, as finalised during a DPKO visit to MONUC in April 2001, envisages a further mission build-up stage during which MONUC would prepare for the transition to phase III. During this period, MONUC would continue to monitor the disposition of forces in their

deployment positions, as well as any further withdrawals of foreign contingents. To do this effectively would require at least 30 more military observer teams, as well as the establishment of helicopter refuelling facilities at Manano, Ilebo, Boende and Basankusu to meet the operational range of the Mi8 helicopters in use by MONUC. Each of these locations would require a protection element of about 200 troops.

The new concept also emphasises the economic importance of Kisangani, and the need to expand MONUC's presence with more civilian personnel, military observer teams, and a commensurate increase in the size of both the UN armed security unit and the military and civilian logistics support units. The other three sector headquarters — at Kalemie, Kananga and Mbandaka — would also see a considerable expansion of civilian personnel, in order to make them integrated operational centres from which the full range of mission activities could be conducted. The idea is to deploy civilian officers wherever there is a MONUC military presence, and to extend the deployment of political officers to some of the regional capitals.⁶² As far as the latter is concerned, the initial plan is for political officers from MONUC's headquarters in Kinshasa to visit the capitals of the parties for no more than five days at a time, starting in August 2001.⁶³

About 15 new posts for political affairs officers had been authorised by early August, and these were slowly being filled. A similar expansion for human rights officers had been approved, as compared with the existing human rights co-ordinator plus seven officers (one of whom had been deployed to Kisangani, and one each to Goma and Kalemie). However, the identification of suitable personnel was an outstanding matter that was in the hands of the UN Office of the High Commissioner for Human Rights (OHCHR). There were also some 21 new posts for child protection officers authorised in the budget for 2001/2002. Finding suitably qualified individuals was proving difficult — a situation said to be exacerbated by an apparent turf battle between the UN Children's Fund (UNICEF) and the office of the Special Representative of the Secretary-General for Children in Armed Conflict. By early August, virtually all MONUC civilian staff outside of the headquarters in Kinshasa were administrative personnel who had nothing to do with the line functions of the mission.⁶⁴

In order to acquire and maintain proper records of minefields and to conduct mine awareness training, a mine action centre was to be established at MONUC headquarters, with subsidiary cells at each of the sector headquarters.⁶⁵ Not specifically mentioned in the revised concept, but accepted as necessary by mission headquarters, is the need for a military police contingent of about 75 persons to deal with force disciplinary issues in Kisangani and the other sectors.⁶⁶ South Africa has subsequently announced that it will be sending 48 military police to MONUC.

Aware of the security gap that would be created in the areas to be evacuated by foreign forces, the revised concept envisages that the de facto Congolese authorities in place at the time of such withdrawals will continue to provide for civil administration and the maintenance of law and order, until such a time as longer term arrangements can be established. It is also recognised that in terms of training, resources and equipment, local police have been neglected for years, and many have become corrupt owing to insufficient salaries and irregular payment. The new operational concept therefore envisages the deployment of the nucleus of a civilian police component within MONUC, initially at mission headquarters. Under an interim police commissioner, this small unit would conduct an in-depth assessment of the Congolese policing institution and its capabilities and needs. This planning cell would then make recommendations for the eventual deployment of an expanded CivPol component wherever MONUC military personnel are deployed. The purpose would be to "advise and assist the local authorities in the discharge of their responsibility to ensure the security of the population."⁶⁷

A second riverine unit of about 200 soldiers from Uruguay is to be deployed to open the riverways further and to stimulate trade and the movement of people and goods. Another function is to reduce the operating costs of MONUC, which has hitherto had to rely entirely on expensive air transport.⁶⁸ Significant progress has already been made in this regard, most notably with the voyage of the UN 'peace barge', the Boboto. Together with a World Food Programme (WFP) boat, the Boboto left Kinshasa at the end of July 2001, carrying 650 metric tons of humanitarian supplies bound for Mogalo (on the Lua river, a tributary of the Ubangui) in

Equateur province, some 1 250 kilometres from Kinshasa. The boats were accompanied by MONUC peace keepers. The cargo included medical supplies, fuel, food, school supplies, construction material, clothing, seeds and tools. The *Boboto* will return to Kinshasa, which is suffering from a shortage of food, with a cargo of 1 000 metric tons of corn, courtesy of the European Union. According to the Office for the Co-ordination of Humanitarian Affairs (OCHA), future projects of this kind are foreseen in anticipation of a complete return of free navigation on the vast riverine network of the DRC.⁶⁹

MONUC is also to be strengthened during phase II with an integrated civil-military planning section to co-ordinate support for the demobilisation, disarmament, resettlement or repatriation of armed groups. This Co-ordination Unit is considered an essential part of the transition to phase III, in view of indications that MONUC may be called upon at a relatively early stage to assist with the repatriation or resettlement of former combatants quartered in government camps.

The public information capability of MONUC will also be expanded to enable it to explain and clarify UN intentions and activities — especially as the demobilisation, disarmament, resettlement or repatriation process and the Inter-Congolese Dialogue get under way. The intention is to establish a radio studio and FM transmitter in Kinshasa, with further transmitters at the four existing sector headquarters and at Goma. By August, the DRC government had finally granted authority for such transmitters, and the MONUC public information section estimates that they will be on air by January 2002.

In summary, the revised concept of operations provides for

"a progressive build-up of capabilities in terms of personnel, logistics and equipment in order to position MONUC to respond in a timely and effective manner once the parties begin the process of withdrawal of all foreign troops and the disarmament, demobilisation, reintegration, repatriation or resettlement of the armed groups."⁷⁰

It envisages an increase of up to 2 500 military personnel more than the figure of some 3 000 authorised under the mandate of MONUC that expired in mid-June 2001, thus remaining within the force level of 5 537 approved by the Security Council in its Resolution 1291 of 24 February 2000. On 15 June, the Security Council, in its Resolution 1355 (2001), approved the updated concept of operations and extended the mandate of MONUC until 15 June 2002.⁷¹

Theoretically, therefore, MONUC (phase II) can maintain a holding pattern for almost another year, while refining its concept of operations for phase III in accordance with the level of compliance by the parties and with progress (or not) with the Inter-Congolese Dialogue. There is a strong desire to 'maintain the momentum' and to 'keep the peace process moving', as well as to be adequately geared for a smooth transition to phase III operations. The most challenging aspect of the latter relates to demobilisation, disarmament, resettlement or repatriation, and the problematic security situation in the Kivu provinces. Before discussing issues around this challenge, it is therefore necessary briefly to summarise the situation in the Kivus, where a recent report published by the International Rescue Committee (IRC) estimated a war-related death toll of some 1.6 million people over a 22-month period.⁷²

CHAPTER 7

THE SITUATION IN THE KIVU PROVINCES

Following the verification of the deployment to NDPs by MONUC, the Kivus are technically under the administrative control of RCD-Goma, initially led by Emile Ilunga and now by Adolph Onusumba. In reality, Rwanda calls the shots in the provinces. RCD support in the region, tenuous to begin with, has declined as the security situation deteriorates. This, in turn, is due to the large movement of Hutu groups (Interahamwe, ex-FAR, FDD and FNL) from the south-eastern regions of the DRC (Kabalo, Mbuji Mayi, Kabinda and Kamina areas) in Shaba and Kasai Occidental to Rwanda and Burundi, and a concomitant increase in RPA presence from some 4 000 to 6 000 troops in this area between May and June 2001. Fighting between these groupings has intensified, as have confrontations between Mai Mai, Interahamwe and RPA/RCD

forces. The Kivus have a long tradition of rural militias, in particular the Mai Mai, which were created partly in the interests of self-protection and cattle-rustling, but which also reflect the extent of their marginalisation and the collapse of traditional and state institutions.⁷³ The total number of Mai Mai remains a guesstimate (a figure mentioned by MONUC was 6 000), although it is apparent that they are increasingly co-operating with the ex-FAR and Interahamwe. The draft demobilisation, disarmament and resettlement plan mentions the intention to identify and locate the backers of the Mai Mai, persuade them to stop supporting them, and invite some of their leaders to participate in the Inter-Congolese Dialogue. However, it is difficult to envisage how this could occur in terms of the Lusaka agreement.

Although the fighting between the RPA/RCD and the Mai Mai and Interahamwe is not technically a violation of the Lusaka Ceasefire Agreement, the potential impact on the mission was demonstrated when a helicopter used by MONUC came under fire from unidentified gunmen between Kalemie and Uvira in the rebel-held eastern DRC. This was the second attack on a UN helicopter since MONUC began deploying peace keepers across the DRC.⁷⁴ During September, two MONUC observers were held up and robbed outside Bukavu.

No one knows how large the Interahamwe forces are. According to the International Crisis Group, Rwandan commanders' estimates are in the region of 15 000.⁷⁵ Other estimates, including some within MONUC, are somewhat lower. Crucial to this is the actual number of 'hard core' Interahamwe that remain. Ongoing military campaigns have clearly decimated substantive numbers of the Interahamwe⁷⁶ and there are some within MONUC who do not believe that there are many left. Since fleeing to the Kivus in the eastern DRC as part of the mass exodus of Hutus to avoid the advancing RPA and possible retribution, they reorganised in massive refugee camps in the eastern DRC, largely around Bukavu. Some have been integrated into the estimated six battalions of ex-FAR that operated mostly in and around Kaimina, Boende and Bolomba before apparently returning to Rwanda and Burundi.

In the Kivus today, RPA forces continue to pursue the Interahamwe and ex-FAR in their various guises. The latter constitutes an obvious threat to Rwanda, but it would appear that support to the Interahamwe and ex-FAR from within the pro-Kabila alliance may not have ended.

The resentment of the locals (including the Banyarwanda) against the increased RPA domination in South Kivu is palpable, as is their recognition of the weakening position of the RCD, which is increasingly blamed for its inability to contain the abuses committed by the RPA against the population.⁷⁷ The ongoing extraction of coltan and other precious minerals to an annual value of some US \$100 million from this region alone, and the entrenchment of associated political and military networks from all sides within this trade are massively complicating factors in any attempt either to collect, repatriate or resettle combatants from South Kivu. According to independent research done during late June,⁷⁸ Kavumu airport (10 kilometres from Bukavu) serves a large range of commercial private aircraft involved in constant air traffic that shuttles to and from the interior of the province. More than 12 airline companies from Rwanda, the DRC, France, Belgium and South Africa have been identified. A similar trend is evident at Kilembwe airport where the same researcher reported evidence of ongoing military support to the armed groups.

