

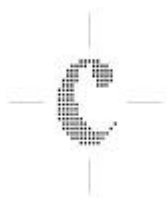
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Working Paper 23

**Cluttered with Predators, Godfathers and
Facilitators: The Labyrinth to Peace in
the Democratic Republic of Congo**

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Foreword

This paper was prepared for the seminar *Rebuilding the Democratic Republic of Congo: Which Role for the Donor Community?* organized by the Netherlands Institute of International Relations 'Clingendael' (Conflict Research Unit) with the support of the Policy Planning Staff of the Netherlands Ministry for Foreign Affairs on 6 June 2003 at the Clingendael Institute, The Hague. The aim of the seminar was to address the question how, on the eve of the 24-month transition period as foreseen in the Pretoria agreements, the international community and donor countries could help enhance the peace process and contribute to rebuilding the Democratic Republic of Congo. The executive summary and the conclusion of the present paper have been revised in order to reflect some of the recommendations made during this seminar. The complete proceedings can be downloaded from the Clingendael Conflict Research Unit website, <http://www.clingendael.nl/cru>.

Since the seminar was held, significant developments have occurred in the Democratic Republic of Congo. First, as requested by the Security Council in Resolution 1484 adopted on 30 May, the EU Council decided on 11 June to deploy an interim emergency multinational force, under French command, in Bunia, Ituri District. Secondly, on 29 June, an agreement on the sharing of military responsibilities between the Kabila Government and the rebels was finally brokered by UN Special Representative Mustapha Niasse. Under this agreement, which was signed in Kinshasa, President Kabila will nominate the armed forces chief of staff and the head of the navy while RCD-Goma and MLC will head the ground forces and the air force respectively. Thirdly, the day after the signing of this agreement, on June 30, President Kabila announced the composition of the transitional government that is designed to lead the DRC until democratic elections are held in 2005.

While this fragile process will continue to be closely monitored by the Conflict Research Unit, comments on this paper are most welcome and should be sent directly to the author: erogier@clingendael.nl.

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List of Abbreviations

ADF	Allied Democratic Forces
AFDL	<i>Alliance des Forces Démocratiques pour la Libération du Congo-Zaire</i>
ALiR	<i>Armée de Libération du Rwanda.</i>
CNDD-FDD	<i>Conseil National pour la Défense de la Démocratie - Forces pour la Défense de la Démocratie</i>
DDRRR	Disarmament, Demobilization, Repatriation, Resettlement, Reintegration
DRC	Democratic Republic of the Congo
Ex-FAR	<i>Ex-Forces Armées Rwandaises</i>
FAC	<i>Forces Armées Congolaises</i>
FAZ	<i>Forces Armées Zairoises</i>
FDD	<i>Forces de Défense de la Démocratie.</i>
FDLR	<i>Forces Démocratiques de Libération du Rwanda</i>
FNL	<i>Forces Nationales de Libération</i>
FIPI	<i>Front pour l'Intégration et la Paix en Ituri</i>
FPR	<i>Front Patriotique Rwandais</i>
FUNA	Former Ugandan National Army
HIPC	Heavily Indebted Poor Countries
ICD	Inter-Congolese Dialogue
ICG	International Crisis Group
ICTR	International Criminal Tribunal for Rwanda
IFIs	International Financial Institutions
IPC	Ituri Pacification Commission
IRIN	United Nations Integrated Regional Information Networks
IMF	International Monetary Fund
JMC	Joint Military Commission
LRA	Lord's Resistance Army
MLC	<i>Mouvement pour la Libération du Congo</i>
MONUC	<i>Mission de l'Organisation des Nations Unies en République démocratique du Congo</i>
NALU	National Army for the Liberation of Uganda
OAU	Organization of African Unity
OECD	Organization for Economic Co-Operation and Development
PRA	People's Redemption Army
RCD	<i>Rassemblement Congolais pour la Démocratie</i>
RCD-K/ML	<i>RCD-Kisangani / Mouvement de Libération</i>
RCD-N	<i>RCD-National</i>
RPA	Rwanda Patriotic Army
SADC	Southern African Development Community

TPVM	Third-Party Verification Mechanism
UN	United Nations
UNITA	National Union for the Total Independence of Angola
UNRF II	Uganda National Rescue Front II
UNSC	United Nations Security Council
UNSG	United Nations Secretary-General
UPC	<i>Union des Patriotes Congolais</i>
UPDF	Uganda People's Defence Forces
WNBF	West Nile Bank Front
ZDF	Zimbabwean Defence Forces

Executive Summary

With a death toll of at least 3.3 million since it broke out in August 1998, the conflict in the Democratic Republic of Congo (DRC) has cost more lives than any other since the Second World War. It has also proved to be one of the most complex conflicts since the end of the Cold War, as no less than nine states have been militarily involved on Congolese territory and at least as many rebel groups have been brought in – some fighting against the Congolese central government with the support of foreign countries, and others combating foreign governments (of Angola, Burundi, Rwanda and Uganda) from Congolese territory. Furthermore, whether the exploitation of natural resources was the primary motive of war in the DRC or just a by-product, this economic dimension has undeniably added to the intractability of the conflict.

Despite the series of agreements signed since the summer of 2002, the very same leaders who pledged to commit themselves to reconciliation and peace in the DRC are still (during the summer 2003) engaged in military confrontation on the ground. Already this simple fact casts a shadow, to say the least, over the sincerity of their commitment and the prospects for peace that the outcome of the inter-Congolese dialogue has supposedly raised. The parties' real motives for signing the agreements were to avoid political marginalization and to have their share of power preserved, confirmed or recognized, but apparently not to offer the DRC an opportunity to rise from its ashes. Yet, no peace will prevail in the DRC as long as key issues pertaining to defining elements of the state (such as the national army, the granting of Congolese nationality, and the territorial organization of the country) have not been adequately addressed. However, the neighbouring countries are also likely to remain influential over the process of state building in Congo. Although Rwanda, Uganda and Zimbabwe have come to realise that the presence of their troops in the DRC was politically not sustainable, none of the three has given up the idea of carving out the Congolese territory for their own interests.

Thus, while the prospects for peace in the DRC remain largely equivocal, the International Committee for Support to the Transition (ICST), as the embodiment of the international community and as the monitoring body of the transition process in the DRC, has a critical role to play during (at least) the coming two years. In order to show themselves to be equal to the situation, international guarantors will have to reconcile their own differing views and speak with a single, and preferably strong voice. Until now, however, this has seldom been the case.

International involvement has indeed proved instrumental but also insufficient in resolving the conflict in the DRC. Instrumental because without it none of the developments that have occurred since the summer of 2002 would have taken place. International pressure made the otherwise financially profitable and militarily workable presence of foreign troops in Congo politically unsustainable. Similarly, international pressure induced the Congolese parties to negotiate and conclude a deal, if only to throw the outsiders off the scent. Yet, international involvement has also proved to be tragically deficient, as shown by the inadequate mandate and means granted to MONUC, the lack of determination to have the UN Security Council's resolutions enforced, and by the fact that a follow-up to the Kassem recommendations to curb the illegal exploitation of natural resources has so far failed to materialize.

Several lessons might thus be learned from the past peace efforts. First, the war in the DRC was made even more intractable by the lack of cohesion among the main international, in particular Western, actors. Secondly, leverage depends as much, if not more, on *who* takes a given measure than on the

nature of the measure itself. Thirdly, restoring peace in such a complex conflict situation requires that a certain degree of coercion be infused in the peace diplomacy in general and in peace accord enforcement mechanisms in particular. Finally, making peace inevitably entails a high degree of commitment – in political, financial and military terms – from third-party actors.

During the transition period, international guarantors will therefore have to demonstrate commitment, cohesion and coherence. In order to increase leverage, they should adopt the policy principle that each country use its entry point in the continent to exert leverage on its African friends – rather than to oppose its European partners. In addition, they most likely will have to resort to some sort of robust action in order to have the hostilities ceased and the peace accords implemented. In concrete terms, the following measures may be needed.

Addressing the Regional Dimension

While attention will understandably be focused on the peace process in Kinshasa, the regional dimension of the conflict should be fully addressed as well. Restoring peace in the DRC may therefore require bringing pressure to bear on the factions' sponsors, whatever the capital they act from, by making development aid conditional to their effective contribution to the peace process. In addition, on-the-ground and aerial surveillance mechanisms may have to be set up to monitor the border areas.

Pacifying Eastern Congo

The transition process which is expected to take off in Kinshasa offers the only real opportunity for restoring peace in the DRC, but this process is endangered by developments on the ground and the continuous violence in eastern Congo. Hence, the local and national peace processes have to be fostered in parallel. While it would make sense to protect the transitional institutions, *i.e.* the warlords, in Kinshasa, the ICST will have first and foremost to demand and obtain from the very same warlords the complete cessation of hostilities in the east – otherwise the transitional institutions will rapidly lose their relevance anyhow. MONUC's mandate and capacity should be reinforced accordingly.

Disarming and Reintegrating all Combatants

The Disarmament, Demobilization and Reintegration (DDR) process cannot drive the peace process, but its failure can cause the peace process to derail. In view notably of the general elections scheduled for 2005, the belligerent factions will each remain a potential spoiler as long as they are not disarmed and dismantled. Yet, the DDR process is unlikely to materialize unless: minimum security conditions exist on the ground; the parties are committed at the highest political and military level; and the combatants are offered a wide range of options for the future. In addition, a specific strategy should be designed for each of the three caseloads of combatants to be disarmed, *i.e.* the Rwandan Hutu extremists; the Congolese combatants whose factions compose the transitional government; and all other Congolese members of local militias.

Reconstructing the Congolese State

Once restored – that is, once hostilities have stopped and the disarmament process is successfully completed – peace will have to be rooted: the Congolese state will have to be reconstructed on a sound, and preferably different, basis. While reconstruction will without doubt be a laborious process that can actually get started after the end of the transition period only, a few preliminary steps might be taken ahead of this deadline, which should be aimed at: increasing the cohesion and efficiency of the transitional national government; creating mechanisms to generate revenues for the state; and designing a solid framework for the development process to take off.

Introduction

With a death toll of at least 3.3 million since it broke out in August 1998, the conflict in the Democratic Republic of Congo (DRC) has cost more lives than any other since the Second World War.¹ It has also proved to be one of the most complex conflicts since the end of the Cold War, as up to nine states have been militarily involved on Congolese territory and at least as many rebel groups have been brought in - some fighting against the Congolese central government with the support of foreign countries, and others combating foreign governments (of Angola, Burundi, Rwanda and Uganda) from Congolese territory. By its complexity and multidimensional nature, the DRC conflict should have therefore repudiated the widely held assumption that most contemporary conflicts since the end of the Cold War take place within rather than between states. Serving as the battlefield for a number of state and sub-state actors from various countries - the latter often acting as proxies of the former - the Democratic Republic of Congo and the wider Great Lakes Region became an epitome of these 'Regional Conflict Formations' (RCF) that now seem to characterize the warfare of this early twenty-first century.² Furthermore, by shedding light on a relatively neglected or less visible actor in armed conflicts - the private sector - the DRC conflict also exemplified the role of greed as a definitive factor of contemporary wars, and moreover illustrated another aspect of the globalization process - the globalization of violence or, put differently, the 'bloodalization' of trade. Considering the number of actors involved in the bloody business of Congolese resources - rebels, governmental officials, corporate companies as well as transit countries and (Western) end-users - very few governments in the world, especially in the northern hemisphere, could claim not to be concerned by the conflict in the DRC. Still, despite the human tragedy of unparalleled proportions that it represents, it would be an understatement to say that this conflict has not received great attention from international donors and the media - as compared for instance with the US war on Iraq or, earlier, the conflicts in the Balkans. At the time of writing (May 2003), the prospects for peace in the DRC remain largely equivocal, despite the number of agreements signed in the last ten months. All of the features briefly presented above and the intermix of actors, issues and dimensions (regional, national and local) clearly speak for the intractability of the situation in the DRC. However, what made this conflict even more intractable, as this paper will argue, is the lack of collective determination on the part of third-party actors, and Western governments in particular. The aims of this paper are to provide background information on the main factors and actors of the DRC's conflicts (section I), an analysis of attempts made by third-party interveners at resolving the conflict (section II), and finally an assessment of the peace prospects on the eve of the transition period called for by the 'global and all-inclusive' agreement signed in Pretoria on 17 December 2002 (section III).

¹ According to the International Rescue Committee, the aid agency responsible for these estimates, 10 per cent of the victims died violently while the rest died from starvation and disease because of the various armed groups' activities. IRIN - DRC: 'DRC Conflict Deadliest since World War II - Aid Agency', 8 April 2003.

² On this concept, see Barnett R. Rubin *et al.* (eds.), *Regional Conflict Formation in the Great Lakes Region of Africa: Structure, Dynamics and Challenges for Policy*, Centre on International Cooperation, New York University and Africa Peace Forum, Nairobi, Kenya, 2001.

1 States, Stakes, and Stakeholders

The Congolese territory has been the theatre of two major wars since 1996, which resulted from three sets of causes, each inherited from a distinct period of the Great Lakes/Central Africa region's history. First comes the legacy of Belgian colonialism, which instrumentalized identity issues and put two groups against each other - the Hutu and the Tutsi - that nonetheless shared the same language, culture, history, social organization and territory. Second, the conflicts in Congo find their roots in the failure of former Zaire, which derived from Mobutu's patrimonial rule over the country and the manipulation of ethnic differences. Third, and more recently, the DRC's descent into chaos was fuelled by the civil wars in Uganda, Burundi and Rwanda, which each spilled over across the Congolese territory's eastern borders. This account would be incomplete, however, without mentioning the disposal within the DRC's territory of quantities of natural resources whose (illegal) exploitation provided most belligerents with additional means and motives to continue waging the war.

1. The Failure of Mobutu's Zaire and the First 'Congolese' War (1996-1997)

Started in 1996, the first 'Congolese' war - in which the country's neighbours already played a key role - led in May 1997 to Mobutu's removal from power by Laurent-Désiré Kabila's *Alliance des Forces Démocratiques pour la Libération du Congo-Zaïre* (AFDL) assisted by Rwandan and Ugandan armed forces. This rapid victory speaks less for the strength of the AFDL troops than for the weakness of Mobutu's Zaire. At the time when L.-D. Kabila, a long-standing although still rather obscure Marxist opponent, eventually achieved the goal of his life, the Zairean state was indeed as critically sick as its master for the previous 32 years. The parallel is even more valid as President Mobutu Sese Seko is without any doubt the channel through which the Zairean state contracted its fatal disease.³

The Mobutist State and the Banyarwanda Issue

Like many other African states, Mobutu's Zaire succumbed to the patrimonial system put in place by the Head of State himself. That system required huge amounts of revenue to buy off clients and cronies, but eventually collapsed when, with the end of the Cold War, Zaire lost both the strategic value granted to it by the US and the IMF's financial support that went along with it. Symptomatic of this failure was the state of the *Forces Armées Zaïroises* (FAZ), whose higher ranks were themselves plagued by corruption, patronage and ethnic favouritism, and whose lower ranks were left able to complement their meagre pay through ransom and looting. By no means, therefore, were the poorly led, equipped and disciplined FAZ in a position to resist the campaign launched by AFDL.

³ As convincingly argued by René Lemarchand, 'Patterns of State Collapse and Reconstruction in Central Africa: Reflections on the Crisis in the Great Lakes', *African Studies Quarterly*, 1(3), 1997 and 'The Democratic Republic of the Congo: From Failure to Potential Reconstruction' in Robert I. Rotberg (Ed.), *State Failure and State Weakness in a Time of Terror*, World Peace Foundation, Cambridge MA, 2003, pp. 29-69.

That the rebellion emerged in Kivu is also indicative of the failure of Zaire. Indeed, far from fostering inter-group coexistence by for instance managing access to land and resources in a neutral and transparent manner, the Mobutist state manipulated protracted disputes in eastern Congo over ethnicity issues, citizenship and the related land rights. In the two regions of South and North Kivu that border Rwanda and Uganda, these disputes date back the eighteenth century, when Rwandan-speaking migrants (the so-called Banyarwanda) were induced to migrate there in order to provide cheap labour for Belgian settlers. In a densely populated region where land ownership is necessarily a vital issue and identity feelings are consequently strong, the newcomers could hardly be welcomed. In fact, the indigenous populations have always perceived these 'Rwandan migrants' with hostility. The arrival in South Kivu of a new wave of Rwandan Tutsi fleeing the Rwandan (Hutu) revolution of 1959-1962 only increased the tension, which led some of the early settlers to try to dissociate themselves from these refugees by taking the name of 'Banyamulenge'.⁴ Both groups, however, have never ceased to be seen as foreigners and their nationality remains a contentious issue. While citizenship rights not only meant the right to vote but also enabled them to acquire and sell land, the uncertainty over their nationality rendered the situation of the Banyarwanda as highly precarious. Although all Banyarwanda established in Zaire before 1950 were granted citizenship rights in 1972, this provision was in effect repealed by the 1981 Nationality Act. This denial impacted on the Congolese Rwandophones' collective awareness as much as it heralded hard times for them. Tensions grew over the 1980s and were exacerbated by the political liberalization of the early 1990s, in the context of which ethnicity was used as a powerful mobilization factor. In South Kivu, therefore, the Banyamulenge consistently served as scapegoats for the overall decline of the country. In North Kivu, the rivalry between Banyarwanda and the indigenous communities exploded in 1993 when the latter, on the eve of local elections expected to be won by the former, were pushed by politicians to expel all Rwandophones.⁵ Until then the tendency among the 'natives' had been to lump together Hutu and Tutsi under the common label Banyarwanda, which was merely a synonym for foreign intruders. However, developments in the region would deeply impact on the way that the Banyarwanda perceived themselves.