Despite the deployment of MONUC, the security situation in South Kivu is bad, and alliances between belligerents follow an increasingly erratic course, exacerbating the desperate struggle for survival among large sections of the populace. The earlier, relatively close relationship between the Mai Mai and the RCD, for example, has been replaced by a general hostility toward the RPA (including the Banyamulenge with the Tutsi) in the Mai Mai, who increasingly side with the Interahamwe. It is also evident that the Interahamwe, FDD, ex-FAR and FNL continued to receive substantial support (training, logistics and possibly transport) until at least the end of June 2001, and that the disengagement of the RPA, which started in May, has been reversed.⁷⁹ More recently, ALiR II became something of a factor to be considered. Generally regarded as being supported by Kinshasa, its numbers are estimated at between 2 000 and 10 000, generally located around Fizi in South Kivu. In the meanwhile, social cohesion among the local population is rapidly disintegrating under the pressures of war and violence that has become increasingly indiscriminate. As always, the local civilian population pay a heavy price and the

desire for peace is high. Traditional authority in the Kivus has collapsed and the increasingly anti-Tutsi church and civil society has gained influence in the urban areas similar to that of the Mai Mai in the rural areas.

The regional instability within South Kivu is accentuated by the presence of some 35 000 Rwandan and 15 000 Burundian refugees in the province. However, recent months have seen a steady increase in the voluntary return of Hutu women and children from the larger refugee camps in the Kivus to both Rwanda and Burundi, although few men of combat age have accompanied those who returned. Rwanda has been actively promoting the return of Hutus who fled the country in 1994 as part of its counterinsurgency campaign, since they form a natural recruitment base for ALiR forces. For many of the Hutus the logic may be simple — why stay in a refugee camp in the Kivus? It would be better to return home, since Rwanda controls both sides of the border.⁸⁰ This momentum may well ease the disarmament and demobilisation challenge, and help create the impetus for repatriation that will be needed when MONUC eventually moves to phase III of its operations. At this point, MONUC will have to explore the actual potential for reconciliation in the Kivus.

CHAPTER 8

MONUC PHASE III: FACING THE 'D3' CHALLENGE

The focus of phases I and II of MONUC has been squarely on the cessation of hostilities and the disengagement or redeployment of the parties' armed forces in the DRC. Once progress with these aspects is deemed satisfactory, the Lusaka agreement lists the next set of requirements:⁸²

- orderly withdrawal of foreign forces;
- national dialogue and reconciliation;
- re-establishment of state administration over the territory of the DRC;
- disarmament of the armed groups;
- formation of a national army; and
- normalisation of the security situation along the common borders between the DRC and its neighbour

While the planning and execution of most of these activities will inevitably overlap, the timely resolution, through the Inter-Congolese Dialogue, of those issues that relate to the establishment of local civil administration and the provision of security (particularly in the Kivus), is seen as the essential prerequisite for meaningful progress in all other areas of activity. MONUC planners therefore see the UN's primary function as that of catalyst, with mission personnel "seeking solutions to unlock difficulties and promoting attitudes by the Parties to keep the peace process moving along."⁸³

The envisaged centre of gravity for MONUC III military operations conforms to the orthodoxy of UN peace operations of the past decade. In the ritual calendar of events, as reflected in Security Council resolutions and mission mandates, the perceived key to stabilisation has always been the disarmament, demobilisation and reintegration (DDR) of former combatants. The unstated purpose of these measures has been to wrest power and the means of violence from local militias and warlords, and to locate these within a legitimate and empowered state. In other words, the success of the whole intervention process has hinged on the degree to which the warring factions can be effectively disarmed. The report of 15-26 May 2001 of the Security Council mission to the Great Lakes region, confirms that:

"The disarmament, demobilisation, reintegration and repatriation or resettlement of the armed groups is the key to ending the conflict in the Democratic Republic of the Congo. Resolving the remaining problems would remove any need for foreign troops to remain in the east of the

country, immeasurably improve the security and quality of economic life for the area's inhabitants, and neutralise a dangerous source of conflict and instability in the region."⁸⁴

According to the Lusaka Ceasefire Agreement:

"There shall be a mechanism for disarming militias and armed groups, including the genocidal forces ... all Parties commit themselves to the process of locating, identifying, disarming and assembling all members of the armed groups, commit themselves to taking all the necessary measures to facilitate their repatriation."⁸⁵

The Lusaka agreement further includes the granting of amnesty, but not for genocide. MONUC is expected to meet this most difficult of challenges by creating a 33-person Co-ordination Unit responsible for demobilisation, disarmament and durable solutions, also known as D3. This would be a multidisciplinary team with expertise in a wide range of issues, including military, humanitarian and human rights issues, public information, civic programmes and international funding. The Co-ordination Unit would help to oversee the execution of the D3 process and would be responsible for the co-ordination of all aspects of D3, such as information management; identifying requirements including resources and infrastructure; determining the benefit packages for demobilisation, mobilising funds, facilitating deployment of monitoring teams in the receiving countries; and encouraging the convening of a Great Lakes conference on reconciliation.

The political framework for D3 is still under consideration by the Political Committee, and has not been completed. The purpose of an April 2001 draft D3 plan is:⁸⁶

"To disarm, demobilise, repatriate, reintegrate (resettle) all armed groups in the DRC; hand over mass killers, perpetrators of crimes against humanity and other war criminals; and disarm all Congolese civilians who are illegally armed."⁸⁷

The 'armed groups' include all forces other than the government forces, RCD and MLC. In other words, they include ex-FAR, Allied Democratic Forces, Lord's Resistance Army, Uganda National Rescue Front II, Interahamwe, Former Uganda National Army, FDD, West Nile Bank Front, UNITA, ALiR and so on.

At this stage, D3 is based on a voluntary process. Reference to forced compliance is "to be worked out by a force that will carry out this task,"⁸⁸ based on the results of the voluntary compliance process. The entire D3 process is, in turn, dependent upon the provision of information on the armed groups by the signatories to the Lusaka Peace Agreement. Sufficient and reliable information is a crucial prerequisite for D3 planning, and MONUC has started with some independent data collection and studies that could serve to verify and supplement the information eventually received from the signatories.⁸⁹

The process thereafter is relatively simple in theory. After details of amnesty provisions have been finalised, and the infrastructure of the various incentive packages and mechanisms established, the actual work will begin. An intensive media campaign is intended to induce combatants to report to assembly areas where they will be registered, disarmed and moved to separate camps according to gender (separation of males and females), age (child soldiers to be separated from adults) and combat status (combatants and non-combatants).

A screening process "by the relevant international agencies" will follow immediately to identify and apprehend those who are suspected of "genocide, crimes against humanity and war crimes."⁹⁰ Suspects will be handed over to the International Court of Justice in Arusha. Those remaining will receive counselling to determine their future intentions, skills, aptitude, choice of country for resettlement or reintegration, preferred skills training, and so on. All of this is supposed to occur within 30 days from assembly, and will form the basis for subsequent movement, training and reintegration, to be completed within a total period of one year. Monitors in the resettlement countries will support the process.

Of course, there is no guarantee that the international community will accede to all the tasks

that the signatories to the Lusaka agreement demanded. It is already clear that MONUC does not wish to become involved in the screening of Interahamwe for genocidaires, and that it would rather pass this challenge on to Rwanda.

The prospects for D3 in the Kivus remain contingent upon other developments — it is a virtual prerequisite for Rwandan withdrawal from the DRC. The Security Council will probably not approve the start of the D3 process until such a time when sufficient political momentum has been established through the Inter-Congolese Dialogue and the withdrawal of foreign forces. Local ownership and regional political support are critical factors for success. For obvious reasons, the various factions of the Interahamwe (and other targeted groups) reject a plan imposed upon them in terms of an agreement to which they were not party.

Inevitably, D3 will be premised upon UN co-ordination between agencies and an expanded and co-ordinated mission far larger than any peace exercise attempted elsewhere. D3 will have to involve other agencies not answerable to the UN, and possibly bilateral donors such as the UK Department for International Development (DFID), but definitely the United Nations Development Programme (UNDP). Following a recent visit to the DRC by Britain's Minister for Development Co-ordination, Clare Short, it appears that the UK may be prepared to assist in the resettlement and reintegration of combatants in Rwanda.

But the D3 process cannot be used to favour returning Hutu Interahamwe above those communities that remained in Rwanda. The country is extremely poor and faces enormous development challenges, not least of which is the downsizing of its own army (in the event of peace). This is also the case in neighbouring Burundi. Given the nature of the economies of the DRC and the Great Lakes countries, traditional approaches to reintegration have limited chance of success. The donor community may have to look at supporting long-term labour-intensive national works programmes that could give employment to the majority of former combatants.

Perhaps even more significantly, successful repatriation to Rwanda would also impact upon national reconciliation there, which would be feasible only if a government of national unity was instituted. Inevitably, the peace process in the DRC and domestic developments there make the Kagame government in Kigali more vulnerable.⁹¹

In a benign environment, the disarmament and demobilisation phases of the D3 process are mechanistic functions for the military. However, the situation in the Kivus is unlikely to be benign. The presence of non-compliant armed elements and the associated risks will have to be factored into MONUC's planning. Rather than adopting the slow process of assembly, disarmament and demobilisation that has characterised other missions such as the UN Mission in Sierra Leone (UNAMSIL), MONUC's planning team envisages a rapid process, calling for robust, well-trained and appropriately equipped forces, speedy disarmament, and rapid identification and reintegration projects. Apart from the logistic and other physical preparations that this would require, MONUC also plans a massive information campaign, including the establishment of a forward headquarters in the east, probably at Kindu or Goma.⁹²

In past UN operations such as in Zimbabwe, Namibia, Cambodia and Mozambique, demobilisation, disarmament and reintegration process was instituted once a political solution to an armed conflict had found expression in a comprehensive peace agreement. Typically, demobilisation, disarmament and reintegration have applied to the signatory parties of such peace agreements, who were mostly nationals of the country in transition. In the DRC, the agreement in place (Lusaka) is a ceasefire agreement, and the subjects of demobilisation, disarmament and resettlement are not the signatories, but members of other armed groups — many of whom are not nationals of the DRC, but of neighbouring countries. This contradictory situation creates enormous problems of accountability in presenting forces for disarmament, and of incentives for doing so.⁹³

While this situation is different from and probably more challenging than any previous demobilisation, disarmament and reintegration experiment, the military component of MONUC realises that it is capable only of implementing the mechanical aspects of voluntary disarmament and demobilisation (registration of those being demobilised, weapons collection,

and so on). It is not capable of addressing the more complex issues of resettlement, reintegration or repatriation. These are seen as an essentially civilian challenge. The immediate task of the military is simply to 'fix' the situation as a precursor to screening former combatants.⁹⁴