The Regionalization of Conflicts

From 1993-1994, local conflicts in eastern Congo actually became regionalized as a result of the turmoil in both Burundi and Rwanda. In 1993, the assassination of Burundi's first elected Hutu President, Melchior Ndadaye, on 21 October, triggered a first flow of Hutu refugees to South Kivu. As a result, the situation of the Banyamulenge worsened, since Burundian Hutu rebels intended to expel them in order to prepare for the settlement of Hutu newcomers. In this context, the sudden influx in 1994 in South and North Kivu of hundreds of thousands of (Hutu) refugees fleeing Rwanda and the eventual victory in Kigali of the (Tutsi-led) *Front Patriotique Rwandais* (FPR) had devastating effects. For many Zairean natives, this massive arrival was perceived as a proper invasion that would lead to the long-feared and prophesized establishment of a 'Hutuland' in eastern Congo. Moreover, these

⁴ While the name Banyamulenge initially designated long-established Tutsi residents of South Kivu distinct from the Tutsi of North Kivu and Tutsi refugees of the 1959-1962 Rwandan revolution, the term has been gradually used to designate all Tutsi living in North and South Kivu (Lemarchand, 2003: fn 24).

⁵ International Crisis Group (ICG), Africa Report N°56, *The Kivus: The Forgotten Crucible of the Congo Conflict*, 24 January 2003, p. 4. In 1993, Banyarwanda were said to represent around half of the 3.5 million in North Kivu, including 80 per cent Hutu and 20 per cent Tutsi (Lemarchand, 1997).

refugees included tens of thousands of Hutu extremists (the Interahamwe militias) and members of the *ex-Forces Armées Rwandaises* (FAR) who had just perpetrated genocide. This migration had crucial and long-lasting implications for the security of Congo and of the entire region.

Internally, the migration of these Hutu fanatics made things dramatically worse for Congolese Tutsi who became the new targets of the *génocidaires*, regardless of the fact that they were Congolese. The genocide in Rwanda and its aftermath therefore profoundly altered the perceptions among Banyarwanda themselves by creating a deep fracture between Congolese Hutu and Tutsi. As René Lemarchand puts it, ‘with the massive surge of Hutu refugees into the Goma area, followed in early 1996 by countless atrocities committed by Interahamwe against local Tutsi, collective identities quickly sorted themselves out into rival communities. Once allies and victims in their fight for Zairian citizenship, the [Banyarwanda] suddenly turned against each other with appalling ferocity’.⁶ Externally, the *génocidaires*, later known as the *Armée de Libération du Rwanda* (ALiR), continued to be active too. They recruited from North Kivu’s Hutu, retrained, rearmed and launched cross-border raids into Rwanda and Burundi from many of the dozen refugee camps installed in eastern Congo.

With extremist Hutu in eastern Congo attacking both Congolese Tutsi and Tutsi-led Rwanda, the stage was set for a Tutsi rebellion in Congo, eventually assisted by Rwanda. The trigger came in 1996 when South Kivu’s Governor in the Mobutu administration exhorted all Tutsi to leave the country or face retaliation. The Banyamulenge rebelled to protect themselves against Hutu extremists. Thus, even though their leader, Laurent-Désiré Kabila, was not one of these early Tutsi settlers but originated from Katanga, and while a growing number of Zaireans from various origins were brought into the armed forces of the Alliance as it rapidly advanced into the interior, Banyamulenge constituted the core of the rebellion. No wonder therefore that the AFDL was sponsored by Rwanda, without whose assistance Kabila’s campaign may not have succeeded.

The FPR was most likely willing to retaliate against Mobutu’s regime for the assistance given to the late Rwandan President Habyalimana in the early 1990s. But Rwanda’s decision to back Kabila’s rebellion and to intervene in former Zaire was motivated by much more pressing concerns. Kigali’s objective was to restore security on its western border by bringing to a halt incursions into Rwanda by genocidal Hutu Interahamwe militia and ex-FAR. Within weeks, AFDL rebels and Rwandan troops forcibly evacuated and destroyed the refugee camps set up in eastern Zaire, causing most of their residents to return to Rwanda, while a number of Hutu extremists and civilians were pursued to their deaths in the jungle.

The conflict ended with the fall of Kinshasa on 17 May 1997. Laurent-Désiré Kabila proclaimed himself President of the newly named ‘Democratic Republic of Congo’ (DRC) - a step that would soon turn him into a dictator - but Rwanda and Uganda had become the key players in the region. While this first ‘Congolese’ war had started upon the conclusion of an alliance between Kabila and Kigali, the second broke out in August 1998 as soon as this marriage of convenience broke down.

2. The Second ‘Congolese’ War: ‘Africa’s First World War’ (1998-)

After coming to power, L.-D. Kabila continued to rely on Rwanda’s military support and staff - his presidential guard, for instance, was composed of Rwandan nationals. His alliance with Kigali’s and Kampala’s leadership eventually began to crack because of these governments’ disappointment with

⁶ Lemarchand, 1997.

Kabila's inability or unwillingness to prevent renewed attacks by Rwandan and Ugandan rebels from the Congolese territory. Although curbed by Kigali, a new genocidal insurgency was indeed mounted by the ALiR from May 1997 to April 1998. Furthermore, Rwanda's ostensible support, as crucial as it was, became embarrassing and did little to improve the self-proclaimed President's lack of internal legitimacy, but rather made him appear as a stooge for Kigali's new strongman, Paul Kagame.⁷ In late July 1998, Kabila decided finally, and fatally, to free himself from this cumbersome supervision by demanding that all 'foreign' troops leave the DRC. This announcement, which was followed by the departure from Kinshasa of a few Rwandan soldiers, marked the opening of hostilities. Immediately after, on 2 August 1998, an armed rebellion led by the *Rassemblement Congolais pour la Démocratie* (RCD) began in the Kivus - once again - where it seized power in Goma before moving against the country's capital. Kabila (rightly) saw the invisible hand of Kigali in this rebellion and immediately accused Rwanda and Uganda of military invasion. The involvement of the two neighbouring countries soon became public knowledge and was finally acknowledged by the parties concerned. Others would follow, however.

Broadly speaking, the war in DRC initially opposed two sides, composed of the Kinshasa government, its Angolan, Namibian and Zimbabwean allies as well as various paramilitary forces on the one hand, and a divided set of rebel groups and their Rwandan and Ugandan sponsors on the other.

The DRC Government and its Allies

The RCD was within days of taking Kinshasa when the DRC's government, which had recently been admitted within the Southern African Development Community (SADC), appealed to other members for assistance. At the SADC summit hosted on 18 August 1998 by Zimbabwean President Robert Mugabe at Victoria Falls, diplomatic support was granted to the Congolese government in the name of state sovereignty and territorial integrity. However, only a few of the members present agreed to reply positively to Kabila's request for military assistance. These were the governments of Zimbabwe, Angola and Namibia, whose first troops were deployed shortly thereafter. While these countries claimed to fight in defence of the principle of state sovereignty, they obviously had other motives, ranging from security concerns to economic designs and political aspirations.

Besides the fact that he had supported Kabila since 1996 and that he probably underestimated the length of the conflict, *Zimbabwe's* President Robert Mugabe saw the opportunity to kill several birds with only one stone in the DRC's conflict.⁸ First, he aspired to assert his role within SADC and to be recognized as one of sub-Saharan Africa's foremost leaders, equal to Nelson Mandela or Yoweri Museveni. Second, while the country's economy and political system was, and still is, ailing, Mugabe aimed to use the military campaign in DRC as a means to rally public support. Third, such a campaign would also offer Mugabe's cronies and government officials renewed sources for personal enrichment, while such possibilities were tending to shrink in Zimbabwe proper. Hence, Zimbabwean defence

⁷ Lemarchand, 2003: 45.

⁸ On Zimbabwe's motives, see Taylor B. Seybolt, 'The war in the Democratic Republic of Congo', SIPRI *Yearbook 2001*, p. 67 and Addendum to the Report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth in the Democratic Republic of the Congo, S/2001/1072, 13 November 2001, par. 76.

forces (ZDF) soon reached the strength of 11,000 troops, deployed in the southern and western parts of the DRC.⁹

Angola's intervention in DRC was inspired by more strategic considerations. Its main objective was to deny the National Union for the Total Independence of Angola (UNITA) the use of supply routes and rear bases that the rebels enjoyed in Zaire under Mobutu. The Angolan government was also concerned by the threat posed by activism in the Cabinda province of the separatist FLEC movement. Although it proved vital for the survival of Kabila's regime, Angola's military involvement in the DRC remained fairly limited, with troops estimated at around 2,000. After clashing with Ugandan and MLC units in northern Equateur province in December 1998, Angolan forces withdrew from the front and remained active mainly on the country's border with the DRC.

Finally, Namibia had no vital or direct interest to defend in the DRC. It appears that the SWAPO government wished to honour an old friendship with its Angolan counterpart and that the Namibians also feared the potentially destabilizing action of UNITA in the Caprivi Strip where a secessionist movement was also developing. However, short of any strong motive, Namibia's involvement in Congo remained limited (1,600 to 2,000 troops in the north-western part of the DRC) and could not be expected to last for long.

Without the timely assistance of its allies, Kabila's regime would not have survived the retaliation campaign led by Rwanda. It was indeed by attacking Kagame's forces from the rear that Angolan troops, surging from the Cabinda enclave, prevented Kinshasa from falling into the hands of Kigali and saved Kabila from removal. From then on, the allies' intervention forced the RCD to pull its troops back in the east. In October 1998, the conflict escalated one more step when Chad (for no sound reason) and Sudan (mainly to oppose Uganda) intervened on Kinshasa's side. After capturing one-third of the country from August to October 1998, the rebels nonetheless seized control of half of the Congolese territory (east and north) at the end of 1999. Conversely the Kinshasa government, with its 50,000 poorly trained and equipped armed forces, has remained in control of the capital and the western and southern parts of the DRC. Kabila's heteroclite coalition proved unable, therefore, to push back the rebels durably, despite the fact that it also included non-state actors such as the Congolese Mayi-Mayi militias, the Rwandan Hutu *génocidaires* (Kigali's worst enemies) and Burundian rebels.

The Mayi-Mayi militias embody the Congolese resistance to foreign invasion in eastern DRC and have been as such consistently supplied by Kinshasa. Formed in 1996 in reaction to the prominent presence of foreign troops within Kabila's AFDL, they have considered the Rwandan Patriotic Army and RCD troops to be their principal enemies since August 1998. By extension, they have a clear anti-Banyarwanda agenda. This being said, the Mayi-Mayi are also known to be a highly fluid and fragmentary phenomenon.¹⁰

The number of Hutu Interahamwe and ex-FAR present on the DRC's territory has always been the source of great controversy, with estimations ranging from 5,000 to 40,000. Some 10,000 members reportedly joined Kabila's *Forces armées congolaises* in 1998. In addition, there is no doubt that the Kinshasa government, despite its long denial to the contrary, has been supplying these groups ever since the beginning of the second war.¹¹

⁹ All force estimations are drawn from ICG, Africa Report N°26, *Scramble for the Congo. Anatomy of an Ugly War*, 20 December 2000, p. 4.

¹⁰ See ICG, Africa Report N°56: 11 and Panel Report S/2001/1072, par. 131-133.

¹¹ Zimbabwe's 'special plan' indeed consisted of arming and supplying Mai-Mai and ALiR via airlifts from Kasai and Katanga (ICG, Africa Report N°56: 6).

The DRC's territory has also served as a rear base for rebel movements that are not fighting to seize power in Kinshasa but are fighting against the government of their country of origin. In addition to the Rwandan and Angolan groups mentioned above, it is worth noting the presence of Ugandan and Burundian rebel movements in the DRC.¹² While most of these groups are not directly parties to the DRC's conflict, some of them appear to act as proxies for the Kinshasa government. This is the case in particular for the Hutu Burundian rebels from the *Conseil National pour la Défense de la Démocratie - Forces pour la Défense de la Démocratie* (CNDD-FDD), whose launching of raids from their Congolese rear bases has led Burundian governmental forces to enter the DRC's territory and fight these rebels, in cooperation with the RCD and Rwandan army. In return, the FDD has been supplied with weapons by Kinshasa in exchange for the defence of Lubumbashi, and by the Zimbabwean armed forces, which need continuous military activity in the DRC to justify their presence.¹³ FDD units have thus acted as mercenaries to fight alongside Mayi-Mayi and ALiR, although no joint or coordinated command appears to have been set up between these groups.

The Rebels and their Foreign Sponsors

RCD(-Goma): The first rebel group to emerge in the Congolese territory, the *Rassemblement Congolais pour la Démocratie* came into being in August 1998 and included a diverse selection of Congolese with various ideological backgrounds, from ex-Mobutists to former AFDL fighters as well as Banyamulenge, all aiming to remove L.-D. Kabila from power. But beyond this composite membership, the RCD's trademark has been to remain, ever since its creation in and by Kigali, under the strict financial, political and military control of the Rwandan leadership and Rwandan Patriotic Army (RPA).¹⁴ To a large extent, this close supervision by Rwanda, added to the RCD's racketeering of the local population, prevented the rebel movement from ever becoming popular in the region under its control. It also contributed to the first split experienced by the movement in May 1999, when RCD leader Ernest Wamba dia Wamba, who had manifested his frustration with Kigali's control and command, was deposed and replaced by Rwanda's favourite Emile Ilunga. From then on, the RCD was named RCD-Goma, after the town where its headquarters were located. With a troop strength of 17-20,000, RCD-Goma took control of a large area within the south-east of the DRC, comprising the southern part of North Kivu, South Kivu, Maniema, North Katanga, Western Kasai and Kisangani.

RCD-K/ML: Founded by Wamba dia Wamba after his removal and later led by Mbusa Nyamwisi, this remnant from the RCD was first established in Kisangani (where it became known as RCD-K) but had to move again after the Uganda People's Defence Forces (UPDF) lost control of the town to the Rwandan Patriotic Army. Relocated in Bunia, near the border with Uganda, and renamed *RCD-Mouvement de libération*, RCD-K/ML operates in the north-east of the DRC, in particular the Ituri district of Orientale province and the northern part of North Kivu. With forces estimated at 2,500, this rebel group's main asset comes from the support provided by the Ugandan army. Through RCD-

¹² According to the Lusaka Ceasefire Agreement concluded in 1999, the following Ugandan rebel groups appear to have retreated in the DRC: the Allied Democratic Forces (ADF), the Lord's Resistance Army (LRA), the West Nile Bank Front (WNBFF), the Uganda National Rescue Front II (UNRF II), the National Army for the Liberation of Uganda (NALU), and the Former Ugandan National Army (FUNA).

¹³ Panel Report S/2001/1072, par. 136.

¹⁴ RCD units 'are just extensions of the Rwandan army with a different name' considered analysts from the International Crisis Group; see Africa Report 56: 10.

K/ML, Kampala has indeed actively been trying to weaken RCD-Goma, and hence Rwanda's grip, on eastern Congo.

MLC: A second rebel movement allied with Uganda, the *Mouvement de Libération Congolais* (MLC) emerged in 1998 and was attributed with 6,500 to 9,000 troops two years later. Led by Jean-Pierre Bemba, the son of a well-known businessman and former Mobutu associate, it operates in Equateur province in the north-west of Congo. MLC members have also fought in the neighboring Central African Republic.

Although they officially share the same goal - toppling Kabila - these rebel groups seem loosely coordinated and in fact appear more often to be rivals than allies. This can be ascribed to the fact that they occupy separate territories and are supported by different states, whose relations eventually deteriorated to the point of armed clashes. When they invaded Congo, Rwanda and Uganda had common concerns and objectives. Honoring a former alliance, both countries allegedly aimed to secure their western borders from incursions by genocidal forces/rebel groups based in eastern Congo.¹⁵ In addition, both allies most likely already intended to secure economic gains from natural resource exploitation and trade in eastern DRC. However, while the two armies were active in different regions - the Rwandan troops in the central and east, the Ugandan armed forces in the north-east and north-west - this second objective soon changed from a common concern to a source of contention.

Breakup within the Rebels' Side

While the war in the DRC initially opposed two relatively well-defined camps, the deteriorating relations between Rwanda and Uganda resulted in the fragmentation of the politico-military landscape and, by implication, the carving up of Congolese territory into three distinct entities under the respective control of Kinshasa, Kigali, and Kampala. The divorce between Rwanda and Uganda seemed first to be triggered by the factional split within the RCD, which led the ousted leader Wamba dia Wamba to shift allegiance to Uganda. However, the real purpose of the break appeared to be the control of Kisangani - where Wamba established his headquarters - and its diamond market, for which the former allies would fight three battles in 1999 and 2000, all won by the Rwandan forces.¹⁶ These hostilities not only led to reconfiguring the rebellion between Ugandan-controlled (RCD-K/ML, MLC) and Rwandan-backed (RCD-Goma) branches, but also exposed a key war objective pursued by the belligerents: the control and exploitation of the Congo's natural resources.

3. War: A Profitable Business

A few years ago, former UN Secretary-General Boutros Boutros-Ghali shocked the friends of Bosnia and other 'witnesses of the genocide' (after the book by Roy Gutman) by declaring the war being waged in Bosnia to be a 'rich man's war'. In doing so, he probably intended to emphasize the

¹⁵ Uganda enacted as well a protocol signed in April 1998 with the DRC, allowing two battalions from each country to pursue terrorists on the other's territory (Panel Report S/2001/1072, par. 95.)

¹⁶ On the split, see ICG, DRC Report N°5, *The Agreement on a Cease-fire in the Democratic Republic of Congo*, 20 August 1999, pp. 19-20 and Panel Report S/2001/357 of 12 April 2001, par. 88.

awkward reality that much more attention is granted to wars in the northern hemisphere than in the south. Although this assumption has, sadly, been verified again in the case of the DRC, the war in this country can by no means be labelled a 'poor man's war'. The DRC is indeed endowed with a unique biodiversity, rich soils suitable for all kinds of culture, and vast mineral and forest resources. Yet far from benefiting the Congolese population, these riches have for many years been the object of everyone's desire, and more recently been subjected to mass-scale exploitation by all belligerents, in particular by the foreign forces deployed on the DRC's territory. This exploitation has become a key factor in the continuation of the conflict, which has become exemplified as a war of profiteers, predators and godfathers.

Patterns and Structures of Resource Exploitation

The illegal exploitation of natural resources has occurred in two phases. At the outset of the war, it consisted of mass-scale looting of stockpiles of minerals, coffee, wood, livestock and money by the national armies of Rwanda and Uganda. According to the Panel of Experts appointed by the United Nations Security Council to examine this issue, the Rwandan and Ugandan governments were most likely aware of these lootings, which were 'encouraged, sometimes organized and coordinated, by the highest army commanders of both Rwanda and Uganda'.¹⁷ Later on, when the stockpiles proved exhausted, looting was replaced by what the Panel labeled as 'systematic and systemic exploitation'.¹⁸ Such activities have included extracting and exporting timber without authorization or certification, illegally exploiting mineral resources such as coltan, diamonds, copper, cobalt and gold, harvesting coffee without owning the plantations, poaching elephants, producing and using counterfeited Congolese francs, abusing trade and fiscal systems, and finally forcing children to work.

These practices are mainly ascribed to Rwanda, Uganda and Zimbabwe and their militaries on the ground. While the presence in Congo of these three neighbours appears directly linked to the exploitation of natural resources, the Panel of Experts has found no evidence of such a link in the case of Angola, Namibia and Burundi, whose involvement in the DRC seems less driven by commercial interests than by strategic concerns.¹⁹ In the regions placed under their control, the Rwandan and Ugandan leaderships have, on the contrary, facilitated exploitation by establishing 'reliable' administrative structures - that is, by appointing regional governors or local authorities or confirming 'loyal' Congolese nationals in these positions.²⁰ Over time, the exploitation has led, in each of the three separate areas controlled by the three foreign governments involved, to the constitution of 'elite networks', as termed by the Panel of Experts. Made up of a small core of political and military elites and businessmen - associated, in occupied areas, to selected rebel leaders and administrators - these networks enjoy full control over resource exploitation, diversion of taxes and other revenue-generating activities in their respective part of the country.²¹

Besides these common features, patterns and systems of exploitation differ from one area to the other. Highly centralized, the Rwandan elite network is managed by the Rwandan Patriotic Army's 'Congo desk' and is structured like a pyramid, at the top of which President Kagame himself is suspected to reign. Most of the companies present in the Rwandan-controlled area belong either to

¹⁷ Panel Report S/2001/357, par. 32, 43, and 45 (quotation).

¹⁸ *Ibid.*, par. 46.

¹⁹ Panel Report S/2001/1072, par. 83-90. However, Burundi has also exported minerals from the DRC.

²⁰ Panel Report S/2001/357, par. 71.

²¹ Panel Report S/2002/1146 of 16 October 2002, par. 21.

government officials or to individuals said to be very close to the inner circle of the Rwandan President. By contrast, the Ugandan network is allegedly decentralized and loosely hierarchical. While its operations are certainly well known by the political establishment in Kampala, senior army commanders and private businessmen, rather than government officials, are said to be the engines of exploitation. Finally, the elite network active in the DRC government-controlled area mixes a small number of around thirty Congolese and Zimbabwean businessmen, politicians and military officials, who have managed to seize control of the main natural resources and mining companies of the area without any compensation for the state's treasury.²² In all three cases, the national armies have acted, with the blessing of the countries' leaders, as the enforcement arm of their respective network, thereby transforming themselves from armies of protection into 'armies of business'. This transformation is both a cause and a consequence of the increasingly important role played by the exploitation of resources in this conflict.

The Link between the Continuation of the Conflict and the Exploitation of Resources

The existence of this link is first illustrated by warfare. Battles are mainly fought over access to and control of resource-endowed areas such as Kisangani and Mbuji-Maji, which are the two main Congolese diamond centers. While the quest for resources seems to be characterized by armed violence in the east as opposed to the west, this must be related to the higher number of incumbents within rebel-held than in government-controlled areas. In turn, the competition for resources has also caused armed groups to splinter, which can only exacerbate violence and rivalry.

Second, the link between conflict and resources derives from the fact that the exploitation of the latter provides the financial means for the continuation of the former, as demonstrated by the UN Panel. The experts have indeed found that as the military expenditures of the countries involved by far outweigh national budget allocations, the belligerents necessarily find additional financial resources to continue the war.²³ Strangely enough, while deprived of any known diamond production, Rwanda, Uganda, and Burundi have become diamond-exporting countries since 1997.²⁴ Such findings thus resulted in the undisputable conclusion that the exploitation of Congolese natural resources provided the belligerents with the financial means needed to wage the war. Hence, President Kagame himself described the conflict as 'a self-financing war'.²⁵ According to the Panel, the RPA has actually financed its war in the DRC in five ways: by directly running commercial activities; profiting from shares held in some companies; receiving direct payments from RCD-Goma; collecting taxes and other payments made by individuals relying on the RPA for their business; and finally by allowing its soldiers to plunder directly from the land.²⁶ To give an example, the Panel estimates that in the period during which demand for coltan increased the Rwandan army could have made US\$ 20 million per month simply by selling this product. In short, resource exploitation in the DRC proved to be a very profitable business, whose revenues were substantial enough to finance the war. The Rwandan government did not even need to draw from the state's coffers, even less so as the revenues from Congo were channeled through an extra budgetary system. Unlike its 'brother enemy', Uganda used

²² *Ibid.*, par. 22, 25 and 36.

²³ Panel Report S/2001/357, par. 109.

²⁴ *Ibid.*, par. 98, 104, 105.

²⁵ Quoted in Panel Report S/2001/357, par.114.

²⁶ S/2001/357, par. 126.

its regular budget to finance the war, but re-exporting the resources exploited in Congo proved to be extremely lucrative - at least to the handful of profiteers involved.²⁷

Such individuals do not, however, belong to the rebel side only. Much like their official enemies, the DRC's government and Zimbabwe relied on minerals and mining industries to finance their operations, with the former attributing concessions - notably in the Kasai region - to the latter as barter payment for military support.²⁸ Ironically enough, Zimbabwe's overall defense budget even *decreased* at the very moment when the Zimbabwean Defence Forces (ZDF) were engaged in the DRC. It should be noted that in President Mugabe's view, these activities are nothing but legitimate commercial ties with a neighbouring country, which has received assistance under the SADC Treaty's collective security provisions. In the same vein, the Zimbabwean government has tried to sell these ventures to its citizens in order to justify involvement in the war, but the positive impact on the economy of such 'commercial activities' is hardly felt by the Zimbabwean as well as the Congolese population.²⁹ What seems undeniable, however, is the considerable influence gained over time by the Zimbabwean military over the Congolese government: the ZDF indeed keeps the rich and secessionist-prone Kasai and Katanga provinces under control, provides protection to the DRC's President, and assures the loyalty of some Congolese officials by incorporating them into the joint ventures.³⁰ Zimbabwe has thus become fully part of the Congolese Gordian knot.

Conclusion: The Congolese Gordian Knot

It remains an open question as to whether the exploitation of natural resources is a by-product or the primary motive of war in the DRC, and by extension whether this war was mainly driven by the prospects of making huge profits (greed) or by real security concerns (fear). For its part, the UN Panel of Experts outspokenly opted for the first option, asserting that the exploitation of Congolese resources was the main motive and hidden agenda of senior UPDF officers for entering the war, and claiming 'extensive evidence' that the RPA's military presence in the DRC did not aim to protect Rwanda against hostile groups but to 'secure property'.³¹ In support of this opinion, it may be emphasized that Congo's natural and human resources have always been systematically abused, regardless of the governing authority within and outside its borders. In the present situation, the plundering did not start with the second war, but with the first one, when Laurent-Désiré Kabila, then allied to Kigali and Kampala, signed contracts with a number of foreign companies to exploit concessions that he did not own.³² It is therefore hard to believe that Congo's neighbours 'discovered' only afterwards that Congo was so generously resource-endowed. Other analysts nonetheless consider that the scramble for

²⁷ *Ibid.*, par. 135-142.

²⁸ Panel Report S/2001/357, par. 156-170.

²⁹ Panel Report S/2001/1072, par. 80.

³⁰ *Ibid.*, par. 82.

³¹ Panel Report S/2002/1146, par. 69. This conclusion is all the more remarkable given that in its previous reports, the Panel somewhat nuanced this position by explaining that business had gradually superseded security: while the initial motivation of foreign countries to invade Congo was primarily politically and security-related, over a period of time, extracting the maximum commercial and material benefits has become the primary motive of maintaining troops (S/2001/1072, par. 148).

³² Panel Report S/2001/357, par. 207.

Congo's natural resources is only one of the many elements that fuelled the conflict, and should rather be deemed a consequence than a cause.³³

Whatever the case, whether resource exploitation was a primary or secondary motive, this economic dimension has undeniably added to the intractability of the conflict. First, by increasing the stakes and the number of stakeholders involved - from the Congolese farmer forced to mine coltan to corporate companies based in Western countries - the exploitation of resources has made an already complex conflict even more intricate. Second, the war economy circle has proved to be very vicious, hence self-sustaining: resources permit the armed forces to sustain themselves, while armed forces provide the environment to exploit resources. Third, rebel groups became directly involved in this exploitation, which has enabled them to acquire growing autonomy while exacerbating competition within and between them.³⁴ As a result, efforts at peace-making are jeopardized by further fragmentation of the Congolese political scene. Fourth, it is all too obvious that these business opportunities offer all the belligerents a strong incentive to continue the conflict. While the exploitation of resources not only provides the means to finance the war, but also proves profitable to the economies of Rwanda and Uganda, how could these two countries be induced to pull out their troops? The remark does not apply to the sole 'uninvited' forces, but also to the 'invited' ZDF and to Congolese nationals within Kinshasa governmental circles. Zimbabwean officials, military and businessmen have indeed found opportunities for personal enrichment in the DRC that their own country, as President Mugabe undoubtedly appreciates, no longer offers. By the same token, the war has granted a useful cover for some influential Congolese officials, who have continued to profit illicitly from it and who have no interest in the greater transparency and accountability that peace may bring. In that respect, the DRC's government has acted with much ambiguity by allowing foreign companies, with which some ministers have remained in direct, and profitable, contact, to operate in rebel-held areas.³⁵

Because of its lucrative nature, the conflict has created a 'win-win' situation for all belligerents, who therefore share a common interest in its continuation.³⁶ While respecting the ceasefire line agreed in 1999 in Lusaka, foreign forces and governments have since then fuelled purposely low-intensity conflict by supplying armed groups in order to justify the maintenance of their troops for security reasons. A kind of *entente cordiale* thus appeared to exist between officially opposed Zimbabwe and Rwanda, according to which armed activity promoted by the former offers justification for the latter to maintain its troops, which in turn is used as a pretext by Zimbabwe to retain its own.³⁷ This tacit agreement not only speaks volumes on the hypocrisy, bad faith, and duplicity of the belligerents (all features not known to facilitate the resolution of any conflict), but also illustrates how interrelated the key issues of the conflict in the DRC are (withdrawal of foreign forces, neutralization of armed groups, resource exploitation, power-sharing). The Congolese Gordian knot therefore seemed impossible to solve, as it comprised several issues, each of which was thorny, and whose combination appeared only bound to fuel continuation of the conflict. By extension, it could hardly reveal a fertile ground for peace efforts to succeed.

³³ See, for example, Koen Vlassenroot and Hans Romkema, 'The Emergence of a New World Order? Resources and War in Eastern Congo', *Journal of Humanitarian Assistance*, <http://www.jha.ac/articles/a111.htm>, posted on 28 October 2002.

³⁴ Panel Report S/2001/357, par. 147.

³⁵ Panel Report S/2001/1072, par. 60 and 150.

³⁶ Panel Report S/2001/357, par. 218.

³⁷ Panel Report S/2001/1072, par. 58.

2 The Lusaka (Stalled) Peace Process (1999-2002)

The first year of the conflict was marked by a number of peace initiatives - the very first of which was launched just six days after war broke out - that nevertheless failed to produce significant results.³⁸ These failures resulted from three main causes: first, the rebel groups were not directly involved in the talks; second, the Rwandan regime was long (three months) in recognizing the presence of its troops in the DRC; and third, L.-D. Kabila was inflexible in his refusal to negotiate before the withdrawal of the 'aggressors'. In addition, it should be remembered that SADC was profoundly divided over this issue. It was during its first regional summit on the DRC conflict held on 8 August 1998 at Victoria Falls that Zimbabwe, then chairing SADC's political, defence and security organ, put forward Kabila's request for military assistance, which was supported by Angola and Namibia but declined by the other present members.³⁹ Nelson Mandela therefore took everyone by surprise, but convinced no one, when he declared a few weeks later at the Non-Aligned Movement's summit held in South Africa that SADC had unanimously supported military intervention in the DRC. Although the move was intended to lessen tension with President Mugabe, it was neither enough to restore unity within the Community nor to repudiate accusations of South Africa's partiality for the rebels and their backers. As it is often the case when resorting to (sub-)regional organizations, the neighbouring countries could hardly bring about a solution since they were part of the problem. However, despite punctual initiatives by France (during the November 1998 Francophone summit held in Paris), the Organization of African Unity (OAU, under the chairmanship of President Blaise Campaore of Burkina Faso), the UN Secretary-General (who appointed former Senegalese Foreign Minister Mustafa Niasse as his Special Envoy for the DRC), and Libya (President Qadaffi aspiring, like many others, to be considered as an African peacemaker), during this first year diplomatic initiatives were largely kept by the region. A leading role was played in particular by President Chiluba of Zambia, who was mandated at the SADC summit meeting in September 1998 in Mauritius to broker a ceasefire between the state belligerents. Over time, the idea of such a ceasefire took shape - the first document of this kind was also presented in September 1998 - as well as other requirements for ending the conflict in the DRC. At the mini-summit held in Pretoria on 17 June 1998, Thabo Mbeki, the newly elected President of South Africa, put forward key proposals such as the need for direct talks among the parties, the cessation of hostilities pending an inter-Congolese political arrangement, and the withdrawal of foreign forces after the deployment of a peacekeeping operation, which were to be agreed upon and enshrined less than one month later in the Lusaka ceasefire agreement.

³⁸ For a catalogue of no less than 23 peace initiatives from August 1998 until June 1999, see ICG, DRC Report N°5, annexe A.

³⁹ SADC's founding member states were: Angola, Botswana, Lesotho, Malawi, Mozambique, Namibia, Swaziland, Tanzania, Zambia and Zimbabwe. South Africa, the DRC, Mauritius and Seychelles subsequently joined the organization. In view of the developments that followed this summit, it is questionable whether it should really be counted among the peace initiatives.

1. The 1999 Lusaka Ceasefire Agreement : Provisions and Mechanisms

The Lusaka ceasefire agreement was signed by the Heads of State of the Democratic Republic of Congo, Namibia, Rwanda, Uganda and Zimbabwe and the Minister of Defence of Angola on 10 July 1999, by Ugandan-backed MLC on 1 August 1999, and by 50 people representing both factions of the RCD on 31 August.⁴⁰ This (first) epilogue in the DRC's conflict history can best be explained by three factors. First, the agreement resulted from a year-long international pressure on the belligerents, which proved especially needed to secure the signing by the RCD's rebels, whose internal rivalries had crystallized with the prospects of a ceasefire.⁴¹ Second, the accord was brokered at a time when the military situation had reached stalemate: the invading forces no longer hoped to topple Kabila, while the DRC's President had failed to push them out of Congo. Lastly, all the signatories could draw political benefits from certain (differing) provisions of the peace accord. Whether Rwanda and Uganda, which gained acknowledgement of the security threats that they claimed had triggered their intervention, or the DRC, which had it confirmed that the invading forces nevertheless had an obligation to withdraw, the belligerent states secured a regional commitment to deal with their national security. As far as the rebels were concerned, they obtained international recognition and an agreement that weakened Kabila by granting them equal status in the forthcoming political negotiations.⁴²

Ambitious Provisions and Unrealistic Timetable

The agreement stipulated that all air, land and sea attacks were to cease within 24 hours of the signing and that the forces would disengage and redeploy immediately after. Inter-Congolese negotiations involving the DRC's government, the armed opposition (the RCD and MLC) as well as the political (unarmed) opposition would then be held and would lead, within 90 days of the signing, to 'a new political dispensation and national reconciliation in the DRC'. In the meantime, the United Nations would have deployed a peacekeeping mission mandated, among other tasks, to contribute to the disarming of armed groups in the DRC. The attainment of this objective would pave the way for the orderly withdrawal of all foreign forces, the re-establishment of state administration throughout the Congolese territory and the implementation of measures to normalize the security situation along the international borders. The conflict in the DRC, including each of the thorny issues of which it was made, was thus expected to be resolved in this way in 360 days. Needless to say, the implementation differed somewhat from this highly optimistic programme. A key issue in that respect, as in any peace implementation process, relates to the kind of mechanisms set up to enforce the agreement. The Lusaka agreement foresaw a double system to that effect, consisting of a joint military commission (JMC) on the one hand, and a peace-support operation led by the United Nations on the other.

The Joint Military Commission: The Belligerents made Improbable Peacekeepers

The JMC was to be composed of two representatives from each party and placed under a neutral chairman appointed by the OAU.⁴³ Answerable to a political committee composed of the Ministers of Foreign Affairs and Defence of the parties, the Commission was granted a significant mandate, tasking

⁴⁰ The Lusaka ceasefire agreement is available online at http://www.usip.org/library/pa/drc/drc_07101999.html.

⁴¹ Seybolt, *op.cit.*, p. 70.

⁴² For further details, see ICG, DRC Report N°5: 4-17.