Although the emphasis will continue to be upon verifying and monitoring, rather than supervising or enforcing agreed arrangements, MONUC planners have admitted that

"Whereas verification and monitoring of the DR Plan is essentially a technical military operation of limited scope, the range, complexity and interdependency activities in a third phase of deployment bring immeasurably greater difficulty and risks."⁹⁵

There is thus a clearly recognised requirement for enhanced MONUC force protection capabilities. The latter is especially pertinent in the Kivus, which has been identified as the key area of D3 operations for phase III. Even in the best scenario, MONUC planners realise that there will be a continued presence of non-compliant elements in the Kivus.⁹⁶

For many of these people, repatriation holds the prospect of prosecution, and it is envisaged that "the only way to get them to come forward would be to go into their secure areas and bring them out."⁹⁷ The MONUC concept of operations does not expand on how the latter would be accomplished. Indeed, it states in a rather contradictory fashion that:

"It is assumed that any MONUC phase III military operations will be restricted to a Chapter 6 mandate. Tracking down and disarming non-compliant armed groups is not a task that MONUC would perform."⁹⁸

On the other hand, it is envisaged that firm assurances of compliance would be demanded before MONUC troops deployed to temporary cantonment sites, perhaps based on the existing headquarter locations of the various armed groups. Such sites would need to be defended by something akin to reinforced infantry battalion groups. The anticipated risks of the operation and the need for a robust UN protection capability mean that the probable requirement will be for four to six infantry battalion groups (in addition to the various subunit-sized protection elements currently deployed at sector level), including a rapid reaction force.⁹⁹

While this outlines the broad concept of the main effort for phase III operations, detailed planning can only commence when MONUC has comprehensive data on all armed groups operating in the Kivus. On the one hand, the parties are expected to provide detailed data on the disposition of particular armed groups before MONUC will agree to start with the process. This would imply that, initially, the focus of the D3 effort will have to be on armed groups who are under the firm control of one of the signatory parties.¹⁰⁰ On the other hand, there is some recognition that none of the parties, including the DRC government, has detailed information on the numbers, location and armaments of the armed forces that they are alleged to be supporting. Actual contact with the leadership (once identified) of these groups would also be required to determine the willingness of their followers to enter the D3 process.

'Adequate consent' of the various armed groups to disarm is regarded as a primary precondition for execution of the disarmament and demobilisation programme, but, as the MONUC planners concede, "when this level of consent is deemed to have occurred will be a major judgement call."¹⁰¹ Past experience also indicates that consent can be withdrawn far more rapidly than it is granted. All disarmament commitments in peace processes have tended, at least at the outset, to be based on consent — regardless of whether peace support forces deploy under a Chapter VI or VII mandate. However, the idea of voluntary disarmament is challenged by issues such as the security concerns arising out of disarming combatants and the deficient troops-to-task structure of the peace support forces. Faced with non-compliance with the disarmament provisions of the mandate, intervention forces have exhibited two basic reactions. The first is acquiescence in the face of recalcitrance, combined with a shift in the mandate that allows the peace process to proceed regardless. The second approach has been to apply limited coercion to recalcitrant parties, while attempting to preserve the consensual nature of the intervention at the strategic level.

Cambodia and Angola provide classic examples of the acquiescent approach, while Somalia and, to an extent, Bosnia are good examples of attempted (and unsuccessful) coercion. Regional and UN operations in West Africa have been characterised by a perplexing mixture of coercion and acquiescence, while the approach to disarmament and security challenges in the UN Mission in Rwanda (UNAMIR) operation defies logical analysis. None of these examples, however, can provide positive conclusions about the ability of intervening military forces to achieve meaningful disarmament where there have been strong incentives for protagonists to hold onto their weapons.

Progress with the D3 process is also very much dependent upon the course of events in Bujumbura. At the time of writing, a common momentum appeared to be building up between the peace processes in Burundi and the DRC, cemented by the integration of FDD combatants into Kabila's military. But the risk of an implosion in Burundi is very high and the knock-on effect that this could have on Rwanda and the DRC is serious. In many ways, Burundi is the weakest and most fragile of the countries bordering on the DRC. It is under threat from a loose coalition of forces that share the same backers and funders, have a common ethnic enemy and identify themselves in a common manner. These groupings, the ex-FAR, Interahamwe, FDD and FNL and their supporters will present a regional threat if they are not included in a settlement process, disarmed and repatriated.

Fighting in Burundi has intensified in recent months, fuelled by the return of thousands of FDD and FNL from their bases in the neighbouring DRC and Tanzania. Inside Burundi, a combined assault by the *Conseil national pour la défense de la démocratie-Forces pour la défense de la démocratie* (CNDD-FDD) and *Parti pour la libération des peuples Hutu-Forces nationales pour la libération* (Palipehutu-FNL) on Bujumbura may be imminent. Co-operation between the anti-Tutsi forces has intensified, as is made evident by reports that CNDD-FDD invited Palipehutu-FNL to a recent congress in Lubumbashi in Shaba province. This was followed, in early August, by statements made by the Rwandan defence minister, Emmanuel Habyarimana, that Hutu rebels were preparing to launch a new offensive on Rwanda from bases in the south-eastern DRC. State-run Radio Rwanda quoted the colonel as saying that more than 40 000 ex-FAR and Interahamwe were on the move from Kamina and Kabalo toward south-west Rwanda.¹⁰²

Various agencies and analysts have pointed to the degree to which FDD forces have returned to Burundi in recent months, ready and apparently convinced that they can overthrow Pierre Buyoya and gain power in this troubled country. Buyoya's direct negotiations with the rebels are deeply unpopular within his own Tutsi-dominated military, and this has already resulted in two failed *coup* attempts in recent months. Should the FDD/FNL consider a military option as viable, the opportunity to strike would come earlier rather than later when a momentum has built up on disarmament in the DRC peace process, where a large portion of FDD forces are still based. While Paul Kagame is no friend of Pierre Buyoya, a successful assault on Bujumbura carries the danger of Rwandan military intervention — although the Burundian army is probably still capable of withstanding such a threat. The regional percussions of such a development could stall the DRC peace process and further threaten stability in Rwanda.

These dangers are counterbalanced by the fact that, in recent months, a breakthrough in the deadlock in the Burundi peace process has been made. On 23 July in Arusha, Nelson Mandela's team chose Pierre Buyoya and Domitien Ndayizeye as President and Vice-President of Burundi for the first phase of a three-year transition, to start on 1 November 2001.¹⁰³ This period may well lay the foundations for a successful transition period. Developments in this arena will have to be monitored in parallel with the Inter-Congolese Dialogue, which is scheduled to begin on 15 October 2001.¹⁰⁴

CHAPTER 9

THE INTER-CONGOLESE DIALOGUE, THE KEY TO PEACE?

According to article 19 of the Lusaka Ceasefire Agreement:

"On the coming into force of the Agreement, the Government of the DRC, the armed

opposition, namely the RCD and MLC as well as the unarmed opposition shall enter into an open national dialogue. These inter-Congolese political negotiations involving *les forces vives* shall lead to a new political dispensation and national reconciliation in the DRC. The inter-Congolese political negotiations shall be under the aegis of a neutral facilitator to be agreed upon by the Congolese parties."¹⁰⁵

Although the Lusaka Peace Agreement is not clear on the exact structures and modalities for such negotiations, it binds the parties to agree on:

- a timetable and rule of procedure;
- the formation of a mechanism to establish a new Congolese National Army after the conclusion of the Inter-Congolese Dialogue; and
- a new political dispensation, including a constitution, to govern the country after elections.¹⁰⁶

The Inter-Congolese Dialogue itself was planned to last a mere 45 days, and new institutions are to be established immediately thereafter.¹⁰⁷ Even after the encouraging preparatory talks in Gaborone during August 2001, adherence to this schedule will require nothing short of a miracle. It would not be unrealistic to expect a process that lasts much longer.

Many hurdles had to be crossed before the Gaborone preparatory meeting, most of which were created by Laurent Kabila, who signed the Lusaka agreement under extreme military pressure. It would be five months, for example, before former Botswana President, Sir Ketumile Masire, was approved as facilitator. For several months, Laurent Kabila, who sought to obstruct and delay movement on the Inter-Congolese Dialogue, denied him facilities or even common courtesy.¹⁰⁸ Kabila refused all co-operation with Masire, requesting the appointment of a new facilitator and even seeking to launch his own national dialogue to circumvent the Lusaka agreement. All of this changed with Joseph Kabila's accession to power. Masire was able to strengthen his office in Kinshasa, headed by Mr Hacem Ould Lebatt, former minister of foreign affairs of Mauritania, and momentum was restored to the Inter-Congolese Dialogue. But the obduracy of Laurent Kabila was not the only challenge facing the facilitator: the initially lukewarm support received from the international community was another.¹⁰⁹ The pressure from MONUC, eager to maintain the momentum of its functional mandate, may also cause tension between MONUC and the Inter-Congolese Dialogue in future.

The first significant outcome of the Inter-Congolese Dialogue, after the assassination of Laurent Kabila, was the publishing on 4 May 2001 on a Declaration of Principles, much of which reiterated content already included in the Lusaka agreement, as detailed below:

- *A commitment to the sovereignty and territorial integrity of the DRC.* This implies that there will be no discussion of the formal adjustments to borders, despite the effective lack of central government that has characterised the DRC for several decades.
- *The inclusion of the government, RCD, MLC, the political opposition and representatives from civil society in the Inter-Congolese Dialogue.* This is likely to prove the most difficult of the challenges, since the country remains sharply divided along regional, ethnic, historical and personal lines, with most civil society groupings of a very localised nature. The divisions within the RCD, discussed elsewhere, were to prove a particular challenge in the days immediately prior to the preparatory talks in Gaborone.
- *The freedom of the Congolese parties, in all the provinces, to elect their representatives to the Inter-Congolese Dialogue in a just and equitable manner, as witnessed and verified by an independent authority.* Since elections were obviously not possible, an Inter-Congolese Dialogue team spent eight weeks touring all 11 provinces to help identify those members of civil society and the unarmed political parties that should or could participate in the preparatory meeting in Gaborone. The result was the selection of 14 political parties, roughly divided between pro-government and anti-government aligned groups.