⁴³ Lusaka Agreement : Article III. 11b) and chapter 7.

it with: monitoring the ceasefire and investigating potential violations; assisting in and verifying the disengagement of military forces; working out mechanisms for and verifying the disarmament of armed groups; and, finally, monitoring and verifying the withdrawal of foreign forces. In short, the JMC was made the key verification body of the implementation process - that is, the belligerents were both parties and judges. Although the Commission was expected to be assisted by UN peacekeepers in fulfilling its mandate, it was responsible for peacekeeping operations (together with the OAU) pending the deployment of this force and would anyhow remain the main decision-making body. In fact, as nicely summarized by the International Crisis Group, the belligerents were made peacekeepers - an idea elaborated after a proposal by South Africa to set up a peacekeeping force from the warring parties themselves.⁴⁴ Such a system - all the more so when decisions should be made by consensus, as within the JMC - requires a good deal of trust, good faith and commitment from the parties involved, but risks failure if these conditions are not met, as the DRC showed. In addition to these political constraints, the functioning of the JMC proved hampered by significant operational and organizational difficulties. The Commission experienced chronic shortages of resources, which first delayed the deployment of the OAU observers that it was to rely upon and eventually prevented their replacement. Furthermore, because of security reasons and the rebels' reluctance to move to the capital, the JMC could not be relocated from Lusaka to Kinshasa. Finally, the Commission was left without a full-time chairman for no less than nine months. Thus, despite UN assistance (and the two draft plans for withdrawal and disarmament, demobilization and reintegration (DDR) that the Commission actually worked out) the JMC could hardly play the leading and peacekeeping role expected from it in the Lusaka agreement. Neither, however, could the UN mission.

MONUC: The Peacekeepers made Hostages of the Belligerents

The Lusaka ceasefire agreement requested the United Nations to set up an operation in the DRC that was meant to ensure, in collaboration with the JMC, the implementation of its provisions. Chapter 8 of the agreement designed a rather exhaustive and ambitious mandate for this force, which should not only perform peacekeeping functions (that is, monitoring the ceasefire, investigating violations, and supervising the disengagement, redeployment and withdrawal of foreign forces) but also undertake peace enforcement operations with regard notably to the disarmament of armed groups. Although the agreement did not spell out how the UN force might 'track down and disarm' these combatants - as stipulated by the accord, the UN should work out such modalities 'as appropriate' - it requested it to be mandated under Chapter VII of the UN Charter, meaning that the peacekeepers should be allowed to resort to coercive means in executing their tasks.

Far from such an ambitious concept of operations, the United Nations responded to the Lusaka request with a much more cautious approach, justified by the adverse conditions within which the peacekeepers would have to operate. As UN Secretary-General Kofi Annan emphasized, 'the huge size of the country, the degradation of its infrastructure, the intensity of its climate, the intractable nature of some aspects of the conflict, the number of parties, the high levels of mutual suspicion, the large population displacements, the ready availability of small arms, the general climate of impunity and the substitution of armed force for the rule of law in much of the territory combine to make the Democratic Republic of the Congo a highly complex environment for peacekeeping'.⁴⁵ Although he

⁴⁴ ICG, Africa Report N°26: 70.

⁴⁵ Report of the UN Secretary-General on the DRC/MONUC (hereafter UNSG Report), S/1999/790, par. 15.

warned that in the light of these basics the mission would have to be large and expensive, Kofi Annan recommended a gradual deployment in three phases: as a first step, 90 military liaison officers would be dispatched to the national capitals of the region and to the rear military headquarters of the belligerents to ‘test the water’ and prepare the ground for further deployment; second, 500 military observers would take positions on the field in order to perform ‘traditional’ peacekeeping functions; and it was only in the third stage that a full-fledged peacekeeping operation, intended to assist the parties in implementing the Lusaka agreement and protecting UN personnel, would be set up.⁴⁶

The logic underlying this concept of operations was that the UN’s presence would expand as the conditions in the field, as assessed by the Secretary-General, allowed. This concept therefore entailed two significant implications. First, it meant that the UN’s presence would not improve the security situation, but rather the other way round: the security conditions would determine the UN’s presence - whose added value therefore appears questionable. Second, and by extension, this gradual approach ensured that the UN deployment would be a laborious process. While the United Nations Security Council approved the first phase of operations on 6 August 1999 (Resolution 1258), by January 2000 only 28 of the 90 military officers had been deployed in eight areas within the DRC. On 30 November 1999, the Security Council authorized the deployment of 500 military observers that would mark the entry into phase II of ‘MONUC’ - as it was then decided that the mission be named.⁴⁷ However, the expected deployment was hampered for months by President Kabila’s obstruction of the operation, the lack of security guarantees, and serious logistical constraints. The latter factor led the Secretary-General to request a considerable expansion of the mission to 5,537 military observers and peacekeepers. Indeed, even with the (lacking) willingness of the parties, the persistent insecurity, difficult terrain and degraded infrastructure required units of soldiers to assist in the deployment of military observers.⁴⁸ In fact, as Kofi Annan later remarked, ‘MONUC arguably poses the greatest logistics challenge in the history of United Nations peacekeeping operations’.⁴⁹ The Security Council therefore authorized the required expansion in Resolution 1291 of 24 February 2000. This logistical reinforcement should not, however, lead to misreading MONUC’s nature, which essentially remained an observation mission mandated in particular to: *i*) monitor the implementation of the ceasefire and investigate violations; *ii*) establish and maintain liaison with the belligerents; *iii*) develop an action plan for the overall implementation of the ceasefire agreement; and *iv*) supervise and verify the disengagement and redeployment of the parties’ forces.⁵⁰

As specified by the Secretary-General, the military units were needed for logistical purposes as well as to grant a minimum of protection to the UN observers, but would by no means serve as an interposition force among the belligerents, or as an extraction force for observers caught between fires, or as a protection force for civilians under threat.⁵¹ In that respect, MONUC was never equipped, trained or configured to ‘protect civilians under imminent threat of physical violence’, as decided with thoughtlessness in Resolution 1291.⁵² In this text, as well as in Resolutions 1304, 1341 and 1335, the

⁴⁶ UNSG Report S/1999/1116, par. 45.

⁴⁷ United Nations Security Council (UNSC) Resolution 1279 (1999). MONUC stands for the French acronym *Mission de l’Organisation des Nations Unies en République Démocratique du Congo*.

⁴⁸ For a telling description of the logistical situation, see UNSG Report S/2000/30, par. 56-59.

⁴⁹ UNSG Report S/2002/169, par. 53.

⁵⁰ UNSC Resolution 1291 (2000), par. 7.

⁵¹ UNSG Report S/2000/30, par. 65-66 and 73.

⁵² UNSC Resolution 1291 (2000), par. 8. The UN Secretary-General did not conceal his fear that such a decision would raise public expectations that MONUC would not be able to fulfil. UNSG Report S/2002/621, par. 71.

Security Council paid lip-service to Chapter VII in two different ways: by entitling MONUC to resort to coercion in specific circumstances without granting it the means to do so; by referring to ‘possible measures’ to compel compliance with the Lusaka agreement, which would however never materialize for lack of agreement among its members. In all cases, and while creating - purposely? - some confusion around the true competencies of MONUC, the Security Council failed to follow up on the Lusaka ceasefire agreement’s request for a peace-enforcement mission tasked, *inter alia*, with disarming the armed groups. How should this gap be explained? In fact, MONUC’s timorous mandate and concept of operations were designed by the United States and US policy-makers within the UN Secretariat, who drew inspiration for making peace in Africa from their harmful experience in Somalia in 1993 - even so, the sending of US marines to Congo was not even considered.⁵³ Hence the decision to ‘wait and see’ how the situation developed on the ground before sending troops into a new quagmire, and hence the profound reluctance to launch peacekeepers into another perilous manhunt. Although the reservations inspired by the Lusaka peace-enforcement provisions are quite understandable, the question arises as to whether the highly limited mandate and means granted to MONUC were not as inappropriate in the DRC’s context. As a result, the peacekeepers were not given a chance to restore peace in Congo, but were fully subjugated to the developments and actors in the field. In fact, while in Lusaka the belligerents were made improbable peacekeepers, in New York the peacekeepers were made hostages of the belligerents.

2. The Failed Implementation of Lusaka

The first eighteen months following the signing of the Lusaka ceasefire agreement proved highly complicated for MONUC, which not only had to cope with adverse security conditions (for instance, in June 2000 in Kisangani, unarmed observers were caught between Rwandan and Ugandan fire), but also faced restrictions from all the belligerents on its freedom of movement. While a different distribution of roles could have been desired, it even happened that rebel forces (in this case, from the MLC) threatened to shoot down UN aircraft for not complying with their air traffic restrictions...⁵⁴ Overall, however, it is the DRC’s government that showed the most hostility towards MONUC.

One Kabila Can Hide Another One

Despite the signing of an agreement over the status of UN forces, the Congolese authorities made life (and work) impossible for the peacekeepers by imposing, for instance, difficulties involving flight clearance, direct and indirect taxes, built-in fuel charges and a highly unfavourable exchange rate. The UN’s presence in Congo was also targeted by an inflammatory propaganda campaign conducted in the Kinshasa media with the blessing of the government.⁵⁵ President Kabila had many grievances against the UN (whose forceful intervention in Congo in the 1960s have not necessarily left good memories). Claiming that his country was being invaded, the Congolese leader criticized the UN peacekeepers for failing to protect the DRC against the ‘aggressors’. In his view, MONUC had no grounds for deploying to government-controlled territory, but should serve as an interposition force and deploy

⁵³ On the US role in drafting MONUC’s mandate, see ICG Africa report N°26: 74-75.

⁵⁴ UNSG Report S/2000/888, par. 41.

⁵⁵ *Ibid.*, par. 42, 43, 46 and 51.

exclusively to rebel-controlled areas in order to accompany foreign armed forces back to the border.⁵⁶ The Congolese President was even more assertive after the UN Security Council enacted Resolution 1304, accusing Rwanda and Uganda of having violated the sovereignty and territorial integrity of the Democratic Republic of Congo and demanding that they withdraw their forces immediately.⁵⁷ Elaborating on this Resolution (instigated by the French government), Kabila went as far as questioning the validity and seeking revision of the Lusaka ceasefire agreement, on which MONUC's presence in the DRC was based.⁵⁸

The lack of cooperation from the main belligerents therefore hampered MONUC's deployment for months, which by implication proved unable to fulfil its mandate. MONUC's military personnel stagnated at approximately 250 observers who were prevented from deploying in areas of confrontation and were therefore not in a position to investigate violations of the ceasefire. Ironically, the only means that MONUC had at its disposal to pressurize the signatories was to 'threaten' them with its own withdrawal.⁵⁹ This attitude nevertheless appears to have then triggered an intense diplomatic activity from the leaders of the region, who managed to persuade L.-D. Kabila to adopt a more positive attitude towards the UN.⁶⁰ However, the real impetus to the stalled peace process was to be given by a child soldier assigned to the security of President Kabila, who assassinated him on 16 January 2001. The following day, L.-D. Kabila's son, Joseph Kabila, was entrusted with the powers and responsibilities of Head of State and Commander-in-Chief of the *Forces armées congolaises* by a joint meeting of ministers and senior military officers. Contrary to his father, he immediately made positive overtures to the international community. It was only then that the ceasefire began to become a reality - at least on the main front line - and that MONUC could accomplish phase II of its deployment.

Kampala and Harare (sub-)Plans: Disengagement Without Withdrawal

While the Lusaka ceasefire was repeatedly violated by all parties in 2000, these confrontations did not fundamentally alter the military balance. The military status quo facilitated the adoption by the main belligerents of a disengagement plan on 8 April 2000 in Kampala, as foreseen in the Lusaka agreement and requested by the UN Security Council in Resolution 1291. Drawn up by MONUC and slightly amended by the JMC and the political committee, the plan called for the withdrawal of all forces to a distance of 15 kilometres from the confrontation line and the creation of a 30-kilometre-wide zone of disengagement. This plan, however, required that the parties be freed from mutual suspicions, such as that redeployment might not be reciprocal or might be used as an opportunity by the enemy to gain territory. In this case, effective implementation was finally hampered by renewed outbreaks of fighting and the decision by the DRC's government to suspend all deliberations on the subject.⁶¹

The parties nonetheless revisited the Kampala plan in Harare on 6 December 2000 and agreed to a new concept for withdrawal. The Harare sub-plan designed a three-step process according to which

⁵⁶ *Ibid.*, par. 15 and 47-48.

⁵⁷ UNSC Resolution 1304 (2000), par. 4.

⁵⁸ UNSG Report S/2000/888, par. 78.

⁵⁹ This threat was implicit in the recommendation by the UN Secretary-General, endorsed by the Security Council in Resolution 1323 (2000) to extend the mandate of MONUC for a period of two months only. UNSG Report S/2000/888, par. 82-85.

⁶⁰ Details on this activity can be found in UNSG Report S/2000/1156, par. 5-15.

⁶¹ UNSG Report S/2000/888, par. 75.

all parties would disengage to New Defensive Positions, from which all foreign forces would withdraw to assembly areas before finally returning to their respective countries. At the time, it was estimated that there were approximately 20,000 RPA and 10,000 UPDF troops, as well as 12,000 Zimbabwean, 7,000 Angolan and 2,000 Namibian soldiers in the DRC.⁶² Although the timeframe specified in Harare proved unrealistic, the sub-plan was this time put into effect, at least as far as the disengagement provisions were concerned. This positive development may be ascribed to two main factors. First, Kabila Jr perceived a clear interest in cooperating with the international community as a means to compensate for his lack of internal legitimacy on the one hand, and to shift responsibilities onto the DRC's neighbours on the other. Conversely, the 'uninvited forces' had realized that they had not much to gain from direct confrontation but international criticism, which would no doubt increase should they stick to their military positions. In that respect, they probably duly took note of Resolution 1341 of 22 February 2001, by which the UN Security Council demanded that the parties implemented fully and without reservation the plans for disengagement and redeployment. The release in April 2001 of the first report of the Panel of Experts on the illegal exploitation of natural resources in the DRC, which severely blamed Rwanda and Uganda for the plundering of Congo's riches, is also likely to have impacted on the decision of these two countries to lay themselves less open to criticism. In October 2001, the disengagement and redeployment of forces was considered completed. Benefiting from much improved security conditions and better cooperation of the parties, MONUC could finally deploy up to 2,500 military personnel, including almost 500 liaison officers and military observers who played a significant role in the process by verifying the relocation of the forces to all the 96 new defensive positions specified in Harare. As a consequence, MONUC could consider entering phase III of its deployment (as authorized by UN Security Council Resolution 1376 of 9 November 2001), which would entail three major tasks for the peacekeeping force: the withdrawal of foreign forces; the disarmament of the armed groups; and the restoration of border security.

Despite the fact that most forces had disengaged from the confrontation line, this set of issues remained as challenging as before. Indeed, the foreign forces agreed to redeploy, but they were not yet willing to withdraw from the DRC's territory without, they would argue, firm security guarantees concerning cross-border raids by rebel groups. Although hostilities have ceased since 2001 on the main front line, fighting has continued, if not intensified in eastern Congo, most of which was attributed to the non-state actors. Compared to the state actors, the rebels proved indeed less cooperative, in particular the MLC, which was reluctant to disengage in Equateur province, and the RCD-Goma, which refused to withdraw from Kisangani. It would be tempting to draw the conclusion that state actors are more disciplined than non-state actors, if only the former were not supported and instrumentalized by the latter. It is therefore more appropriate to stress the duplicity of the belligerents, in particular the foreign forces, which used the continuous fighting that they deliberately fuelled as a pretext for postponing their withdrawal.⁶³ Only Namibia implemented the Kampala and Harare plans in full by pulling its troops out from the DRC by the end of August 2001.⁶⁴

⁶² UNSG Report S/2001/128, par. 34-35.

⁶³ As explained above, this strategy can be ascribed to the two sides (Rwanda and Zimbabwe), between which a kind of *entente cordiale* seemed to prevail.

⁶⁴ The Angolan forces are a different case, in that they are the only forces whose country is contiguous with the DRC and have traditionally moved freely across the border. See Jackie Cilliers and Mark Malan, *Peacekeeping in the DRC. MONUC and the Road to Peace*. ISS Monograph Series N°66, October 2001, p. 46.

This said, the prospects of a sudden withdrawal also raised concerns, expressed by the UN Secretary-General, that a security vacuum may ensue, whose main victims would, as usual, be the civilians.⁶⁵ In view of the role played, for instance, by the UPDF in fuelling conflict in Ituri, such an argument portraying Ugandan troops as useful peacekeepers could sound fairly awkward. Developments in Ituri in 2003 after the withdrawal of the Ugandan army, however, proved that the UN Secretary-General's fears were not groundless.⁶⁶ In the same vein, Kofi Annan was too much aware of the fact that 'hatred and violence is of a genocidal character' in South Kivu not to consider with anxiety the potential withdrawal of the RPA.⁶⁷ The issue of the withdrawal of foreign forces therefore raised a serious dilemma: while the restoration of peace and a legitimate national authority would not occur as long as foreign troops remained deployed on the DRC's territory, further violence and insecurity could follow their potential repatriation. Disarming the armed groups appeared to be the only key to solving this dilemma, since it would alleviate the security concerns of Congo's neighbours (at least, it would deprive them from this argument) while preventing further attacks on the civilian population. To a large extent, the various dimensions of the DRC's conflict thus boiled down to the issue of disarming the armed groups. From being a key entry point to solve the conflict, however, this issue was also the main impediment.

DDR: Looking for Volunteers

'The problem of armed groups is particularly difficult and sensitive. It lies at the core of the conflict in the subregion and undermines the security of all the states concerned. Unless it is resolved, no lasting peace can come'.⁶⁸ Everything about the salience of this issue was said in this statement from the UN's Secretary-General drawn from his very first report on the DRC. The trouble is that appropriate modalities to solve this problem have never been designed or agreed upon since then, in particular between the belligerents and the United Nations. As mentioned above, Chapter 8 of the Lusaka ceasefire agreement foresaw the deployment of a UN peace-enforcement force, tasked with tracking down and disarming the armed groups. According to the provisions, the peacekeepers would also screen the disarmed fighters for mass killers, perpetrators of crimes against humanity and other war criminals, and would hand over the suspected *génocidaires* to the International Criminal Tribunal for Rwanda while repatriating the others. The agreement did not spell out how such a mandate could in practice be fulfilled, but invited the UN's planners to find out by themselves. In fact, as could be inferred, these provisions were brought in by the Rwandan leadership, who not only wanted this crucial problem to be fully recognized and adequately addressed in the agreement for its own security, but also had not forgiven the UN and the wider international community for their passive reaction to the 1994 genocide. President Kagame was thus keen to play on the guilty feeling of the United Nations, although he did not expect either its members or the UN Secretariat to take up the challenge.⁶⁹ And he was right.

Whether through the voice of the Secretary-General or the Security Council, the UN has constantly discarded the option of resorting to force to disarm the armed groups. There is no military solution to this problem, stated Kofi Annan repeatedly, as shown by the very failure of the Rwandan

⁶⁵ UNSG Report S/2001/373, par. 98-100

⁶⁶ See below, Section III.

⁶⁷ UNSG Report, S/2001/373, par. 78.

⁶⁸ UNSG Report S/1999/790, par. 21.

⁶⁹ ICG Africa Report N°26: 72.

Patriotic Army to defeat the *génocidaires*.⁷⁰ How indeed could blue helmets succeed where the more motivated, better-equipped, well-trained and well-informed Rwandan troops have not? In addition, in the unlikely case of the UN Security Council following up on the Lusaka recommendations, which member states would agree to contribute troops to fight in the jungles the 1994 genocide perpetrators? 'The risks of dealing with the armed groups cannot be overestimated' stressed the UN's Secretary-General, who recalled that some of these extremists did not hesitate to assassinate ten Belgian peacekeepers in 1994 in Rwanda.⁷¹ As a result, the armed groups - sometimes tellingly labelled 'negative forces' - 'must be considered extremely dangerous' and expected to fight until the last man. The problem seemed no less acute concerning the other armed groups listed in the ceasefire agreement that did not commit the 1994 genocide. While little was known about their whereabouts, leadership, command structure and number, these rebels were likely to escape, or resist, any attempt to arrest them. Eastern Congo's vastness and exit routes to neighbouring countries should be borne in mind in this respect. In short, forced disarmament appeared a highly hazardous, if not suicidal, option.

Instead, the Secretary-General outlined what would be the UN strategy to tackle this issue: 'a well-funded, well-planned and long-term programme for the disarmament, demobilization and reintegration into society of former combatants'. The main feature of this DDR programme - later renamed DDRRR as some of the fighters would have to be Repatriated to their country of origin or Resettled in a third country - was its voluntary nature. The combatants would surrender willingly and be induced to do so thanks to the wide publicity given to the benefits of the programme (the peace dividends) and the measures taken by the countries of origin to facilitate repatriation (in particular the granting of amnesty).⁷² MONUC-run Radio Okapi would provide the channel for persuading the rebels to surrender. In addition, MONUC would contribute to establishing reception centres and providing goods and social services together with the relevant humanitarian agencies. In order to increase confidence among non-Congolese combatants, the UN also offered to visit the reinsertion centres set up for them in Rwanda. Finally, MONUC was called to play a 'coordinating role', while the World Bank would assume many of the practical tasks that the UN peacekeepers had, according to the Secretary-General, neither the means nor the mandate to undertake.⁷³ To this end, MONUC would establish its operational and logistics base at Kindu, nonetheless located hundreds of kilometres away from the Kivus.

This strategy was cautiously, although fully, approved by the UN Security Council, which authorized MONUC 'to assist, upon request, and within its capabilities, in the early implementation, on a voluntary basis, of the DDR of armed groups' - a formulation that conveys a certain concern and the fear of 'mission creep'.⁷⁴ The biggest risk that this strategy enclosed, however, was never to materialize. The UN concept of voluntary disarmament actually required such conditions of implementation that it is doubtful it could ever become reality. First, it should be stressed again that the disarmament provisions did not apply to the 'official' rebel movements, as is usually the case in peace accords, but to the 'negative forces' referred to in the annexe to the Lusaka agreement. Yet none of these nine armed groups participated in the Lusaka negotiations or later subscribed to the agreed provisions, which obviously casts a shadow over their willingness to surrender. Second, while the

⁷⁰ UNSG Report S/1999/790, par. 22 and S/2001/373, par. 103.

⁷¹ UNSG Report S/2001/373, par. 106.

⁷² UNSG Report S/2001/970, par. 59-83.

⁷³ UNSG Report S/2001/970, par. 70.

⁷⁴ UNSC Resolution 1255(2001), par. 32.

principle of an amnesty for the combatants was agreed upon during the talks, the (suspected) perpetrators of the 1994 genocide have been excluded from its application.⁷⁵ Understandable as it may be, this provision could only deter from disarming those who would then most likely be handed over to the International Criminal Tribunal for Rwanda (ICTR). Thirdly, successful DDR would compel state actors to cease supplying the armed groups to be disarmed. However, the DRC's government continued for a long time to support and rely upon the 'negative forces', while the rebel movements were kept alive and active by their respective Rwandan or Ugandan sponsors. Finally, the lack of data concerning the armed groups hampered the DDR process by complicating the planning of activities and fuelling controversy over the real number of combatants to be disarmed. Upon a request from the Security Council, MONUC tried to make an assessment of the armed groups operating in the DRC.⁷⁶ Such an exercise is made even more difficult by the fact that these groups are not well defined but dynamic entities, which are in constant motion, shift alliances frequently, and experience chronic leadership struggles.⁷⁷ Hence, the annexe to the Lusaka agreement, listing nine armed groups in 1999, appeared largely outdated three years later.⁷⁸ In the meantime, UNITA disbanded after the death of its leader Jonas Savimbi and five of the six Ugandan armed groups mentioned (by Kampala) were said to operate no longer in the DRC (if ever they did). Although Burundian rebels from the FDD and FNL maintained a presence in Congo (estimated at around 4,000 members as far as the FDD are concerned), in fact the bulk of foreign fighters to be disarmed was, and still is, composed of Rwandan nationals from either of the two wings of the *Armée de Libération du Rwanda*. Based in North Kivu, South Kivu and in Maniema provinces, ALiR-I counted between 4,000 and 6,000 members, most of whom originated from ex-FAR and Interahamwe militias. Most importantly, ALiR-I was said to be so seriously weakened since the failure of its May 2001 offensive against Rwanda that it is no longer considered to pose a threat to Kigali.⁷⁹ Based in South Kivu and Katanga provinces, ALiR-II, on the contrary, was reportedly more motivated and better equipped. It is worth noticing that its estimated 5,000 members are said to be young combatants who did not take part in the 1994 genocide. These findings tended to undermine the strength of Kigali's claims for security guarantees before any troop withdrawals. However, the number and whereabouts of Hutu extremists to be disarmed remained anyone's guess.⁸⁰

In final analysis, the voluntary strategy chosen by MONUC did not seem much more realistic than the enforcement option designed in Lusaka. Not only could the armed groups concerned hardly be expected to comply with provisions upon which they did not agree, but the continued unrest and insecurity in the rebel-held areas was obviously not a conducive environment for any voluntary

⁷⁵ Lusaka Ceasefire Agreement, par. 22.

⁷⁶ While the UN Security Council requested an assessment of the number of ex-FAR and Interahamwe elements, (S/PRST/2002/5, 25 February 2002), MONUC provided a broader assessment of all armed groups operating in the DRC (S/2002/341, 5 April 2002).

⁷⁷ *Ibid.* par. 7.

⁷⁸ In fact, the relevance of this list has always been questionable, having been used by the region's states as a means to stigmatize any rebel group with which they were faced as a 'negative force'.

⁷⁹ View expressed by the UN Panel of Experts, according to which a senior commander was captured by the RPA and many troops were placed in a rehabilitation camp in Rwanda (S/2001/1072, par. 141). This view is consistent with MONUC's findings that ALiR-I fighters were thought to suffer from low morale, were believed to be isolated and living in harsh conditions, and to no longer receive outside support (S/2002/341, par. 24).

⁸⁰ In January 2003, the ICG estimated at 15-20,000 men, then all based in the Kivus, the *Forces démocratiques de libération du Rwanda* (FDLR), a Hutu rebel group created in September 2000 out of ALiR forces and other Rwandan Hutu, ex-FAR, Interahamwe and non-génocidaire refugees. (Africa Report N°56: 8).

surrender to take place. The widespread insecurity also prevented MONUC from establishing the robust and effective presence in eastern Congo (phase III) that was needed to carry out disarmament activities. In that respect, the DDR process was linked to the outcome of the inter-Congolese dialogue, whose relevance was essentially to put an end to the power (and military) struggle among the Congolese factions.

The Inter-Congolese Dialogue: From a False Start to a Failed Outcome

As stipulated in Lusaka, the inter-Congolese dialogue (ICD) aimed at facilitating an agreement among its participants on four remaining issues related to power-sharing in the DRC: the formation of a new Congolese army; the new institutions of the country; the organization of general elections; and the interim constitution that shall govern the DRC. The DRC's government, the armed and non-armed oppositions, as well as the *forces vives* (that is, representatives from civil society) were expected to participate with equal status in the talks, which would take place under the aegis of a neutral facilitator to be agreed upon by the parties. The facilitator would be responsible for organizing the negotiations, consulting the parties, and conducting the discussions.⁸¹

While the ICD was supposed to be concluded within 90 days of Lusaka being signed, it stalled for eighteen months - that is, until Kabila Senior left the scene. Several features of the 'dialogue' indeed infuriated the former President. First of all, Kabila could not stand seeing his rule put into question: the ICD not only gave 'equal status' to each of his armed and unarmed opponents but was basically intended to lead to a new sharing of power within the DRC. Instead, the self-proclaimed President wanted a new constitution to be adopted and elections to be held (under his control) to provide him with some legitimacy. In addition, the former dictator refused to open discussion on the future of the DRC as long as the country remained under foreign occupation. Contrary to the terms agreed upon in Lusaka, he demanded that the withdrawal of the 'aggressors' be the prerequisite, not the consequence, of the national dialogue - which would obviously weaken the position of the rebels. In this respect, Kabila felt comforted by UN Resolution 1304, which required that Rwanda and Uganda withdraw without delay, and tried, in vain, to use this text to release himself from the commitments binding him to the dialogue.

Kabila Senior therefore did everything in his power to obstruct the holding of the ICD. First, he rejected the facilitator, former President of Botswana Sir Ketumile Masire, who was appointed on 15 December 1999 (five months after the signing). Then, he promoted the newly established Constituent Assembly (composed of 300 members nominated by himself) as the appropriate forum for a national dialogue to be held.⁸² He simultaneously assaulted public and political liberties in a persistent way that was hardly compatible with the requirements for a broad and open dialogue to take place. However, while Kabila's obstructionism did not give the ICD the slightest chance to start, things immediately became smoother when he disappeared from the political landscape.

Aware that the Congolese authorities had little to win in appearing as the main obstacle to peace - while his own appointment had raised much perplexity - Joseph Kabila radically changed direction: externally, he permitted Sir Masire to continue (or rather start) his work; and internally, he repealed the decrees restricting activities by political parties.⁸³ The new climate facilitated the holding of

⁸¹ See Lusaka ceasefire agreement, chapter 5.

⁸² UNSG Report S/2000/1156, par. 23.

⁸³ UNSG Report S/2001/373, par. 6 and 18.

several preparatory meetings during 2001, which mainly dealt with representation issues. It was thus decided to incorporate representatives from the Mayi-Mayi, religious orders, as well as traditional chiefs in the dialogue. The real negotiations took place in Sun City, South Africa, from 25 February to 19 April 2002, but they eventually failed. While the 358 delegates managed to adopt more than 30 resolutions by consensus, the Congolese parties were not able to reach the all-inclusive agreement that was expected to come out of the talks.⁸⁴ Instead, the DRC's government and the MLC concluded a bilateral power-sharing agreement on the sidelines that was subsequently signed by a majority of delegates but crucially not by the RCD-Goma.

Several factors have contributed to this failure.⁸⁵ First, the negotiations appear to have been poorly prepared: much time was devoted to and wasted in solving representation issues before the opening of the ICD to the detriment of more substantive issues on which no pre-deal could have been concluded. In that respect, the ICD's facilitator has drawn much criticism for the minimalist conception that he may have held of his role. And the last-minute intervention by South African President Thabo Mbeki to broker a deal was not much appreciated either, as it was ostensibly biased in favour of the RCD-Goma. This initiative may even have been counterproductive, by spurring the DRC's government and the MLC to come quickly to a deal under their own terms. Fundamentally, however, the failure to reach an all-inclusive agreement should be ascribed to the parties themselves, in particular to the Rwandan camp. When the negotiations opened, the three main parties had incompatible objectives: President Kabila aimed to be confirmed as Head of State for the transition period while the MLC and RCD-Goma wanted to seize the opportunity of the dialogue to unseat him. In the end, while Kabila obtained official recognition of his role (and with it, the long-awaited resumption of international aid) and the MLC's leader Jean-Pierre Bemba finally agreed to this outcome (in exchange for being suddenly promoted to a most prominent political leadership of the DRC), the RCD-Goma could not resign itself to Kabila's renewed presidency. In fact, the rebel group was prevented from doing so by the Rwandan government, which had given up the idea of controlling Kinshasa but not the Kivus, and was therefore not ready to accept the re-establishment of the DRC's sovereignty throughout all the Congolese territory. Clearly, the Rwandan short-term benefits from resource exploitation and long-term objectives of creating a zone of influence in eastern Congo were not compatible with the restoration of the DRC's unity that an all-inclusive agreement could have heralded. Hence, the 'inter-Congolese' affairs remained strongly influenced by outsiders.

3. The Plunder of Congo's Riches: Everyone's Duty-Free

Whether economic benefits have triggered the conflict or gradually superseded security concerns, it is all too clear that resource exploitation has become a war-perpetuating mechanism. Yet this crucial economic dimension was neither adequately addressed in the ceasefire agreement, nor properly tackled by the international community. This failure has to be considered another factor in the stalling of Lusaka's implementation process. While recognizing the existence of a link between the exploitation of natural resources and the continuation of the conflict, and claiming to be 'ready to

⁸⁴ The delegates split in five commissions (social; cultural and humanitarian affairs; economy and finance; peace and reconciliation; security and defence) within which these resolutions were negotiated.

⁸⁵ A detailed account of the negotiations at Sun City can be found in ICG, Africa Report N°44, *Storm Clouds Over Sun City: the Urgent Need to Recast the Congolese Peace Process*, 14 May 2002.

consider the necessary actions to put an end to this exploitation', those never materialized.⁸⁶ In fact, the sole measure taken by the UN Security Council in this regard was to appoint the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth in the Democratic Republic of Congo.⁸⁷ This body's investigations resulted in remarkable, although controversial, findings, which undeniably increased the understanding of the mechanisms of resource exploitation and their role in fuelling the conflict. Given the considerable stir created by its work, it is fair to consider that the Panel has impacted on the patterns of exploitation and the belligerents' strategies that it reported. However, none of the recommendations suggested by the experts to curb the war economy were followed up.

The 'Kassem Recommendations'

In the course of its reports, the Panel of Experts recommended various measures to be taken, which may be called the 'Kassem recommendations' after the name of the Panel's chairman. Some of these recommendations aimed at curbing the exploitation of resources in the DRC, others were meant to set up a framework for reparation and reconstruction, while the Panel also suggested international mechanisms and regulations of a broader nature. With a view to curbing the plunder of Congo's resources through international trade, the experts recommended declaring a temporary embargo (with sanctions against offenders) on the import/export of specified minerals from and to 'invading' countries - that is, Rwanda and Uganda, as well as Burundi.⁸⁸ Later, the Panel expanded this proposal to a moratorium on certain products originating from 'areas where foreign troops are present in the DRC', which included the government-controlled zone where the Zimbabwean forces were deployed.⁸⁹ In the same vein, the Panel recommended an embargo on weapons and military materiel to rebel groups, and possibly to supporting states.⁹⁰ The experts also suggested directly targeting the rebel movements and their leaders by freezing their assets, and promoting the same kind of restrictive measures (including travel bans and banking restrictions) against individuals and companies involved in resource exploitation, whose names were publicized as an annexe to the reports.⁹¹

While most measures targeted the direct parties to the conflict, several were addressed to the so-called 'facilitators' and 'passive accomplices' of resource exploitation, among which the Western countries figured to various degrees.⁹² Home governments were thus invited to regulate and sanction individuals and entities systematically involved in illegal exploitation, for instance by freezing the assets of blacklisted companies and banks. They were also requested to ensure the implementation of OECD Guidelines for Multinational Enterprises (as they are morally - only - obliged to do) and to support multilateral regulatory frameworks to monitor and standardize trade in 'conflict goods' - that is, commodities from conflict areas - for example the Kimberley process with regard to diamonds. However, the most far-reaching recommendations related to the role of multilateral and bilateral donors that the Panel accused of having 'passively facilitated' the exploitation of resources and the

⁸⁶ The Security Council expressed this 'readiness' in Resolution 1291(2000), par. 17; Resolution 1341(2001), par. 25; and Resolution 1355(2001), par. 22.

⁸⁷ As requested in the presidential statement S/PRST/2000/20 of 2 June 2000.

⁸⁸ Panel Report S/2001/357, par. 221.

⁸⁹ Panel Report S/2001/1072, par. 156.

⁹⁰ Panel Report S/2001/357, par. 224.

⁹¹ Panel Report S/2001/357, par. 222 and S/2002/1146, par. 176.