The adoption of the principle of consensus within the Inter-Congolese Dialogue. This implies at first blush that any single party has the right of veto — but in practice, the ability of civil society organisations to hold the process to ransom is doubtful despite their volubility during the meeting in Gaborone. Earlier the Lusaka agreement had stipulated that: "all the participants in the inter-Congolese political negotiations shall enjoy equal status."¹¹⁰ The meeting in Gaborone would subsequently spend half a day discussing and analysing the nature of consensus. It would be prudent to expect that a final *modus operandus* will be adopted during the Inter-Congolese Dialogue that reflects 'sufficient' but not complete consensus. Inevitably, the challenge in this process will be to find a balance between the two groups represented by the armed groupings (including the government, MLC and RCD) who claim control over specific territories, on one side, and the unarmed opposition groups such as the *Union pour la démocratie et le progrès social* (UDPS), on the other, which claims national support but can demonstrate no control over any specific territory.

The organisation of free, democratic and transparent elections in the DRC. This challenge will probably fall to MONUC as part of phase III of its mission. A few days prior to the start of the preparatory meeting in Gaborone, DRC foreign minister, She Okitundu, summarised what many would consider an extreme position: "Before we hold elections we will need a new constitution, and before we adopt the constitution we will hold a referendum. And of course before we hold a referendum we will need a new population census. With all this groundwork to be done, it will not be possible to hold elections for, say, three years."¹¹¹ His remarks were subsequently criticised by a number of other leaders, who demanded that elections should be held much earlier. Not surprisingly, his position was supported by the Rwandan-backed RCD, which probably has the least interest in speedy progress without firm security guarantees for Rwanda. Practically speaking, elections in the DRC would not require a voters' roll, and it is possible to move directly to elections on the basis of a new constitution drawn up by the Inter-Congolese Dialogue. It will be the Inter-Congolese Dialogue itself that will have to pronounce on these issues.

The formation of a new, national army, composed of the government forces, MLC and RCD, which is to follow the conclusion of the Inter-Congolese Dialogue.

National reconciliation. Although the issues of justice and amnesty do not feature in the Lusaka agreement, it is difficult to envisage a peace settlement in the DRC that does not provide for some accountability or at least reflection on the past.

Once it was reactivated, the Inter-Congolese Dialogue process required the liberalisation of politics in the DRC, particularly in Kinshasa and in the rebel-held territories, including major towns such as Kisangani, Goma, Lubumbashi and Gbadolite. While considerable international attention focused on Kinshasa, it is probably in the rebel-held territories that the greater challenge lies. Thus, the decision to repeal Decree Law no 194 (which had restricted the activities of political parties), announced by President Kabila on 17 May, was an important development. The new law required that parties should be 'recognised' and 'credible'. Establishing the legal ownership of party names proved to be only one of many hurdles to be navigated, since any number of pretenders had registered the names of established parties as their own. Even the largest opposition party, the UDPS of Etienne Tshisekedi, found that three or four other groups had claimed the same name. Political parties were also required to inform the government in writing that they intended to resume activity. When some refused to do so and attempted to stage a political march late in July, 32 people were detained by the police.

On 3 June 2001, the DRC adopted a Congolese Charter for Human Rights that abolished capital punishment, 'introduced democracy' and 'ensured equality' for all citizens. Early in August, Kabila issued a presidential decree setting up a commission "to oversee the preparation and organization of the national dialogue." The three tasks of the commission, chaired by Balanda Muekin, are to draw up necessary and timely measures for the holding of the national dialogue, to work with the groups relating to the national dialogue, and make recommendations to the government.¹¹²

The worsening relationship between Rwanda and Uganda, once firm allies in the war in the DRC, is an important factor in future developments to the extent that the common view between the rebels on the negotiations (formalised in the January 2000 Kyankwanzi Accord) may have become meaningless. The two governments are increasingly wary of each other's regional ambitions after the armed clashes in Kisangani. In March 2001, during his electoral campaign, President Museveni went so far as to accuse Rwanda of being a 'hostile nation', and of harbouring anti-Ugandan government elements. To some degree the attempted consolidation of Ugandan influence in the DRC through the establishment of the FLC reflected this competition.¹¹³

The MLC and RCD factions have been embroiled in many splits and much infighting. Despite the intervention of a number of countries to attempt a consolidation of the various factions, Nyamwisi announced a coup in November 2000 and a second only a few days before the start of talks in Gaborone. At that point, he declared the alliance dead, and proclaimed himself President of RCD-Kisangani, replacing Wamba dia Wamba. Nyamwisi also used the opportunity to state that the FLC arrangement was not suitable for the population from Butembo to Isiro, which he subdivided into three provinces. As a result, the Gaborone meeting provided for six additional representatives for the various RCD and MLC factions. Elsewhere, Rwanda has embarked upon a programme to build the capacity of RCD-Goma. This is unlikely to bear fruit in the short term.

The original intention was to start the Inter-Congolese Dialogue process earlier, probably in June/July, but the final date set in Gaborone was 20-24 August.

The participants chosen for the preparatory talks in Gaborone included 13 representatives from the DRC government, led by Leonard She Okitundu, minister of foreign affairs. The MLC sent 13 delegates under its leader Jean-Pierre Bemba, while Dr Adolphe Onusumba led a group of 13 members representing RCD-Goma. Six other persons represented the various MLC and RCD factions led by Jean-Bapiste Tibasimi Mbogemu Atenyi, Ernest Wamba dia Wamba and Nyamwisi. Thirteen representatives were from civil society (*les forces vives*). The unarmed political parties were eventually represented a delegation from the parties considered to be the largest:¹¹⁴

The UDPS, represented by Valentin Mubake, has its centre of support in Kasai Oriental and is the largest national party. The leader of the UDPS is Etienne Tshisekedi, formerly a minister of the interior under Mobutu in the 1960s. He founded his own party in 1982, and gained popularity when the Sovereign National Conference elected him prime minister in 1991.

The Mouvement populaire de la révolution (MPR) for Kasai Oriental was represented by Catherine Nzuzi wa Mbombo. The MPR is Mobutu's former party, and although it suffers much of the blame for the associated excesses and ruin of his regime, is probably the only other party with some pretence at a national following.

The *Parti démocratie et social chrétien* (PDSC) was represented by André Boboliko. Regionally, the PDSC is centred in Bandundu and split between northern and southern factions. It is considered to have significant support among intellectuals.

The participants subsequently agreed to release all political prisoners and organise the free movement of goods between government and rebel-controlled territories. Perhaps optimistically, DRC Minister She Okitundu pronounced that "soon, we should organize direct commercial flights between Kinshasa, Gbadolite and Goma."

Initial planning for the Inter-Congolese Dialogue envisaged four commissions:¹¹⁵

a humanitarian/economic and social commission, which was to come up with a reconstruction plan for the Kivus;

an electoral commission, which was to plan for a national census before the elections (to be funded by the EU);

a constitutional commission, which was to build on the work done in 1992 to prepare a new post-election constitution; and

finally, a military commission to design a plan for demobilisation and disarmament.

Once the Inter-Congolese Dialogue starts in Addis Ababa on 15 October 2001, the commissions are to meet in parallel.

Significantly, the meeting in Gaborone added a fifth commission to deal with reconciliation. This committee will have to deal with the most obvious issue outstanding with regard to a sustainable settlement in the DRC — that of justice. It is estimated that 2.5 million people have died in the eastern DRC from war-related causes in the last four years, as the conflict trapped thousands of civilians in the fighting. The DRC government has formally submitted a request to the UN Security Council for the creation of a UN International Tribunal for the DRC. But the comparative example of the International Criminal Tribunal for Rwanda (ICTR), based in Arusha, Tanzania, is not encouraging. Seven years after its establishment, following the genocide in Rwanda, it has to date handed down verdicts on only nine individuals. Of 69 indicted suspects, 45 have been arrested. Not one of the alleged masterminds of the genocide has been brought to trial. Most of them are able to live without fear of reprisal in countries nearby, including the DRC, Congo-Brazzaville, Cameroon and Kenya.¹¹⁶

The International Crisis Group is harsh in its comments on the ICTR:

"With more than 800 employees, three trial chambers presided over by nine judges, and a budget of around 90 million US dollars, the performance of the ICTR is lamentable ... Five judges out of nine have spent more than a year and a half without hearing a substantial case and one of them had managed by last March to attain a record 28 months without hearing a substantial matter."

Yet "[i]t has provided indisputable recognition of the Rwandan genocide and has politically neutralised the 'Hutu Power' movement's agenda of Tutsi extermination."¹¹⁷

The enlargement of the mandate of the ICTR to include crimes committed in the DRC or in Burundi, as discussed in some circles, would not make sense in a situation where its task in Rwanda remains substantively incomplete.¹¹⁸

One of the most hotly debated issues in Gaborone was that of venue. The eventual decision in favour of Addis Ababa as the location for the Inter-Congolese Dialogue was difficult, not least since the obvious site was inside the DRC. For various symbolic reasons, many favoured Kisangani as the designated location for talks, but a decision in favour of the town eventually fell victim to the logistic challenge and the inevitable delays that would have followed such a choice. Since the rebel forces could not be satisfied with the proposed security guarantees in Kinshasa, the choice was Addis Ababa, with its excellent, though rather expensive, conference facilities and its location as a diplomatic hub in Africa.

In Gaborone, the final documents were signed by three people on behalf of the RCD-ML: Wamba dia Wamba, Tibasima and Kadima.

The preparatory talks in Gaborone signal a positive start to a process that may still have a long way to go. It is important to bear in mind that the Inter-Congolese Dialogue will not be an elected body, as was the South African constitutional assembly. It is composed of representatives and persons with divergent interests, some with an own agenda, others in close alliance with specific groupings. Nor is the Inter-Congolese Dialogue a negotiated interim government of national unity as is planned to commence in Burundi from 1 November 2001. For many, the central issue is therefore whether the Inter-Congolese Dialogue will allow the process of dialogue to go forward, or whether it will 'govern' in its own interest, eventually seeking to

assume executive powers. In this sense, the limp provision in the Lusaka agreement for a degree of national as opposed to sectional authority in the different areas controlled by the rebels and the government will probably prove an advantage.