⁹² Panel Report S/2001/357, par. 181.

continuation of the conflict. According to the experts, proposing Rwanda and Uganda for the Heavily Indebted Poor Countries' (HIPC) debt relief initiative amounted to defending the case and rewarding two countries whose intervention in - some would say invasion of - the DRC should have demanded a different response.⁹³ Ironically, the World Bank praised Uganda for its economic performance, which, the experts argue, was partly driven by exploitation of the DRC's resources.⁹⁴ Furthermore, the Panel suggested that by supporting expenditures and services usually covered by each government, bilateral aid allowed Rwanda and Uganda to make savings in the national budget, which may well have been used to finance the war⁹⁵. Consequently, the experts invited multilateral and bilateral donors to undertake a critical evaluation of their assistance to the countries involved in the DRC's conflict in order to find out whether it has contributed to its continuation.⁹⁶ Anyhow, the Panel recommended reducing, if not suspending, official development aid (in particular budget support) to the belligerent countries, and conditioning aid delivery on compliance with the Lusaka agreement on the one hand and verifiable disengagement from illegal resource exploitation on the other. In order to overcome likely reluctance, the experts invited the UN Security Council to adopt a Resolution that would induce donors and member states to apply their own recommendations.⁹⁷ But the Council did not follow up.

The Security Council's Failure of Duty

The UN's top decision-making body failed to implement each of the Panel's recommendations, whose appointment it had requested, and waited until January 2003 before adopting a Resolution on this matter.⁹⁸ Still, while condemning the plundering of the natural resources of the DRC as one element fuelling the conflict, resolution 1457(2003) fell short of any concrete measure aiming to put an end to this situation⁹⁹. Why? Three sets of explanations might be put forward. The first relates to the discussion on the definition of 'illegal' exploitation of resources in the DRC. The Panel had set relatively clear and broad criteria pertaining to these activities, which were labelled 'illegal' to the extent that they were undertaken without the consent of the legitimate government, and/or in violation of an existing body of domestic regulations, and/or through using and abusing power, and/or in violation of international law, including 'soft' law.¹⁰⁰ However, this definition has been contested on the grounds that it failed to distinguish between 'illegal exports' - goods exported without being taxed but that may nonetheless generate revenue in return and/or benefit the local (informal) economy - and 'plunder', which occurs when the value of exports is not compensated in exchange by an inflow of

⁹³ Panel Report S/2001/357, par. 189.

⁹⁴ Panel Report S/2001/357, par. 187-188.

⁹⁵ According to the OECD and the World Bank, the main bilateral donors to both Rwanda and Uganda are the United Kingdom, the United States, the Netherlands, Germany, and Sweden. Uganda also receives (substantial) aid from Denmark and Italy, and Rwanda from Belgium and France. <http://www1.oecd.org/dac/images/AidRecipient>.

⁹⁶ Strangely enough, the Panel recommended an in-house instead of an independent evaluation (S/2001/1072, par. 155).

⁹⁷ See Panel Report S/2001/357, par. 226-227 and S/2002/1146, par. 171-173.

⁹⁸ Until then, indeed, only presidential statements had been released on this issue (S/PRST/2001/13 of 3 May 2001 and S/2001/39 of 19 December 2001).

⁹⁹ The Security Council simply 'urged all States, especially those of the region, to conduct their own investigations' (par. 15) and 'encouraged all organizations concerned to consider, as appropriate, the relevant recommendations contained in the reports of the Panel' (par. 18).

¹⁰⁰ Panel Report S/2001/357, par. 15.

imports or capital into the country of origin.¹⁰¹ Plunder can therefore be undertaken by the ‘legal’ government. Since it tended to denounce as illegal all activities of exploitation in rebel-held areas while sparing from criticism similar behaviour in government-controlled territory, the Panel’s definition appeared to be not only confusing but also one-sided.¹⁰² Accordingly, Zimbabwean officials argued that the plunderers were the ‘aggressors’ (Rwanda, Uganda and Burundi) while the ‘allies’ could not plunder the DRC’s resources because they were working in cooperation with its government.¹⁰³ In reality, exploitation activities undertaken with the consent of the Congolese government could also be labelled ‘illegal’ following the Panel’s criteria if they violated domestic law - which was the reason why the experts recommended a review of all concessions, commercial agreements and contracts signed during Laurent-Désiré Kabila’s era (1997-2001).¹⁰⁴ Whatever the case, and notwithstanding the political considerations underlying each set of arguments, this discussion illustrated how difficult it is to define legality in a failed state and by implication to set up a sanction regime.

The second series of obstacles that prevented the Panel’s recommendations from materializing relate to their (lack of) feasibility. The proposed embargoes have raised much scepticism, as experience shows that such measures require expensive and sophisticated enforcement mechanisms (hardly available in this part of the world), tend to fuel (rather than to curb) illegal trade in prohibited commodities, and finally take a long time before having a political impact. In addition, while the Congolese population had already gone through unspeakable suffering and was forced, because of the collapse of food markets and insecurity, to switch from farming to coping strategies such as mineral resource exploitation, concern was expressed as to the humanitarian consequences that such measures may entail.¹⁰⁵ The Panel finally discarded the option of embargoing certain products because of the massive technical and financial assistance that would be needed to offset the humanitarian impact, and instead stressed the need for targeted punitive measures.¹⁰⁶ In the end, however, nothing was done to counter the predators responsible for the deaths of over three million people.

The third set of explanations is political. Governments are simply not willing to take on measures that may impinge on their perceived national interests. They are therefore prone to reject sanctions that are likely to affect their country’s private sector but may instead promote certification regimes whose greatest asset, from this point of view, lies in their non-coercive nature. States are equally reluctant to agree to sanctions directed against their friends in the region. Opposing such moves enables them not only to preserve their special relationship with the targeted state, and hence to safeguard their zone of

¹⁰¹ On this discussion see ISIS, ‘Natural Resources and Conflict in the Democratic Republic of Congo: What Role for the EU?’, CSFP Report N°21, May 2002.

¹⁰² This interpretation was reinforced by the fact that the Panel’s first report was overwhelming for Rwanda and Uganda while sparing Zimbabwe. Ascribable to a great extent to difficulties in the acquisition of data acknowledged by the Panel itself (S/2001/357, par. 11), this imbalance, was largely compensated in the following reports.

¹⁰³ Panel Report S/2001/49, par. 43.

¹⁰⁴ Panel Report S/2001/1072, par. 153. The Economic and Finance Committee of the ICD later adopted a resolution to review all commercial agreements signed during the conflict, in spite of political differences between governmental officials, who only wanted agreements signed in rebel areas to be reviewed, and civil society organisations, the private sector and the unarmed opposition, which advocated a general review (Panel Report S/2002/565, par. 56).

¹⁰⁵ Including by the Security Council, whose determination to put an end to the sufferings caused by the conflict has nonetheless not been the most impressive. See Statement by the President of the Security Council, S/PRST/2001/39, 19 December 2001.

¹⁰⁶ Panel Report S/2002/1146, par. 155.

influence in the region, but also to emphasize the distinctive features of their policy. Instead of looking for a common ground, governments like to cultivate a certain distinctiveness that grants them a specific role in the diplomatic game and ensures that they have to be taken into account. In that respect, the differing views among UN member states and particularly European countries on the crisis in the DRC cannot be overestimated, since such disagreements prevented the Security Council from taking any significant decision.

The Equivocal Role of (European) Bilateral and Multilateral Donors

European countries (and donors) are broadly divided as follows. Each closer to Uganda and Rwanda respectively, the United Kingdom and the Netherlands have a strong propensity to defend the cases of the ‘invading’ countries: they would stress the seriousness of the security threats that Uganda and Rwanda face and praise the internal reforms that are being undertaken by both governments while questioning the reliability (today like yesterday) of the Congolese government, which should be considered equal to the other parties under the terms of the Lusaka agreement. Conversely, although in covert competition to one another, France and Belgium have consistently conveyed the views of Kinshasa: they would reiterate condemnation of the invasion of Congo, claim respect for international borders and the need to restore a sovereign and united DRC, as well as underline the legitimacy of Joseph Kabila, who contrary to his regional counterparts (and his father) is not heading a dictatorship. These differences derive from each country’s historical (colonial) links to the region, from linguistic preferences, and from short- to medium-term strategic interests. They had already surfaced in the early 1990s, prior to the genocide in Rwanda, when France backed the Habyalimana regime until the last minute (and is still blamed for it) while English-speaking countries (Uganda, the UK and the US) supported the FPR - and, notwithstanding Kampala, have largely continued to do so.

The trouble is that these alignments are reflected in the solutions and means promoted by each player to resolve the conflict, thereby further complicating any attempt at peacemaking. The ‘francophones’ argued that a prerequisite was to drive the occupying forces back and were inclined to exert pressure mainly on Rwanda and Uganda, while their ‘European partners’ insisted on the need to address all causes of the crisis in the wider Great Lakes region, and demanded that the Congolese government first ceased to support the Hutu extremists. While these two options could be reconciled by putting as much pressure on one side as the other, the reluctance of each country to penalize (for instance through sanctions) its best friends - and largest aid recipients - resulted in the two approaches nullifying each other. In the end, no follow-up was given to the Panel’s recommendations, whose assessment of the work and findings, it is true, has also largely been consistent with the political divide referred to above. Thus, the British and Dutch governments have a propensity to denigrate the investigations of the Panel, which conversely benefit from French support.¹⁰⁷

Multilateral donors also have a propensity to defend their favourite ‘clients’ and prefer turning a blind eye to a potentially awkward reality than reviewing their policy - as suggested to them by the Panel. In spite of its involvement in the DRC, in the conflict in Sudan, its hard-hitting relationship with Rwanda and its own internal conflict in the north, Uganda counts among these strangely labelled

¹⁰⁷ The position of the Belgium government expressed its discomfort with the fact that the Panel blacklisted a number of Belgian nationals/entities. While a Belgian Senate Commission concluded that no ‘illegal’ acts were committed by the Belgian people and companies that it investigated, opposition Senators refused to endorse these conclusions, which were aimed, according to them, to ‘protect Belgian political and economic interests in the region’. See IRIN - ‘DRC: “No evidence of illegal acts”, says a Belgian pillage study’, 22 February 2003.

‘darling states’, which have seemingly nothing to fear from the international community, in particular from the World Bank and the IMF.¹⁰⁸ International financial institutions (IFIs) indeed neither castigate Uganda, nor put their policy into question, first of all because Uganda must serve as the successful case of debt relief and reform that the IFIs need to justify and apply this very policy. Second, as creditors, IFIs want their money back and therefore do not support sanctions that may postpone the resolution of the debt issue. Third, despite the fact that Museveni’s administration exhibits many of the features of a patronage-based system, IFIs consider Ugandan officials as reliable interlocutors who are aware of the state’s obligations. They therefore do not want to risk undermining the present regime by withdrawing their financial and political support. In the final analysis, IFIs may not only be facilitating Uganda’s involvement in the DRC’s conflict, but may be subsidizing another patrimonial state that is bound, like many others before, to end in failure...

To sum up, there were many (bad) reasons not to implement the recommendations of the Panel of Experts. With governments that refused to give credit to the Panel’s findings, were reluctant to undermine their own interests in the region or preferred preserving their privileged relationship with friendly countries, or that simply did not feel concerned as no national company/individual was implicated, very few were in the end willing to have the Panel’s proposals applied. It is true that these recommendations, especially those of a coercive nature, may not necessarily have brought the expected results. Resorting to sanctions may indeed have proved counterproductive by radicalizing the targeted entity and, in such an event, by depriving outsiders of additional means of leverage. However, it would be difficult to argue that refraining from taking any of the ‘necessary actions’ (as termed by the UN Security Council) to put an end to the exploitation of Congo’s resources really helped the resolution of this conflict. Although the reports of the Panel of Experts did have some impact on the war economy and on the war itself, opportunities were missed to tackle the war-perpetuating mechanisms and to confront the war-profiteers. This failure should be ascribed in particular to multilateral and bilateral donors, who not only proved unable to act in unison but who aided the conflict to develop instead of using development aid to put the conflict to an end.

Conclusion: Explaining the Failure to Implement Lusaka

The ceasefire agreement signed in Lusaka counts among those peace accords that prove to be excellent provided that the signatories are ready to comply with its terms, but that reveal their weaknesses and loopholes when it is not the case. And it was not the case. As summarized by the ICG, ‘each [party] suspected the others of a double game, and used its suspicions to justify its own duplicity’.¹⁰⁹ While the various belligerents all had good reasons to sign, they had many more to block the implementation process and continue the war - among which, of course, were the economic benefits drawn from the conflict. Crucially, the economic dimension was not addressed in the ceasefire agreement - which might be the reason why its terms were agreed upon by the war-makers/profiteers - nor was it later by the outsiders. As belligerents were not prevented from benefiting from the war nor were induced to stop fighting by potential peace dividends, but on the contrary had every opportunity to ‘recoup their investment’ in war-making, this gap must be considered an important factor in Lusaka’s failure.

¹⁰⁸ See William Reno, ‘The Politics of War and Debt Relief in Uganda’, *Conflict, Security and Development*, 1: 2, pp. 3-23.

¹⁰⁹ ICG, Africa Report N°26, Executive Summary.

A second reason for Lusaka's failure relates to the weakness of the enforcement mechanisms. While peace is always the matter of the belligerents in the final analysis, in this case the room for manoeuvre given to the parties within the framework of the JMC proved too wide to give the agreement a chance to be enforced. The implications were even more serious as the belligerents were not only made peacekeepers, but were also invested with huge competencies in the implementation process, indeed inversely proportional to their commitment to it. On the contrary, MONUC was given anything but a proactive role, as illustrated by its 'phased' deployment determined by developments on the ground, not the other way round. The UN mission therefore rapidly became a prisoner of a concept of deployment/operations that made the peacekeepers fully dependent on the good will of the belligerents. Far from taking the lead in the peace implementation process, MONUC had neither the strategy nor means to compel compliance with the Lusaka agreement, and could not fulfil the role that it was expected to play with regard to disarming the armed groups.

Entrusted rather unfairly with this responsibility, the UN responded with a strategy that was even less realistic than the terms of Lusaka. In this field, the alternative is quite simple: either the combatants concerned are willing to demobilize and the voluntary process makes sense; or they are not, and a more coercive option should be considered (and possibly discarded). But following a 'confidence-building' approach while the armed groups are profoundly reluctant to disarm is bound to fail. This big issue was therefore unresolved, and will in fact remain so as long as the states continue to support their proxies - whether labelled negative forces or rebel movements. This would in turn require outsiders to exert full leverage on *all* of the states involved.

However, external actors such as Western countries and IFIs have not proved to be equal to the situation, as illustrated by the inadequate mandate granted to MONUC, the feeble support with which they provided the ICD facilitator, their failure to curb resource exploitation and, above all, their inability to agree on a common conflict resolution strategy. The next section will analyse whether and how an exit to peace may finally be found in the Congolese labyrinth.

3 Towards a Way Out?

While the inter-Congolese dialogue ended in failure in April 2002 and the peace process seemed to have then reached stalemate, significant developments have occurred since summer 2002, whose concatenation might have outlined a potential way out from the Congolese labyrinth. In July and September 2002 respectively, separate agreements were signed between the DRC and Rwanda (Pretoria I) as well as between the DRC and Uganda (in Luanda), which paved the way for the withdrawal of foreign forces from the Congolese territory. Later, on 17 December 2002, the representatives of the components and entities to the inter-Congolese dialogue finally managed to reach the long-awaited Global and All-Inclusive Agreement (Pretoria II), which spells out modalities for sharing power during a 24-month transition period. Finally, on 2 April 2003 in Sun City, the Congolese parties approved the Final Act, which endorsed all agreements reached within the framework of the inter-Congolese dialogue, including the transitional constitution adopted in March 2003. This third and final section aims to explain how these steps were passed and to sketch the (enormous) challenges ahead in ending the cycle of violence.

1. The Regional Dimension: Fake Normalization

From Sun City to Pretoria I: Rwanda's New Departure

When an agreement was reached on 30 July 2002 by the Heads of State of the DRC and Rwanda on the withdrawal of Rwandan troops and the dismantling of the 'negative forces', very few expected it ever to become reality.¹¹⁰ Signed by the President of South Africa and the UN Secretary-General as witnesses, this four-page protocol indeed added nothing new to the agreement concluded three years earlier in Lusaka, nor even dismissed any of its loopholes. According to its provisions, the DRC's government should 'continue' the process of 'tracking down and disarming' the Interahamwe and ex-FAR within the territory under its control (par. 8.1) while the government of Rwanda reaffirmed its 'readiness' to withdraw its troops from the DRC 'as soon as effective measures that address its security concerns, in particular the dismantling of the ex-FAR and the Interahamwe forces, have been agreed' (par. 5). It thus remained a mystery as to how the targeted armed groups would be disarmed and who would endorse this responsibility - especially in the rebel-held areas - while the DRC's government was expected to 'collaborate' with MONUC and the JMC, which until then had proved unable to tackle this issue. Conversely, being made conditional upon the elaboration and simultaneous implementation of yet-to-be-defined 'efficient measures', it seemed all the more unlikely that the Rwandan withdrawal would take place within the 90-day timeframe. Yet Kagame pulled out his forces without even waiting for Kabila to live up to his own commitments.

This sudden shift, a few months after preventing the RCD from making a deal at Sun City, deserves some explanation. First, it appears that precisely after the failure of Sun City, for which it

¹¹⁰ The agreement is available online at http://www.usip.org/library/pa/drc_rwanda_pa07302002.html

was widely held responsible, the Rwandan leadership felt increasingly isolated. Not only had Kabila concluded an accord with the Ugandan-backed MLC, which could enable him to regain control of 60 per cent of the territory and to encircle the RCD's zones, but Kigali's instructions to the RCD generated the impression that Rwanda preferred the quasi-permanent partition to the potential reconstruction of Congo. Added to the overwhelming conclusions of the Panel of Experts, Kigali's obstructionism at Sun City fuelled the interpretation that, in the final analysis, the RPA had not invaded the DRC in (self-)defence of Rwandan borders, nor even to grab hold of Congolese resources, but simply to annex the Kivus. There was probably no better way for Kigali to defend itself against this accusation than withdrawing its forces.¹¹¹ President Kagame was even more inclined to do so as international perceptions of the belligerents have changed over time, not necessarily in his favour. While Kabila *père* was considered the main obstacle to peace by most outsiders (who consequently tried to pressurize him first), Kabila *fils* took great care in changing this image and managed to rally some supporters to him. By contrast, the post-1994 Rwandan regime as an embodiment of the survivors to the genocide has long enjoyed a sort of international immunity status, but Kagame's intransigence and possible duplicity started to raise criticisms - and attract international pressure. At the moment, US interference appears to have been instrumental in persuading Kagame to take the initiative.¹¹² While the United States does not have such a high profile as European countries in this part of the African continent, the US administration closely monitors developments and does not refrain from intervening behind the scenes. After unconditionally supporting Mobutu during the Cold War, the US has shifted support to 'the other side' and made the post-1994 Rwandan regime their ally in the region. President Kagame, who does not need to be explained the value of this friendship, listens carefully to the voice of America - while turning a deaf ear to the 'francophones' that he abhors. The United States therefore undeniably enjoys some leverage over Rwanda, which could prove decisive if only their views on the region did not almost constantly match Kigali's concerns. This said, the Pretoria agreement must also be ascribed, as its title shows, to the South African government, which together with the UN decided to retake the initiative and focus on security issues after the failure of Sun City. Angola played a similar mediating role between the DRC and Uganda.

The Luanda Agreement: Uganda to Follow

The same kind of political concerns have over time induced the Ugandan leadership to consider withdrawing from the DRC. Despite the fact that the ceasefire agreement listed up to six Ugandan armed groups, Ugandan security could hardly be said to be threatened by rebel activity from Congo.¹¹³ On the other hand, the Panel's findings on Uganda's probable motives for invading the DRC and its plundering activities rendered the maintenance of troops in the DRC politically unsustainable. Although the Ugandan authorities, infuriated by the Panel's reports, set up a judicial commission of inquiry headed by Justice David Porter to investigate the experts' allegations, this step was not sufficient to restore their credibility - besides the fact that the Porter Commission's preliminary

¹¹¹ The reason for Rwanda's withdrawal was given by Kagame himself: 'we will have proved we were not in Congo for human rights abuses or to exploit resources'. Quoted in All Party Parliamentary Group on the Great Lakes Region and Genocide Prevention, *Cursed by Riches: Who Benefits from Resource Exploitation in the Democratic Republic of Congo?* November 2002, p. 11.

¹¹² The US government abstained from approving a new IMF loan to Rwanda.

¹¹³ As highlighted by MONUC's assessment report referred to above.

investigations have largely confirmed the Panel's conclusions.¹¹⁴ Clearly, President Museveni had to admit that being portrayed, together with his counterpart Kagame, as 'godfathers of the illegal exploitation of natural resources and the continuation of the conflict in the Democratic Republic of Congo' was not fully consistent with his desire to be regarded as a statesman and peacemaker.¹¹⁵ Finally, while the partial agreement concluded by his protégé in Sun City had already opened the way to a rapprochement with Kabila, the signing of Pretoria I may have urged Museveni to normalize relations with Kinshasa and consider withdrawing his forces.

On 6 September 2002 in Luanda, under the auspices of Angolan President dos Santos (who also wishes to move into peacemaking), an agreement was signed between the Congolese and Ugandan heads of state. Under its terms, Kampala committed itself to completing its troop withdrawal from Gbadolite, Beni and their vicinities without delay and from Bunia after an administrative authority had been established in Ituri. The two parties indeed agreed to establish a Pacification Commission within twenty days of the signing and with the assistance of MONUC, comprising their representatives and various leaders on the ground, from which a mechanism to maintain law and order should emerge. In addition, the agreement authorized Ugandan troops to remain on the slopes of Mount Ruwenzori until the parties put in place 'security mechanisms guaranteeing Uganda's security', including coordinated border patrols.

Withdrawal Without Disengagement

The signing of these two agreements finally offered the United Nations the opportunity to play a significant role in the resolution of the conflict and to MONUC the chance to enter phase III of its deployment. Under the terms of the Pretoria I agreement, the UN Secretary-General and South Africa (the latter 'in its dual capacity as Chairperson of the African Union and as facilitator' - as well as Rwanda's friend) were requested to constitute the so-called 'third-party verification mechanism' (TPVM), which was entrusted with a number of verification tasks related both to the disarming and dismantling of armed groups and to the withdrawal of Rwandan forces. While a separate entity, MONUC was expected to serve as 'the main operational arm of the TPVM', which means that verification tasks would in practice be carried out by its troops on the ground.¹¹⁶ A new concept of operations was consequently required, according to which two 'robust' task forces would be created and a forward mission headquarters established at Kisangani in order to enable MONUC to 'shift the "centre of gravity" of its activities gradually towards the eastern DRC'.¹¹⁷ In September 2002, the military deployment of MONUC comprised approximately 640 military observers and 3,600 troops. The revised concept of operations required an additional 120 military observers and up to 4,340 troops, bringing the total authorized strength to 8,700 military personnel. This reinforcement was approved by the UN Security Council in Resolution 1445 of 4 December 2002. At this time, however, most foreign forces had already withdrawn from the DRC.

¹¹⁴ Panel Report S/2002/1146, par. 136-137. In its final report released on 14 May 2003, the Porter Commission (unsurprisingly) absolved President Museveni of any wrongdoing, but confirmed the implication in the illicit looting of the DRC's riches of prominent individuals and UPDF senior officers already identified by the Panel, such as Army Commander Maj.-Gen. James Kazini and Maj.-Gen. Salim Saleh (Museveni's own brother). See IRIN, DRC-Uganda: 'Kampala Promises to Punish those Involved in Looting', 16 May 2003.

¹¹⁵ Panel Report S/2001/357, par. 211.

¹¹⁶ UNSG Report S/2002/1005, par. 41.

¹¹⁷ UNSG Report S/2002/1005, par. 48-54.

Contrary to all expectations, Kagame not only pulled out his troops in compliance with Pretoria I, but did so in record time (23,400 men by mid-October 2002) and without a credible indication that Hutu extremists were being dismantled or would be so in the future. From the part of the Rwandan President, who consistently claimed his intention of occupying Congo until this issue was solved, and loudly advocated a purely military solution to that respect, such a hasty implementation of Pretoria I is fairly remarkable. Yet it allowed Kigali to restore its credibility and the confidence of its (US) backers - just before the release of a new Panel of Experts' report - and to shift the focus back again to Kinshasa's own commitments. Additionally, it was also a way to take the UN by surprise, as to some analysts the withdrawal was too rapid to be properly monitored.¹¹⁸ The Panel of Experts, for its part, asserted that Kigali drew particular attention to soldiers who departed to the benefit of those who stayed - in particular 'mining battalions' that ceased wearing RPA uniforms but continued exploiting.¹¹⁹ In response, MONUC argued that its observers were present at most of the 21 RPA assembly sites and at all exit points, as well as at entry points into Rwanda.¹²⁰ But it also acknowledged 'serious difficulties in distinguishing between Rwandan and RCD-Goma combatants' who indeed have the same uniform and equipment.¹²¹ It is now widely admitted that the Rwandan army has maintained and redeployed several thousand troops in the DRC under the guise of the RCD-Goma.¹²²

With regard to the other forces, the UN mission has equally monitored the repatriation of 2,287 Ugandan, 3,477 Zimbabwean, and 700 Burundian troops.¹²³ Having systematically verified all former locations of foreign troops within Congo, MONUC has found no evidence of units remaining in the DRC, besides the Ugandan troops authorized to remain in Bunia.¹²⁴ The long demanded withdrawal of foreign forces was hence considered completed in October 2002. However, the pulling out of these troops has also significantly altered the security landscape in eastern Congo.

2. No Peace in sight in Eastern Congo

Contrary to expectations, these developments have contributed, at least in the short term, to intensifying rather than defusing hostilities. In North and South Kivu, the Mayi-Mayi fighters, who have at least nominal control over large areas of the provinces, have tried to take advantage of the RPA's withdrawal to regain territory at the expense of the RCD-Goma, which controls key towns and cities. In addition, the RCD-Goma has become so unpopular in the region that it now has to face rebellion from a Banyamulenge leader, Commander Masunzu. Thus, the situation in the Kivus is increasingly complex and fragmented - much as in the Ituri district (see below). In the meantime, allegations on the persistent presence or discreet return of foreign forces have not taken long to surface again and suggest that the neighbouring countries have (military) withdrawn, but not (politically) disengaged from the DRC. And while MONUC's verification role was vital for fostering transparency and building confidence - as the war of words between Uganda and Rwanda soon illustrated -

¹¹⁸ ICG, Africa Report N°56: 9.

¹¹⁹ Panel Report S/2002/1146, par. 15.

¹²⁰ UNSG Report S/2002/1180, par. 10.

¹²¹ UNSG Report S/2003/211, par. 15.

¹²² ICG, Rapport Afrique N°63, *Les rebelles hutu rwandais au Congo: pour une nouvelle approche du désarmement et de la réintégration*, 23 mai 2003, p. 2.

¹²³ UNSG Report S/2002/1180, par. 8-9.

¹²⁴ UNSG Report S/2003/211, par. 15.

insecurity once again prevented the peacekeepers from fulfilling it.¹²⁵ In spite of the summer 2002 agreements, MONUC remained dependent on the parties regarding information-sharing, the ending of hostilities, the cessation of support to armed groups, and the provision of its own security. In such conditions, there is not much that the mission, as it was designed, can really do to restore security in the north-east of Congo. This explains in turn why the second wing of each agreement - related respectively to DDRRR and the re-establishment of law and order in Ituri - has until now largely gone unheeded.

DDRRR: Durable Doubts Regarding Rwandans Renouncing

Kagame's rapid troop withdrawal was also a way to throw the ball back to MONUC and its (in his view unworkable) DDRRR programme. However, under the terms of Pretoria I, the role that MONUC is expected to play in that respect has not significantly changed. Through the TPVM, the UN was tasked with verifying information on and ascertaining the whereabouts of the armed groups, determining dismantling measures, establishing assembly points and facilitating repatriation. Interestingly, MONUC was also expected to verify that the ex-FAR/Interahamwe elements were no longer supported by Kinshasa, by establishing an observation presence at key points on alleged supply routes and airfields.¹²⁶ But besides the latter innovative responsibility, the UN Secretary-General reiterated the same invariable principles that MONUC could only act in a 'permissive environment' and that the disarmament process had to be fully voluntary. Pretoria I did not therefore lead MONUC to change its strategy, only to hope that this strategy could be implemented. In fact, the only option for dismantling the armed groups would probably be to isolate and catch them in a pincer movement. In other words, it would require Kigali and Kinshasa to conclude an alliance to that aim. Just as Kagame was aware of the deteriorating case for occupying Congo, Kabila realized the damaging effects of his incestuous relationship with the *génocidaires*, upon whom he relied to maintain his grip on power and to fight Rwandan occupation. Already in late 2001, as a gesture of good will, he had invited MONUC to visit a camp in Katanga province (Kamina) where approximately 1,800 FDLR members, who were expecting negotiations with Kigali on the inter-Rwandan dialogue, had accepted being quartered.¹²⁷ In the aftermath of Pretoria I, the DRC's government took another initiative by declaring *persona non grata* all political leaders of the FDLR and ordering them to leave the country within 72 hours. This decision may have contributed to the disarmament process to the extent that those hardline leaders - one of whom was even arrested by the DRC's government - are expected to preclude lower-rank combatants from surrendering. However, FDLR troops are now concentrated in the mountains of eastern Congo, out of reach of the central government, which has consistently put forward this reason to state its inability to dismantle the armed groups. Yet Kinshasa has reportedly resumed support to them after a three-month break from November 2002 to February 2003...¹²⁸

At that date, over 1,000 Rwandan fighters (including dependents) out of 13,000 Interahamwe and ex-FAR (MONUC estimates) had been voluntarily disarmed, demobilized and repatriated.¹²⁹ However, it is unlikely that the disarmament process will eventually absorb the estimated total

¹²⁵ *Ibid.*, par. 55.

¹²⁶ UNSG Report S/2002/1005, par. 42.

¹²⁷ Most of these fighters were not willing to disarm, however, and escaped from the camp in November 2002 after (still unexplained) fighting with the Congolese Armed Forces. See ICG, Rapport Afrique N°63: 16.

¹²⁸ *Ibid.*, Executive Summary.

¹²⁹ UNSG Report, S/2003/211, par. 19.

caseload of 90,000 combatants and dependents before crucial current conditions are reversed.¹³⁰ First, as stressed by the International Crisis Group, the political situation within Rwanda at the end of the 'transition period' does not offer an environment conducive to the possible return and reinsertion of Hutu extremists active in the DRC. In fact, the FPR's tightening grip on power in Kigali is another reason why the Rwandan rebels are unlikely to surrender.¹³¹ Second, it is all too clear that Kinshasa and Kigali must definitely stop backing their respective proxies since this support ensures continuous fighting and prevents, by implication, MONUC from establishing a substantial and effective presence in the east. Third, although conditions in the field are undeniably adverse, the UN mission has drawn criticism for not being proactive enough. While MONUC has broadcast information campaigns on DDRRR through Radio Okapi and has tried to reach the rank and file of ex-FAR/Interahamwe deep in the forest, the mission still needs to search for and maintain substantial contacts with these elements and other groups to be disarmed.

Ituri's Descent into Chaos

The situation in the resource-rich Ituri area is no less complex and tragic than in the Kivus. While local ethnic rivalries have a long history, especially between the two leading communities - the Hema and the Lendu - violence has reached unprecedented proportions as a result of the breakdown of government control and Ugandan occupation. Since it invaded the region in August 1998, the Ugandan army has never assumed administrative responsibilities but has played off the Hema and Lendu against each other and granted erratic support to the various armed groups involved according to its interests.¹³² Broadly speaking, the Lendu and their militias identify themselves with the RCD-K/ML, which established its headquarters in Beni under the command of Mbusa Nyamwisi. In theory opposed to the central government, this 'rebel' group has nonetheless allied itself with and received support from Kinshasa since 2002. Mainly composed of Hema, the *Union des Patriotes Congolais* (UPC) led by Thomas Lubanga was created in April 2002 with the blessing of Kampala. However, opposed to the creation of the Ituri Pacification Commission (IPC), the UPC finally allied itself with the RCD-Goma and by implication with Rwanda. In response, Ugandan forces supported a splinter group from the UPC, the *Front pour l'Intégration et la Paix en Ituri* (FIPI). Jean-Pierre Bemba's MLC, which controls a large strip of territory along the northern border of the DRC, has also become involved in Ituri, where it allied itself (at times) with the RCD-National, another splinter group from the RCD. The growing contention between Rwanda and Uganda, although handled by the British government, has made things even more complex. In a replay of its allegations against Kabila, the Rwandan leadership has indeed accused its Ugandan counterpart of training Interahamwe and ex-FAR soldiers in Ituri with a view to infiltrating Rwanda across its north-western border. While giving Uganda an ultimatum to withdraw from the region, the Rwandan government has not excluded, if security demands, sending its troops back to the DRC... In reply, Kampala has denounced the support given by a 'foreign force' to the UPC (the very same support that Uganda earlier gave to the very same faction) and has accused Kigali of waging a war by proxy through backing a newly emerged Ugandan rebel group, the People's Redemption Army (PRA).

¹³⁰ Estimations in UNSG Report S/2002/1005, par. 39.

¹³¹ ICG, Rapport Afrique N°63: 22-23.

¹³² On Ituri, see IRIN Web Special on Ituri in eastern DRC, <http://www.irinnews.org/webspecials/Ituri>, as well as Henri Boshoff, 'Tension in Ituri: An Update on the Democratic Republic of Congo', ISS African Security Analysis Programme, *Situation Report*, 25 April 2003.

This brief outline suggests that violence in Ituri has less to do with ‘inter-ethnic hatred’ than with lawlessness, power struggles, factionalism, economic rivalry and, above all, poisonous foreign interferences. Still, as a result of five years of confrontation that have caused approximately 50,000 deaths and displaced 500,000, the Hema and Lendu communities are now deeply suspicious of each other and, much like the Hutu and Tutsi with which they tend to identify, have entered a deadly cycle of killings, as illustrated by the tragic developments in the area since February 2003.

At that date, a new timetable was agreed by Presidents Kabila and Museveni, aiming finally to establish the Ituri Pacification Commission and simultaneously to proceed with the withdrawal from Bunia of the remaining Ugandan troops. While a ceasefire agreement was signed by six politico-military groups in Ituri, the UPC refused to join and opposed the creation of the Commission. In response, and with the tacit approval of Kinshasa, Kampala sent back some of its troops, which successfully removed the UPC from Bunia. This operation paved the way for the eventual inauguration of the IPC on 4 April 2003, but went along with massive killings of Hema villagers by Lendu militias (usually allied to UPDF) the day before the commission was established. Consequently, international pressure mounted on Uganda to withdraw all of its 6-7,000 troops from Ituri. As the UN Secretary-General had warned, however, Ugandan forces in Ituri constituted by then a necessary evil: ‘despite a general perception that some UPDF troops have not acted even-handedly, for the time being they remain the only force in Bunia that can provide security, albeit limited and localized’.¹³³ Inevitably, in the wake of the UPDF’s withdrawal from Bunia (which began on 7 May 2003), fighting erupted again between Hema and Lendu factions, initiated by the UPC to regain (successfully) control of Ituri’s main town. Only 400 men strong at the time, MONUC was unable to intervene to prevent a new round of killings of mainly civilians. While several Western governments are now considering setting up a ‘rapid reaction force’ to restore security in Ituri, it is all too clear that the Ugandan withdrawal has been badly handled. As a result of Rwandan irritation and Western impatience, the long-awaited pulling out finally took place precipitately, before a robust international force was sent to take over and prevent a fatal security vacuum.¹³⁴

3. The Inter-Congolese Dimension: Transition to Where?

At the time of writing, the situation on the ground contrasts severely with the series of agreements signed between (most of) the same belligerents and parties to the inter-Congolese dialogue. While the deal concluded at Sun City between Kabila and Bemba rapidly proved short-lived (because of persistent differences on power-sharing arrangements for the Supreme Council of Defence and the procedure for designating the Prime Minister), the UN and South Africa immediately undertook to put the process back on track. The poor performance of the ICD’s facilitator, Sir Masire, led the UN Secretary-General to request instead that his Special Envoy for the DRC, Mustafa Niasse, continue searching for a comprehensive settlement involving all the Congolese stakeholders. At the end of his third mission to the region in October 2002, Niasse was already optimistic about the prospects for reaching such an agreement.¹³⁵ In fulfilling his mandate, the UN Special Envoy benefited from the crucial support of the South African government’s team, led by Sidney Moufamadi, Minister of

¹³³ UNSG Report S/2002/1005, par. 29.