"There will be a consultative mechanism among the Congolese Parties which shall make it possible to carry out operations or actions throughout the national territory which are of general interest, more particularly in the fields of public health ... education ... migrations ... movement of persons and goods."¹¹⁹

Paragraph 18 states that "upon *conclusion* of the Inter-Congolese political negotiations, state administration shall be re-established throughout the national territory of the Democratic Republic of Congo."¹²⁰

Unfortunately, few of the participants in the Inter-Congolese Dialogue have much to gain from, or a true interest in genuine democratisation. Although a recent poll in Kinshasa appears to point to the popularity of Joseph Kabila, no one really knows to what extent the young president is his own man. He has little support within the military, and has yet to found his own political party to replace the ill-conceived attempt by his father to create the Congolese People's Party (CPP). However, through his conciliatory actions, he has impressed many in the international community. He continues to strengthen the peace process by pledging US \$1 million of government funds to the dialogue.¹²¹

But beyond the face of Joseph Kabila, powerful interests continue to lurk in the background in Kinshasa. Many of these concern illicit activities. None of the key families in Kinshasa have anything to gain from democratisation, transparency and expenditure on development. They stand to lose if the diversion of state funds to personal wealth accumulation is ended. It is important to bear in mind that the vast majority of the DRC economic activity is of an informal and often illicit nature, designed to avoid state control and attempts at regulation. Bringing these into the fold of government regulation is a massive task for a country the size of the DRC and with its lack of civil administration powers.

One of the novel elements in the DRC peace dialogue is that the appointed facilitator of the internal process, Sir Ketumile Masire, is operating in parallel to, rather than as part of the peace mission. There is thus the potential of some divergence between his office and the role of the incoming Special Representative of the Secretary-General, Amos Ngongi. Arguably, this arrangement will serve to separate the military and the humanitarian components of the dialogue, but the two processes will require close co-ordination, compatible personalities and a great degree of mutual understanding. Already, the divergence between the speed with which MONUC wishes to move and the much slower process necessitated by the Inter-Congolese Dialogue has led to some irritation in MONUC. It is not improbable that a lack of progress in the Inter-Congolese Dialogue could see the development of a disjuncture between the Inter-Congolese Dialogue, which has the more important task but no direct authority, and MONUC, which has all the backing and power provided by the UN system but must await progress in a process that it does not control.

The UN Security Council has repeatedly emphasised the need to ensure that progress in the political sphere (notably the Inter-Congolese Dialogue), is made in parallel with the military aspects: the withdrawal of foreign forces and the disarmament, demobilisation, reintegration and repatriation or resettlement of armed groups. This view may not always hold sway in practice, since it is equally possible that progress in the field could impact upon the negotiations. As President Chiluba has noted, "we can only eat what is in front of us," implying that interlocutors can deal with only some, but not all issues at any given point.¹²² Not all within MONUC appear appreciative of the importance of the political process. Time will tell whether the UN and the office of the facilitator will be able to operate in tandem with each other, and not in competition.

CHAPTER 10 **CONCLUSION**

A Political, economic and social exclusion lies at the heart of the conflict in the Great Lakes

region. According to Lemarchand:

"the central pattern that recurs time and time again is one in which ethnic polarization paves the way for political exclusion, exclusion eventually leading to insurrection, insurrection to repression, and repression to massive flows of refugees and internally displaced persons, which in turn become the vectors of further instability. The involvement of external actors ... is inseparable from the perceived threats posed by mobilized refugee diasporas to their countries of origin as well as to specific communities within the host country."¹²³

In the report of the Security Council mission to the Great Lakes region of May 2001, the delegation noted that:

"there will be a durable peace only if all the countries of the region are successful in defining among themselves the rules by which to promote security and development. When the time comes, a conference on the Great Lakes region would allow for a close and continuous examination of these questions and would also bring together contributors from the donor countries."¹²⁴

During his meeting with members of the mission, President Kabila's foreign affairs minister expressed support for the idea. It is also a requirement referred to in various subplans of the Lusaka Ceasefire Agreement, as well as in UN Security Council Resolution 1355 (2001).

The DRC peace process will also require the early establishment of a DRC regional peace alliance involving the heads of state and supporting working ministerial groups and officials of all countries bordering the DRC. It should also include those engaged in, or with an interest in the DRC, such as Angola, Zimbabwe, Namibia, the Central African Republic, the Republic of Congo, Sudan, Uganda, Rwanda, Burundi, Tanzania, Zambia, Namibia, Zimbabwe and South Africa. Central, Southern and East African states will have to work in collaboration with MONUC and the Inter-Congolese Dialogue if peace is to be realised in the DRC.

It is well known that Kigali and Kampala disapprove of such a plan, fearing that they will be outnumbered by a combination of Francophone countries and those in alliance with Kinshasa. Nevertheless, a way has to be found to engage neighbours in the common cause of making peace.¹²⁵

Apart from the Rwandan and Burundian refugees in the Kivus, there are also 10 000 refugees from Uganda in the DRC, and 26 000 Rwandan, 361 000 Burundian and 110 000 refugees from the DRC in Tanzania. A normalisation of relations implies the creation of sufficient security for these people to return to their countries of origin. More than 2 million Congolese are internally displaced; roughly 400 000 are refugees in neighbouring countries. Sixteen million Congolese have critical food needs, and 21% of the population suffers from malnutrition. Maternal mortality is 1 837 per 100 000 live births and a quarter of the population have no access to medical facilities. Two out of three children are unable to attend school, while cholera and bubonic plague are endemic, and cases of hemorrhagic fever and monkey pox have been reported.¹²⁶

The international community will have to make a spectacular effort to help rebuild the DRC. The World Bank has already approved a US\$50 million post-conflict grant to establish new investment codes and to support governance and public revenue management reforms.¹²⁷ More importantly, if peace is to involve more than the armed élite presently masquerading as liberators and purporting to act in the interests of a hapless population, it will require a massive process of social engagement. This will involve the mobilisation of peoples and communities whose only experience of governance has been a brutal, corrupt and exploitive one. This is not something that will occur this year or the next, but progress should be slow and steady, and is the only route to long-term stability. There is no quick-fix for the site of this complex emergency and humanitarian disaster called the DRC.

If MONUC is to continue to play a pivotal role in such a process, it will have to stay the course and be prepared to adapt to ever-changing circumstances. Attempts have been made following

every concluded peace operation to assess what can and what cannot be done, and to establish new limits and boundaries for such operations. However, every time a new crisis arises, the lines thus drawn prove to have been drawn in the sand. The DRC bears testimony to this; MONUC is a mission without any recognisable precedent.

It is true that phases I and II of MONUC deal with the observation and monitoring of a ceasefire agreement, as did the classical ceasefire observation and/or interposition missions so typical of the first 40 years of UN peacekeeping. However, the Lusaka agreement is not between two state parties. It is also not between a beleaguered government and an armed opposition movement. The agreement is between a beleaguered government, five other governments that are party to the conflict, and two ill-defined and ever-shifting armed internal resistance movements. Moreover, there are a plethora of extremely dangerous and troublesome armed groups that are party to the conflict, but not party to the ceasefire agreement. Consent is thus very delicate, and the threat of violence and non-compliance ever-present.

Furthermore, the UN deployed what is essentially an observer mission amidst an extremely complex and devastating humanitarian emergency, which demands the attention and involvement of the full range of humanitarian and development actors integral to the large-scale peacebuilding type missions of the 1990s. This creates a need for levels of interagency and civil-military co-operation that were absent in the classic observer missions.

The envisaged phase III deployment is also without precedent. It is aimed mainly at the disarmament and demobilisation of non-state and non-signatory protagonists. Moreover, mission planning has proceeded without the benefit or guidance of a comprehensive peace agreement. All other attempts by the UN to undertake demobilisation, disarmament and reintegration or resettlement have been predicated upon existing peace agreements that addressed the size and shape of new military forces, and included modalities for 'disposing' of supernumerary armaments and soldiers. The Inter-Congolese Dialogue may well deliver such an agreement, but progress with this process will be agonisingly slow, and meaningful outcomes will probably emerge, if at all, after years rather than months of negotiation.

The idea that demobilisation and social reintegration of former combatants will somehow sterilise the DRC and protect it from conflict is therefore one that should be treated with caution. This is especially the case in a society where the formal economy hardly exists, and the vast majority of people survive either through subsistence agriculture or the exploitation of natural resources.

Despite the general realisation that a long-term approach is imperative to the success of such a multidimensional and multilayered process, donor patience is always a finite commodity. Impatience occurs when there is a perceived lack of progress or an increasing awareness of the complexity and intractability of the situation to be handled. The international efforts towards implementing the Lusaka Protocol in Angola are a case in point. Although the first two years of the process were well supported by donors, willingness to contribute funds to the international efforts waned as tensions gradually grew and the lack of co-operation between the local counterparts became more apparent.

However, there is reason to be optimistic that MONUC may indeed provide a catalyst for a more lasting form of peace in the DRC and the Great Lakes region. The mission has contributed to the freezing of offensive operations by the parties, and is slowly but steadily increasing the size of its military and humanitarian footprint in the DRC. Of course, the chance of reversals and setbacks will increase as the mission gets closer to phase III, and perhaps 'durable solutions' are simply not available. However, no peacekeeping operation has ever been perfect, and none is likely to be so. None has ever achieved all of its aims, but some have achieved at least some of them. At a time when peacekeeping in Africa is suffering from the backlash of exaggerated expectations, MONUC deserves all the support it can get. There are unprecedented prospects for peace in the DRC and Great Lakes region.

NOTES

1. J MacKinlay, Beyond the logjam: A doctrine for complex emergencies, in M Manwaring & J Fishel (eds), *Toward responsibility in the new world disorder: Challenges and lessons of peace operations*, Frank Cass, London, 1998, pp 118-119.
2. UN General Assembly/Security Council, *Report of the Panel on United Nations Peace Operations*, A/55/305, S/2000/809, 21 August 2000, paragraph 57.
3. The main provisions of the agreement included:
 - the immediate cessation of hostilities;
 - the establishment of the JMC, comprising the belligerent parties under a neutral chairperson appointed by the OAU, to investigate ceasefire violations, work out mechanisms to disarm identified militias and monitor the withdrawal of foreign troops according to an agreed schedule;
 - the deployment of an 'appropriate' (peacekeeping and peace enforcement) UN mission tasked with disarming the armed groups, collecting weapons from civilians and providing humanitarian assistance and protection to vulnerable populations; and
 - initiating an 'inter-Congolese dialogue' intended to lead to 'a new political dispensation in the DRC'.
4. The identified 'armed groups' included Rwandan Interahamwe militia and the former Rwandan government forces (FAR); Congolese Mai Mai militias; the Allied Democratic Front (ADF), the Uganda National Rescue Front II, the West Nile Bank Front and Lord's Resistance Army in Uganda; UNITA; and the *Burundian Forces pour la défense de la démocratie* (FDD).
5. R Lemarchand, *Exclusion, marginalization and political mobilization: The road to hell in the Great Lakes*, Concordia University, Montreal, undated paper, p 6.
6. International Crisis Group (ICG), *Scramble for the Congo: Anatomy of an ugly war*, Report 26, ICG, Brussels, 20 December 2000, p 13.
7. Lemarchand describes the diversity of the label Banyarwanda thus: "Included under that rubric were three distinctive communities (a) Hutu and Tutsi who had settled in the Kivu region long before the advent of colonial rule, including a group of ethnic Tutsi indigenous to south Kivu (located in the Mulenge region) known as the Banyamulenge; (b) descendants of migrant workers, mostly Hutu, brought in from Rwanda in the 1930s and 1940s under the auspices of the colonial state, (c) tens of thousands of Tutsi refugees who fled Rwanda in the wake of the 1959 Hutu revolution, and hence referred to as 'fifty niners'." The fifty niners were eventually to play an important role in the anti-Obote guerrilla movement headed by Yoweri Museveni, the National Resistance Army. See Lemarchand, op cit, pp 2-3.
8. An *ordonnance-loi* that was issued in 1971, stipulating that all Banyarwanda and Barundi living in the Congo on 30 June 1960 could claim citizenship rights, a policy that was reversed in 1977. Yielding to pressure from 'native' Congolese, the Legislative Council repealed the previous legislation and, in 1981, pushed through a nationality law that effectively deprived the Banyarwanda of all citizenship rights. Ibid, p 10.

9. ICG, op cit, pp 60-1. Billy Rautenbach, Mugabe's choice as chairperson, was unable to turn Gecamines around and his appointment was eventually terminated.
10. *News Brief*, 30 August 2001.
11. According to Global Witness, Laurent Kabila was keen to appease Mugabe after the failure of other business ventures between the two governments (such as the aborted flotation in London of Oryx Diamonds and the collapse of Congo-Duka, a joint venture between Zimbabwe Defence Industries (ZDI) and its Congolese partner, General Strategic Reserves).
12. See, for example, Stephen Jackson, '*Criminalised' economies of rumour and war in the Kivus, DR Congo*, paper presented at the Annual Conference of the American Association of Anthropology, San Francisco, November 2000, pp 2, 3ff.
13. The SPLA is fighting for greater autonomy for the mostly Christian and animist south from the mainly Arab Muslim north. About 2 million people have died since the war began in 1983.
14. Sudanese President Omar Hassan al-Bashir recently claimed that his government no longer backs the LRA, and that Kony had started operations against the Sudanese government. Sudan's Bashir says no longer backs Uganda rebels, *Reuters*, 22 August 2001.
15. ICG, op cit, p 4.
16. *Ibid*, p 38.
17. Oxfam, *DRC Analysis workshop*, unpublished manuscript, 20 March 2001.
18. ICG, op cit, p 32.
19. UN Integrated Regional Information Network (IRIN) for Central and Eastern Africa, Update 494, 3 September 1998.
20. *Final Communiqué of the 1998 SADC Summit of Heads of State and Government*, Grand Baie, Republic of Mauritius, 19 September 1998.
21. At this stage, the European Union became actively involved in the peacemaking process through the despatch of the organisation's Special Envoy, Aldo Ajello, to the Great Lakes region.
22. UN Security Council, Resolution 1234 (1999), 9 April 1999.
23. IRIN Central and East Africa, *DRC: Chronology of the rebellion*, 9 June 1999.

24. SABC, 2 September 1999.
25. UN Security Council, *Report of the Secretary-General on the United Nations Preliminary Deployment in the Democratic Republic of the Congo*, S/1999/790, 15 July 1999.
26. Ibid.
27. UN Security Council, Press Release SC/6711, 6 August 1999.
28. UN Security Council, Resolution 1279 (1999), S/RES/127, 30 November 1999, paragraph 7.
29. Ibid, paragraph 9.
30. According to article I, the parties agree to a ceasefire among all their forces in the DRC, meaning the effective cessation of hostilities, military movements and reinforcement, as well as hostile actions, including hostile propaganda, within 24 hours of signing the ceasefire agreement. Specifically, article I states that the ceasefire shall entail the cessation of:
 - all air, land and sea attacks as well as actions of sabotage;
 - attempts to occupy new ground positions and the movement of military forces and resources from one area to another, without prior agreement between the parties;
 - all acts of violence against the civilian population by respecting and protecting human rights;
 - supplies of ammunition and weaponry and other war-related stores to the field; and
 - any other actions that may impede the normal evolution of the ceasefire process.
31. See, for example, UN Security Council, *Report of the Secretary-General on the United Nations Organisation Mission in the Democratic Republic of the Congo*, S/2000/30, 17 January 2000, paragraphs 10 and 12.
32. UN Security Council Press Release, *Seven African Heads of State Address Security Council in Day-long meeting on Democratic Republic of Congo*, SC/6789, 24 January 2000.
33. S/2000/30, op cit.
34. UN Security Council, *Sixth Report of the Secretary-General on the United Nations Mission in the Democratic Republic of Congo*, S/2001/128, paragraph 34-35.
35. S/1999/790, op cit, paragraph 67.

36. Ibid.
37. UN Security Council, Resolution 1291, S/RES/1291 (2000) 25 February 2000, paragraph 8.
38. Ibid.
39. Ibid
40. *IRIN-CEA Weekly Round-up* 15, 8-14 April 2000.
41. Ibid.
42. T Pitman, Congo rebels warn of more fighting despite peace deal, *Reuters*, 13 April 2000.
43. Joint Military Commission, Agreement for a Ceasefire in the Democratic Republic of Congo: Plan for the Withdrawal of all Foreign Forces from the Democratic Republic of Congo (DRC), Harare, 15 March 2001, appended to S/2001/521, annex IV, paragraph 2.
44. S/2001/128, op cit paragraphs 30-32.
45. The capture of Pweto provoked the flight of thousands of FAC, Interahamwe and other forces into Zambia. When the latter refused to turn the Interahamwe over to the RPA to be screened for *genocidaires*, relations between Zambia and Rwanda temporarily broke down.
46. The FLC was created in January 2001 through a merger of the RCD-ML/Kisangani (the *Rassemblement congolais pour la démocratie- Mouvement de liberation*) and Jean-Pierre Bemba's MLC.
47. S/2001/128, op cit, paragraphs 71-73.
48. Ibid, paragraph 76.
49. Ibid, paragraphs 78-84.
50. UN Security Council, Resolution 1341, S/RES/1341(2001), 22 February 2001, paragraph 19.
51. According to Amnesty International, to the Masisi region of the province of North-Kivu, and in the territory of Kalehe in the province of South-Kivu. Amnesty International, *Democratic Republic of the Congo: Rwandese controlled east: devastating human toll*, 19 June 2001, p 6.

52. According to a number of officers interviewed at MONUC headquarters, the SANDF element had performed exceptionally well in democratic South Africa's first substantive participation in a peace mission since Korea in the 1950s. The 'backbone' of the SANDF contingent consists of six eight-person air cargo-handling teams, deployed in Kinshasa and at three of the sector headquarters, as well as at Goma. The team earmarked for the fourth sector headquarters at Kalemie was located at Goma, but was due to deploy to Kalemie before mid-August.
53. Interview in MONUC headquarters, Kinshasa, 6 August 2001.
54. IRIN-CEA *Weekly Round-up* 84, 28 July — 3 August 2001.
55. Interview in MONUC headquarters, Kinshasa, 6 August 2001.
56. The third and final report on the exploitation of minerals in the DRC is expected in a few months' time. It is likely to tone down some of the more strident conclusions reached in the April report, and to include information on the roles of Zimbabwe, Namibia and possibly other countries in the exploitation of the DRC's mineral resources.
57. Museveni also appointed his own commission, the Porter commission, to conduct an investigation into the allegations.
58. In a letter dated 8 May to the Security Council, Museveni announced that Uganda would completely withdraw its forces from ten locations in the DRC (Basankusu, Dongo, Gemena, Gbadolite, Lisala, Bafwasende, Isiro, Butembo, Beni and Kanyabayonga), and that it would continue to examine the wisdom of maintaining a presence in Buta and Bunia. Uganda also stated that a presence would be maintained on the Ruwenzori mountains until its security interests had been addressed.
59. *Sunday Vision*, Kampala, 5 August 2001, reported by Reuters, 7 August 2001.
60. There is perhaps some hope of speeding up the programme through bilateral processes. For example, the bilateral talks between presidents Kagame and Mugabe in Harare on 7 May 2001 were interpreted by the UN as "a positive sign of rapprochement." However, some observers suggest that this meeting resulted in a Faustian bargain that would create a pretext for both Rwandan and Zimbabwean forces to remain for longer in the DRC and, more ominously, for the ZNA to 'deliver' armed groups allied to them into the clutches of the RPA. If true, this would make a mockery of the communiqué issued after the SADC allies 'mini-summit' held in Kinshasa on 17 May, which accused Rwanda, Uganda and Burundi of committing genocide in the Kivus. In the same communiqué, the allied leaders pushed for the initiation of MONUC phase III, calling for the UN to deploy an "appropriate and adequate peacekeeping force" to meet the demands of the peace process. UN, *Eighth Report of the Secretary-General on the United Nations Organisation Mission in The Democratic Republic of the Congo*, S/2001/572, 8 June 2001, paragraph 7.
61. As presented at a joint meeting of the Political Committee for the Implementation of the Lusaka Ceasefire Agreement in the Democratic Republic of Congo and the Security Council mission to the Great Lakes region, Lusaka, 21-22 May 2001. See *Addendum to United Nations Security Council, Report of the Security Council mission to the Great Lakes region*, 15-26 May 2001, S/2001/521, 29 May 2001.

62. S/2001/572, op cit, paragraph 84.
63. Ibid, paragraphs 86-89.
64. Interview with MONUC political affairs officer, Kinshasa, 5 August 2001.
65. Interview with MONUC political affairs officer, Kinshasa, 6 August 2001.
66. S/2001/572, op cit, paragraphs 90-92.
67. The force provost marshal indicated in a conversation on 7 August 2001 that a contingent from the SANDF would be most welcome, and that a request had been made to this effect.
68. S/2001/572, op cit, paragraph 98.
69. On 20 May 2001, the Security Council mission to the Great Lakes region visited Mbandaka, where the head of the mission officially announced the reopening of the Congo river from Kinshasa to Kisangani. See S/2001/521, op cit, paragraph 51.
70. IRIN-CEA *Weekly Round-up* 84, op cit.
71. S/2001/572, op cit, paragraph 103.
72. UN Security Council, Resolution 1355 (2001), 15 June 2001, paragraph 31, 29.
73. IRIN Central and Eastern Africa, IRIN-CEA *Weekly Round-up* 86, 11-17 August 2001.
74. The Mai Mai are drawn from various ethnic groups indigenous to the region: Hunde, Nande, Nyange, Bashi, and others. They are notorious for the fickleness of their political opinions and their addiction to violence.
75. In October 2000, rebels of the MLC fired on a UN helicopter near the DRC's border with the Central African Republic. IRIN Central and Eastern Africa, IRIN-CEA *Weekly Round-up* 86, 11-7 August 2001.
76. ICG, op cit, p 14.
77. One estimate within MONUC is that the RPA have inflicted about 2-000 casualties on the ex-FAR and Interahamwe since June.
78. Anti-Rwandan Tutsi sentiment does not imply sympathy for the Rwandan Hutus. Local resentment against these groups remains high following the massive influx of mostly Hutu refugees that followed the genocide in 1994.

79. Interviews, Kinshasa, 9 August 2001.
80. Ibid.
81. Ibid.
82. 'Durable solutions' is the phrase used by MONUC to embrace the 'three Rs' of the so-called DDRRR process — reintegration, resettlement, and repatriation. The resultant abbreviation, 'D3' is therefore used instead of the somewhat clumsier DDRRR.
83. According to the Lusaka Ceasefire Agreement, signed by the parties on 10 July 1999, annex A, chapters 4, 5, 6, 9, 10 and 12.
84. MONUC Headquarters, *MONUC Concept of Operations for Phase 3 Deployment*, HQ MONUC G3/Plans/1, 28 April 2001, paragraph 8.
85. S/2001/521, op cit.
86. Article 22.
87. Draft DR plan under consideration by the Joint Military Commission, dated 19 June 2001.
88. Ibid, paragraph 1.
89. Ibid, paragraph 16.
90. As of 8 June, only Uganda and Angola had provided information on the numbers, dispositions and armaments of their forces in the DRC. Reported in *Eighth report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo*, 8 June 2001, S/2001/572, paragraph 50.
91. Paragraph 22.
92. Despite the ban on party political activities, Rwanda's first communal elections in over 30 years were held during March 2001 and took place peacefully, with a turnout estimated (by the Rwandan electoral commission) of over 90%. In the process, elected officials replaced government appointed administrators (*bourgmestres*). Two days later, on 8 March, an electoral college elected mayors in each town and district that included the newly elected administrators. Despite the fact that the RPF does not show any great enthusiasm for multiparty democracy, President Kagame has promised that party political activity will be legalised in Rwanda by 2003, followed by general elections.
93. MONUC, *MONUC concept of military operations for phase 2 deployment*, 28 April 2001, paragraph 19. Interviews with MONUC, Kinshasa, 6 August 2001.

94. Interview with Lt Col A Mason, GS3, MONUC, Kinshasa, 6 August 2001
95. Ibid.
96. HQ MONUC G3/Plans/1, op cit, paragraph 2.
97. Ibid, paragraphs 9-10.
98. Ibid, paragraph 19.
99. Ibid, paragraph 7.
100. Ibid, paragraph 36.
101. Some of the MONUC political officers expressed doubts over the extent of the control that any of the parties have over the armed groups that they have allegedly been supporting in the conflict. If this is the case, then the current military approach to the D3 challenge is fundamentally flawed.
102. HQ MONUC G3/Plans/1, op cit, paragraph 31.
103. On 17 August 2001, Reuters reported that MONUC had not yet been granted access to Congolese army camps in Kamina and Katonda to carry out a voluntary census among soldiers, to identify those belonging to Rwandan and other foreign rebel groups. See, No access granted to MONUC yet, *Reuters*, 17 August 2001.
104. The proposal was subsequently endorsed at a summit of regional heads of state. Buyoya and Ndayizeye also agreed to fulfil 11 conditions guaranteeing the full implementation of the Arusha Agreement of 28 August 2000, although, in the absence of a ceasefire, a UN peacekeeping force will not back up its implementation. A special Burundian protection force is envisaged to facilitate the return of exiled political leaders. Half of the force will be picked from members of the Tutsi-dominated army; the parties representing Hutu interests will choose the other half. International Crisis Group, *Burundi: One hundred days to put the peace process back on track*, ICG, Brussels, undated.
105. Ibid.
106. According to annex A, paragraph 5.3, the parties agreed that the OAU would assist in this process.
107. Paragraphs 5.5 and 6.1 of annex A to the Ceasefire Agreement.
108. Paragraph 5.6.

109. The Inter-Congolese Dialogue was supposed to have been held nearly two years ago, according to the calendar of the Lusaka ceasefire. A preparatory meeting was first convened at Cotonou in June 2000, but the government refused to participate, and banned the unarmed opposition in Kinshasa from attending. At that time, only seven opposition parties were invited, including the best-known, the UDSP led by Etienne Tshisekedi.
110. Masire's office initially relied on support from the Botswana government. This was followed by support from Britain, Canada, the Netherlands, Denmark, Sweden and now the EU. The United States has indicated that it may be prepared to fund the dialogue, currently estimated to cost at least US \$10 million.
111. Annex A to the Ceasefire Agreement, *Modalities for the implementation of the ceasefire agreement in the Democratic Republic of the Congo*, paragraph 5.2 (b).
112. Elections will not be possible in Congo yet, *Business Day*, 22 August 2001.
113. No 41 dated 8 August 2001. Reuters, DR Congo president sets up dialogue commission, *BBC Monitoring newsfile*, 8 August 2001.
114. Ernest Wamba dia Wamba is the leader of a faction of the RCD (RCD-Kisangani, renamed the RCD-ML). The FLC was established in Kampala in January 2001, leaving Bemba very much the dominant figure. Wamba dia Wamba signed the agreement which set up the FLC only eight months after the others, on 18 August, two days before the start of the meeting in Gaborone. The infighting within the FLC undermined the attempt by Jean-Pierre Bemba to establish a larger constituency that included civil society groupings and unarmed political parties, called the *Union des forces congolaises pour le respect integral de l'Accord de Lusaka et la tenue du dialogue intercongolais* (UFAD).
115. The other leaders and parties are as follows: François Lumumba, son of Patrice Lumumba, represented the *Mouvement nationaliste du Congo/Lumumbiste* (MNC/L), which may have nominal support in Kasai Oriental originated with Patrice Lumumba's MNC party; Godefroy Mayobo represented the *Parti Lumumbiste unifié* (PALU), which was formed in 1964 by Antoine Gizenga, a minister in Lumumba's government, for Bandudu; Joseph Olangankoy, the fiery young leader of the *Forces innovatrices de l'union et de solidarité* (FONUS) for Kasai Oriental, is one of the few opposition politicians not to have served under Mobutu; Justin Bomoko, *Pionniers de l'indépendance*; Diomi Ndongala, FSD; Raymond Tshibanda, CODEP; Honorus Kisimba Ngoy, UNAFEC/CPF; Arthur Zaidi Ngoma, *Regroupement de l'opposition congolaise*; Venant Tshipasa, DCF; Patrice Aimé Sesanga, *Regroupement de l'opposition modérée*; and Christophe Lutundula, MSDD. Only the UN was invited to send an observer to the Gaborone talks, but as discussions progressed, representatives from the JMC, the Political Committee and MONUC attended, as well as a lone representative from the Belgian embassy in Kinshasa on behalf of the EU.
116. ICG, op cit, p 80.
117. International Crisis Group, *The Rwanda Tribunal: Justice delayed*, 7 June 2001, <www.crisisweb.org/projects/showreport.cfm> (17 August 2001), p 2.

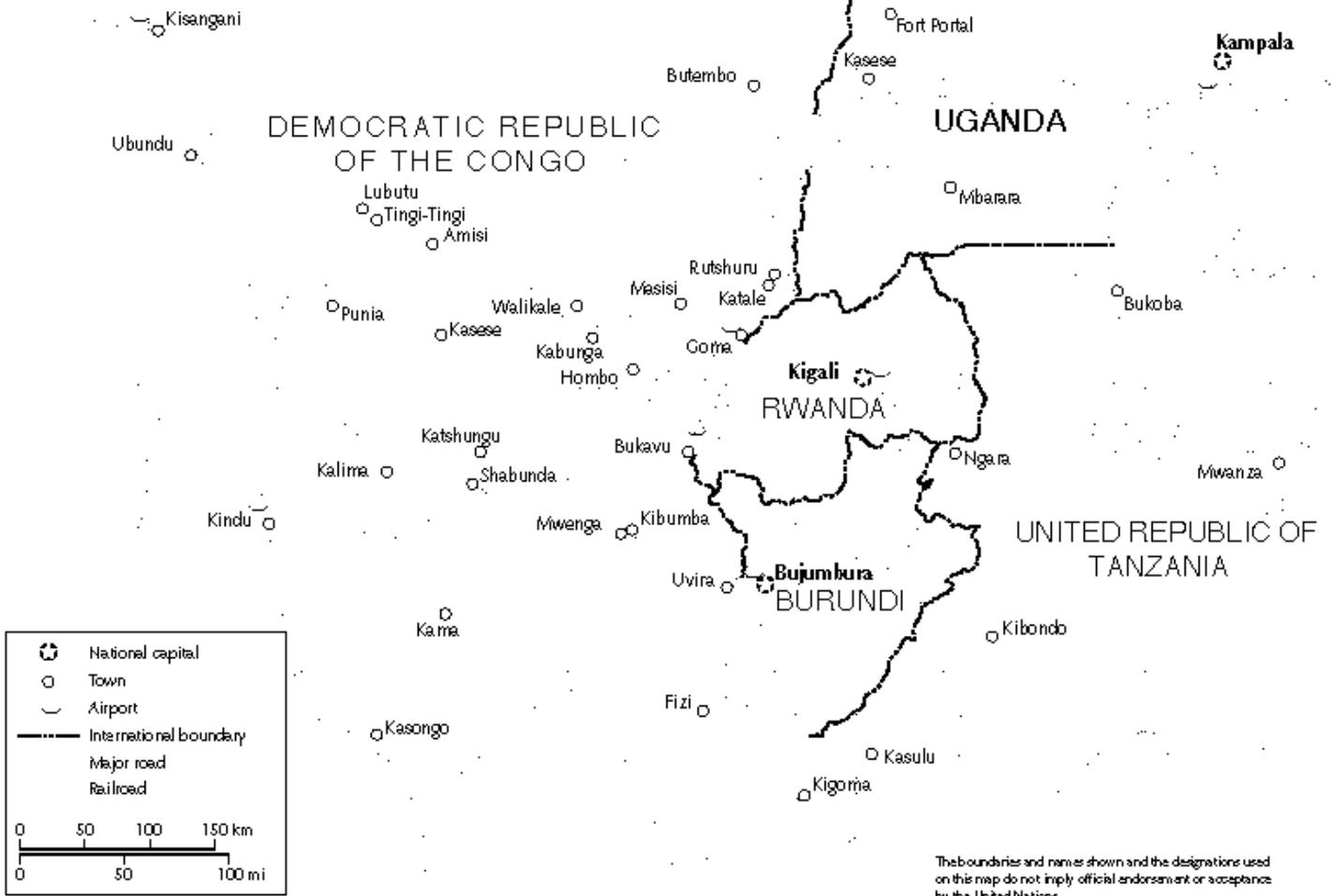
118. Ibid, p 1.
119. See H Friman, The Democratic Republic of Congo: Justice in the aftermath of peace DRC?, *African Security Review* 10(3), 2001, pp 63-77.
120. According to annex A, paragraph 6.2.
121. Emphasis added. Ceasefire Agreement, S/1999/815, op cit, page 7.
122. On 4 April, Kabila dismissed the cabinet he inherited from his father. When he announced a new team 10 days later, he had included only four out of 25 members of the previous cabinet. Leonard She Okitundu still holds the post of foreign minister, and Mwenze Kongolo, formerly minister of justice, is now in charge of the newly created ministry of national security and public order. Three of Laurent Kabila's leading ministers (known as 'the uncles'), Gaetan Kakudji, Yerodia Ndombasi and Pierre-Victor Mpoyo, were not included in the new cabinet. Mpoyo was the man behind the controversial mining contracts signed with Zimbabwe's Billy Rautenbach. Notwithstanding a bevy of younger and more technocratic ministers, continuity remains in the proportion of Katangan representation in the new government. This is shown most visibly by the presence of the only remaining uncle, Mwenze Kongolo, regarded as a hawk and a friend of Zimbabwean justice minister Emmerson Mnangagwa, reported to be President Mugabe's preferred successor. *Africa Research Bulletin* 14367, 1-30 April 2001.
123. Relayed during an interview with a senior MONUC official, Kinshasa, 9 August 2001.
124. Lemarchand, op cit, pp 1-2.
125. Addendum, S/2001/521/Add.1, op cit, p 2.
126. Recently, there have been discussions concerning a deal that might bring Rwanda into SADC as part of a regional security arrangement, despite the agreement by SADC leaders to place a moratorium on the enlargement of the Community.
127. Oxfam, op cit.
128. IRIN-CEA *Weekly Round-up* 84, op cit.

MAPS

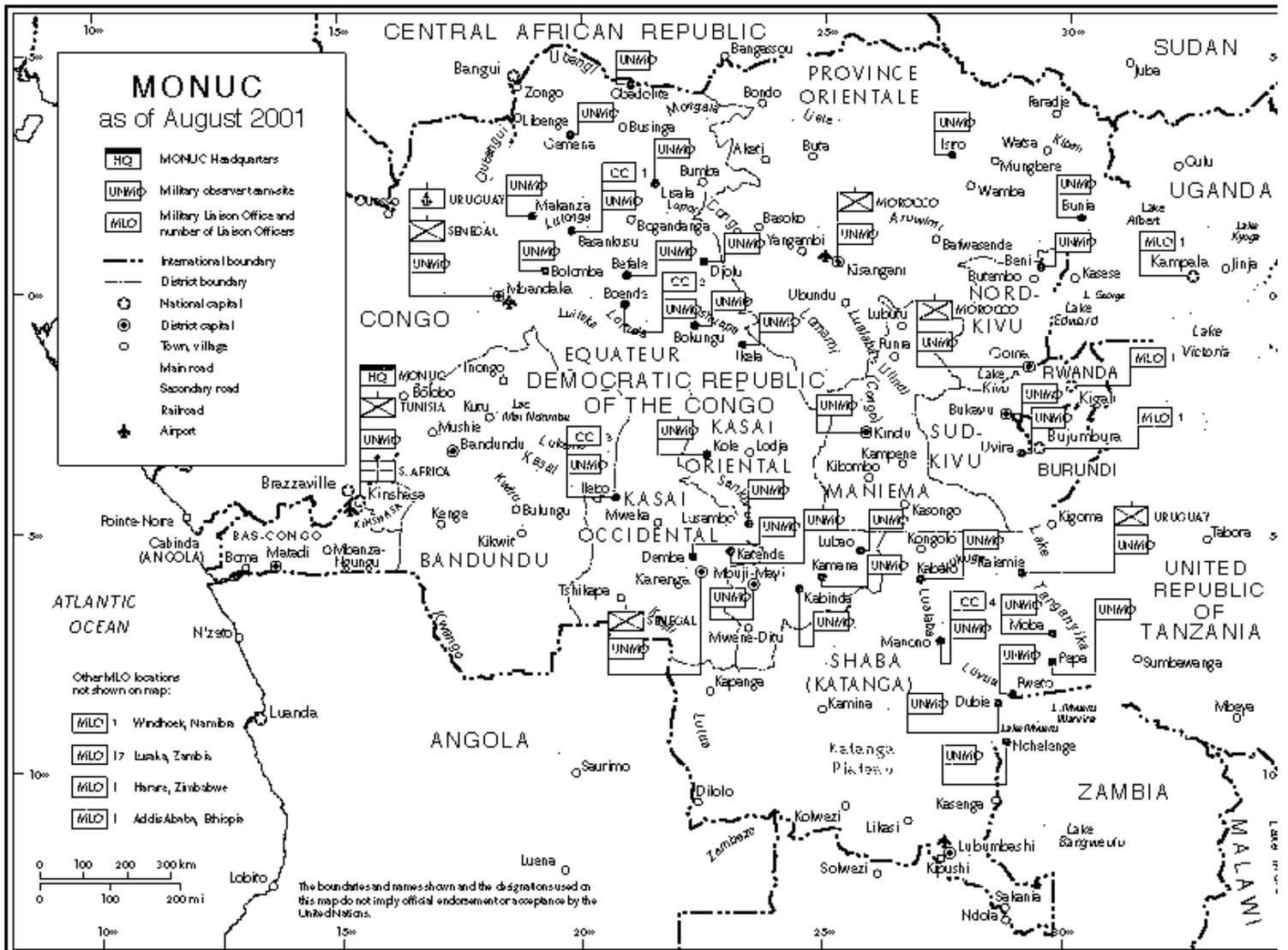
MAP 1

The Great Lakes region

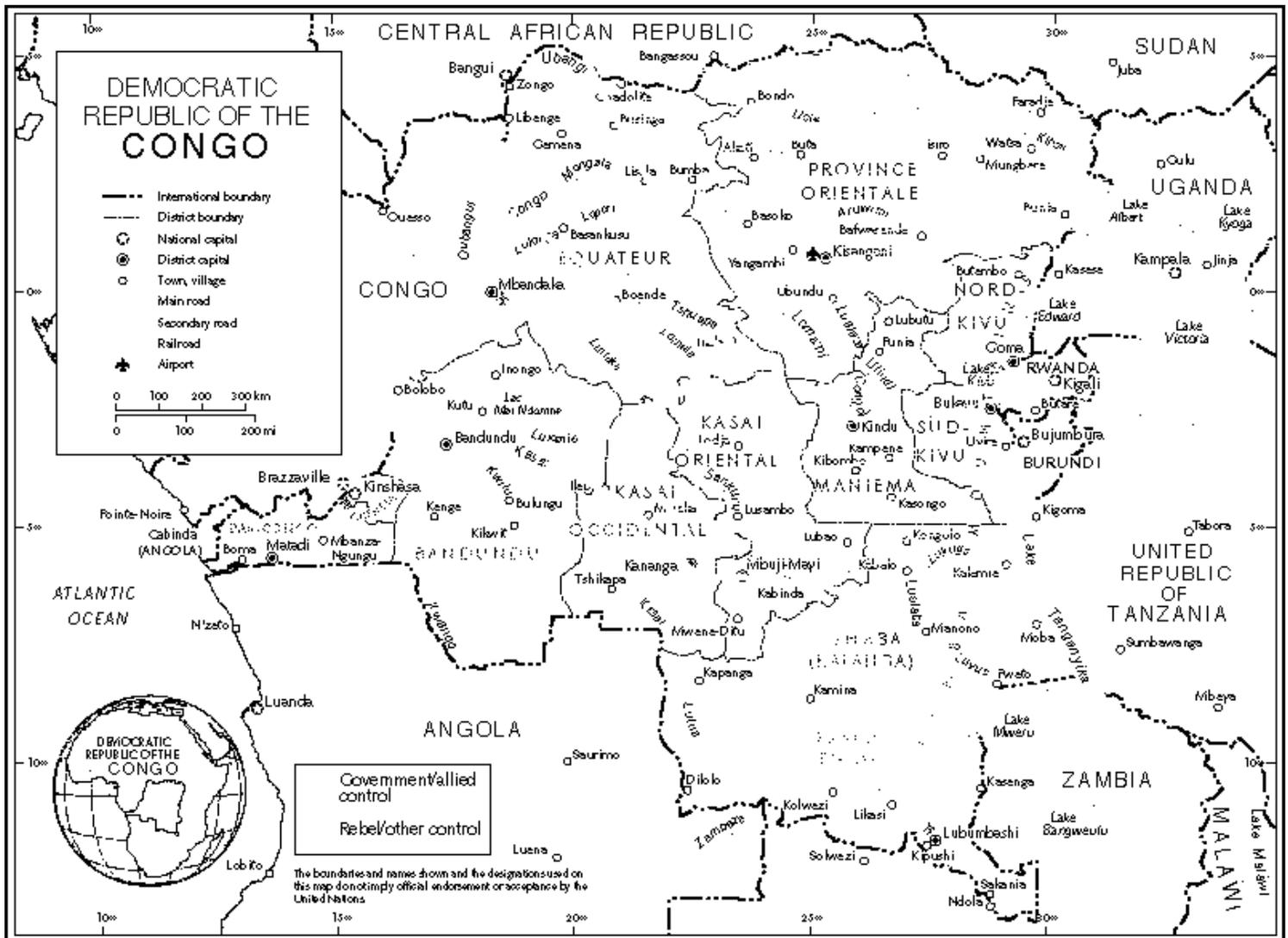
THE GREAT LAKES REGION



MAP 2
MONUC deployment



MAP 3
The DRC, showing territorial control



MAP 4
East-central DRC