¹³⁴ Yet, this scenario had largely been foreseen. See IRIN, DRC-Uganda: ‘Ituri Braces for Ugandan Pullout’, 17 April 2003.

¹³⁵ UNSG Report S/2002/621, par. 18 and S/2002/1180, par. 3-7.

Provincial Affairs, in his capacity as representative of the Presidency-in-office of the African Union. While the first session of the inter-Congolese dialogue came up against the Rwandan camp's obstructionism, South Africa this time made the most of its privileged relationship with Kigali to convince the RCD-Goma and its sponsors to reach a deal. The Rwandan leadership was even more responsive, as shown by the Pretoria I agreement, as it had just embarked on a new policy for the Kivus, according to which the two provinces may not remain under its direct military occupation but still constitute a zone of influence. And the power-sharing deal brokered by the mediators did not seem incompatible with this objective.

Pretoria II Agreement: Neither 'Global' nor 'All-Inclusive'

On 17 December 2002, the Global and All-Inclusive Agreement on the Transition in the DRC was therefore finally signed in Pretoria by the main Congolese parties to the conflict, including the DRC's government, RCD-Goma, MLC, RCD-ML, RCD-N and the Mayi-Mayi. Short of addressing all the causes of the conflict, however, this agreement resulted from a deal between the principle warlords as to how they would share power at the governmental level during the 24-month transition period, at the end of which elections should be held. In brief, President Kabila will remain Head of State (and Supreme Commander of the Armed Forces) but assisted by four Vice-Presidents in charge of governmental commissions, each comprising ministers and deputy ministers. The political commission will be chaired by the RCD-Goma, the economic and finance commission by the MLC, the reconstruction and development commission by the government component, and the social and cultural commission by the political opposition. In total, the transitional government will include no less than 36 ministers and 25 deputy ministers. In addition, the signatories also agreed on the structure and composition of the parliament, which will consist of a national assembly (comprising 500 members and presided over by an MLC representative) and a senate (comprising 120 members and presided over by the *forces vives*). Civil society will also head five independent institutions 'in support of democracy', including the electoral independent commission.

While the distribution of governmental positions and parliamentary seats was negotiated to the smallest detail, the Pretoria II agreement could neither be said to be 'all-inclusive', since it was not signed by at least one faction (the UPC) operating - and in which manner - in Ituri District, nor 'global', as it failed to address at least three outstanding issues related to the interim constitution for the transition period, the integration of all armed forces into a united national army, and the personal security of transitional government leaders.

From Pretoria II to Sun City: The (Unfinished) Final Act

It was to resolve these pending matters that technical committees were convened once again in Pretoria on 24 February 2003. After eleven days of discussion, on 6 March 2003 the ICD delegates approved two additional documents relating to the transition constitution and the future united army as well as a memorandum of understanding on the deployment of a neutral international force to protect the transitional institutions and leaders (Pretoria III). This ultimate but, as explained below, unfinished deal paved the way to the final session of the inter-Congolese dialogue, held in Sun City on 1-2 April 2003, during which the Final Act was signed, endorsing all agreements approved until then within the ICD's framework. Ironically, the leader of the RCD-Goma, Dr Adolphe Onosumba Yemba, was this time the only one of the three main belligerents to attend this session, which Kabila, irritated by the

choice of Sun City instead of Kinshasa, and followed by Bemba, decided to boycott.¹³⁶ Since then, however, the constitution has been promulgated; Kabila was inaugurated (with some controversy) as interim President; and all four Vice-Presidents have been nominated, including by the RCD-Goma whose representatives arrived in Kinshasa for the first time since the war erupted almost five years ago. Now that these steps have been passed, the installation of the government is expected to take place in late May or early June 2003. But does the Final Act really mark a new beginning for the DRC?

New Developments, Old Issues

The very same leaders who commit themselves to reconciliation and peace in the DRC continue to engage in military confrontation on the ground. Among (many) others, this simple fact casts a shadow, to say the least, over the sincerity of their commitment and the prospects for peace that the outcome of the inter-Congolese dialogue has supposedly raised. In reality, none of these agreements stems from the political will of the signatories, but all were achieved after protracted negotiations and under intense international pressure exerted in particular by the United Nations, South Africa, and Western countries. In the end, the parties' motives for signing were to avoid being marginalized and to have their share of power preserved, confirmed or recognized, but probably not to offer the DRC an opportunity to rise from its ashes. By implication, it is quite hard to envisage how the transitional government could function in practice: the four Vice-Presidents should not be expected to collaborate among themselves, while each of their (deputy) ministers is less likely to answer to them than to his/her own political movement - foreign sponsor notwithstanding.

Sources of contention may shortly appear, since outstanding issues were unaddressed in the various peace accords. To begin with, the belligerent factions agreed that rebel fighters should be merged within a new national army, but disagreement persists over the command structure. Mustafa Niasse put forward a proposal on the sharing of military responsibilities under which the ground forces of the future united military would be led by the RCD-Goma (with the MLC as second-in-command), the air forces would be led by the government component, and the naval forces by the RCD-K/ML. However, this proposal was rejected by all the parties except the RCD-Goma (that is, Rwanda), which would indeed not only hold the position of Minister of Defence in the transitional government but also control the only branch of military significance.¹³⁷ It is now up to the 'Follow-Up Commission', composed of all parties and chaired by Kabila, to solve the dispute, like all other pending matters, until the installation of the transitional government.

Just as the memorandum on the army missed out the crucial command issue, the transitional constitution is silent on a major aspect of the DRC's conflict: the granting of Congolese nationality in general and the status of the Banyamulenge in particular. Article 14 of the constitution states that all ethnic groups and nationalities constituting Congo at independence are equal before the law as citizens, but leaves it to a future nationality act to spell out the conditions under which Congolese nationality is to be recognized, acquired, lost or recovered. In this matter, the constitution proves

¹³⁶ The official ICD facilitator, Ketumile Masire, attended the ceremony but did not deem it relevant to refer in his speech to the role played by the UN Special Envoy in the outcome.

¹³⁷ IRIN, DRC: 'Deadline Set for Government Candidate Proposals', 30 April 2003. It was also to protest against this proposal that Kabila declined the invitation to Sun City.

specific only in precluding double nationality, a provision that may alienate Rwandan Hutu and Tutsi minorities in Congo.

In the same vein, the constitution does not contain any indication concerning the constitutional order and level of decentralization of the DRC. While the RCD-Goma and autonomist movements in the Kivus (backed by Rwanda) supports federalism as a way to secure control over eastern Congo's resources, the government component will seek to re-establish control over all the territory, and especially over the rebel areas.¹³⁸

In the final analysis, no peace will prevail in the DRC as long as these key issues, which pertain to the three defining elements of the state (government, population and territory), have not been adequately addressed. At the same time, the neighbouring countries are likely to remain influential over the process of state-building in Congo, if they only refrain from hampering it. Although Rwanda, Uganda and Zimbabwe have realized that the presence of their troops in the DRC was politically not sustainable, none of the three has given up the idea of carving out the Congolese territory for their own interests. Each will seek to preserve its zone of influence and exert economic control over portions of the DRC or, put differently, to achieve its own development at the expense of its neighbour. As explained by the Panel of Experts, the three 'elite networks' had anticipated the day when foreign forces withdrew and had developed alternative strategies for continuing their lucrative business in this new setting. UPDF officers had trained local militias to serve as a paramilitary force capable of performing the same functions as the Ugandan army while putting in place the commercial networks, allowing them to remain involved if not physically present; likewise, the Rwandans had set up economic control mechanisms that do not rely on the presence of the RPA and had sent businessmen from Kigali, as well as Congolese Tutsi refugees, to eastern Congo; and the Zimbabwe Defence Forces (ZDF) had established new companies and contractual arrangements to defend their economic interests in the longer term.¹³⁹ Simultaneously, as seen above, Kampala and Kigali have continued to support proxies and fuel a profitable instability at the local level. Fundamentally, none of the three countries involved in the plundering of Congo's natural resources has an (economic) interest in the restoration of peace in the DRC and the restoration of state sovereignty throughout all the territory. This is ultimately the reason why, despite the collection of agreements signed, the prospects for peace remain fairly remote, unless the 'international community' is finally determined to shape a different course of events.

¹³⁸ On Rwanda's support to autonomist movements, see ICG, Africa Report N°56: 3 and 9.

¹³⁹ Panel Report S/2002/1146, par. 13-17.

Conclusion: No African Solution Without International Involvement

In resolving the conflict in the Democratic Republic of Congo (DRC) the involvement of the international community (as represented by the United Nations, Western countries and South Africa) has proved instrumental but at the same time insufficient. Instrumental because without it none of the developments that have occurred since the summer of 2002 would have taken place: international pressure has made the otherwise financially profitable and militarily workable presence of foreign troops in Congo politically unsustainable; similarly, international pressure has pushed the Congolese parties to sit at the negotiating table and conclude a deal, if only to throw the outsiders off the scent. Yet, international involvement has also proved to be tragically deficient, as shown by the inadequate mandate and means granted to MONUC, the lack of determination to have the UN Security Council's resolutions enforced, and by the fact that a follow-up to the Kassem recommendations to confront the war profiteers has so far failed to materialize. Now that the foreign troops have (officially) withdrawn and a transitional government is being installed, it might be tempting for outsiders to throw the ball back to the parties and charge them with finding out the appropriate 'African solution'. This would without doubt be a serious mistake. First, the conflict in the DRC has entailed such large-scale destructions that it cannot be reduced to a purely 'African problem'. Secondly, while the parties' commitment remains dubious, and although a way out may have been outlined, international interveners cannot afford to stop halfway but instead should demonstrate and ensure that their investment in peace is worthwhile.

As the embodiment of the international community and the monitoring body of the transition process in the DRC, the International Committee for Support to the Transition (ICST), whose creation was stipulated in annex IV of Pretoria II, therefore has a critical role to play during (at least) the next two years. Composed of the ambassadors to the DRC of the five permanent members of the UN Security Council, as well as of other countries and intergovernmental organizations (Belgium, Canada, South Africa, the African Union and the European Union), and headed by the Special Representative of the UN Secretary-General, Amos Namanga Ngongi, the ICST should provide for security to the transitional institutions (as foreseen in the Final Act) but also for arbitration of all disputes that may arise among government members. Fulfilling the latter role would, however, first require international guarantors to reconcile the differing views among themselves and to speak with a single, and preferably strong voice. Until now, this has seldom been the case.

Lessons Learned from Peace Efforts

The first lesson to be learned from the Congolese experience is that conflicts in Africa are made even more intractable by the lack of cohesion among the main international, in particular Western, actors. True, restoring peace in a country plunged into chaos by brutal and greedy local warlords is not an easy task. It should be stressed, however, that the belligerent factions in the DRC (the first circle of

actors) are by no means gangs of bandits left to their own devices, but are all copiously supplied and tightly controlled by governmental actors (the second circle). Whether in the Kivus or in Ituri, the war in the DRC, as elsewhere in Africa, is not local only, far from it, but largely international. Hence, the most effective way to restore peace is probably to bring pressure to bear on the factions' sponsors and real major actors, the governments of the region (Kinshasa included), until they cease warring by proxy and devise other means for settling their disputes. Yet, such a policy would require the third circle of international actors (including, in this case, the US, EU member states and South Africa) to be cohesive and coherent. This failed to happen in Congo, first of all because of major differences among the third-circle actors in the perceptions and analysis of the conflict. Whereas a group of (francophone) states would consider that the DRC has been in essence invaded and systematically plundered, others such as the United Kingdom and the Netherlands would stress that Rwanda and Uganda merely acted in self-defense against cross-border raids by rebel groups based in Congo and exploited the country's natural resources quite understandably to finance their operations. Such conflicting views about the parties' motives and responsibilities obviously impinged on the designing of conflict resolution strategies and measures. Yet, the lack of a coherent policy also resulted from the fact that third-party/circle actors appear to give priority to promoting their interests and securing their diplomatic position instead of truly searching for a solution. Thus, when designing a policy or rather *negotiating* a position, external actors are not collectively looking for the best way of increasing leverage and fostering peace, but are each mainly willing to see their particular position recognized and taken into consideration by the others. This may explain why they are so reluctant to withdraw political support from, or simply acknowledge criticism against, their respective allies (Kampala for the UK, Kigali for the Netherlands, Kinshasa for Belgium and France). Ultimately, no firm stance is taken, no significant pressure is exerted, and the members of the second circle are all too aware that they can profit from the divisions within the third circle to continue pulling the ropes of the first one. Reflecting only the lowest common denominator, EU 'joint positions' have thus lost much of their weight on the parties, whereas cooperation and coordination would most likely have had a multiplier effect. Instead of this 'diplomatic scramble' for positions in this part of Africa, European governments should draw inspiration from the South-African diplomacy (although itself not beyond criticism) and adopt the policy principle that each country should use its entry point in the continent to exert leverage on its African friends – rather than to oppose its European partners.

The second lesson to be learned from the DRC conflict, especially from the episode of the withdrawal of foreign forces, may be that leverage depends as much, if not more, on *who* takes a given measure than on the nature of the measure itself. France and Belgium may have adopted strong positions against Rwanda's and Uganda's presence in the DRC - some of these positions being even reflected in the Security Council's resolutions - they may have promoted sanctions to curb resource exploitation, yet in the final analysis the impact of such a posture would nevertheless have remained limited 1) because Kigali and Kampala are not receptive to the wishes and views of these two countries they consider with hostility, and 2) because, on the contrary, they know they can count on support from the United States and the United Kingdom. However, were Washington and London to decide in turn to exert pressure, without even necessarily resorting to sanctions, this would likely have more impact. No longer convinced of its friend's support but fearing isolation, the targeted regime may indeed be led to think twice and comply. In the end, Kigali did not withdraw its forces following the French demand nor even the Security Council resolutions, but because the US administration requested doing so. This does not imply that coercive means, *i.e.* measures taken without the consent

of the recipient, are a dead-end and that only persuasion works, but rather that (the threat of) such sanctions may be more efficient when promoted and/or implemented by the targeted party's allies rather than by its enemies. Put differently, the parties' respective allies in the third circle may prove even more influential if they agree themselves to resort to some form of disincentives.¹⁴⁰

The third lesson to be learned from the Congolese quagmire is indeed that restoring peace in such a complex conflict situation requires that a certain degree of coercion be infused in the peace diplomacy in general and in peace accord enforcement mechanisms in particular. True, such lesson is drawn by default since barely any measure of this nature was implemented in Congo. But, conversely, the consequences of such a deficiency can hardly be denied. Experience has shown, for instance, that sending an observation mission under chapter VI of the UN Charter is simply not enough to cease hostilities and ensure implementation of such a complex agreement as 'Lusaka'. By contrast, the emergency multinational force dispatched to Ituri under chapter VII might ultimately prove more efficient. Similarly, the investigations of the Panel of Experts (whose appointment was itself decided against the will of the belligerents) proved useful by shedding light on the plunder of Congo and compelled some of the actors involved to change strategy. Yet, more forceful action than merely 'naming and shaming' (a necessary but insufficient step) is called for, and was requested by the Panel, to effectively curb the exploitation of resources.

Finally, MONUC's misfortune and the fate of the Panel's recommendations illustrate a fourth lesson, which is that resolving such an intractable conflict as in Congo requires a high degree of commitment from the third circle – in political, financial and military terms. No doubt this condition will remain acutely needed during the coming period.

Key Considerations for the Transition Period

During the transition period, international guarantors will have to demonstrate commitment, cohesion and coherence, and will most likely have to resort to some sort of robust action to stop the fighting once and for all and have the peace accords implemented. With a view to an effective resolution of the conflict, the members of ICST might furthermore take the following considerations into account.¹⁴¹

1. Regarding the Regional Dimension

While attention will be focused on the peace process in Kinshasa, the regional dimension of the conflict, *i.e.* the second circle of actors, should be fully addressed as well. As explained above, restoring peace in the DRC indeed requires bringing pressure to bear on the factions' sponsors, whatever the capital they act from (Kinshasa, Kigali, Kampala).

- While development aid is often made conditional on internal reforms, multilateral and bilateral donors tend to attach less importance to the recipient countries' foreign policy and contribution to regional stability. Yet, donors should consider conditioning their support to

¹⁴⁰ Following the failure of Sun City, the US refrained from approving a new IMF loan to Rwanda.

¹⁴¹ A number of the following considerations were put forward at the seminar *Rebuilding the Democratic Republic of Congo: Which Role for the Donor Community?* held at the Clingendael Institute, The Hague, on 6 June 2003. The proceedings of the seminar are available on line at <http://www.clingendael.nl/cru>

such criteria too, *i.e.* to each state actor's effective contribution to the peace process. Conditionality (in particular with regard to budget support) should therefore be applied to the Kabila Government which must immediately cease supporting the Rwandan Hutu extremists as well as to the Rwandan and Ugandan governments, which should not be left in the position to spoil the peace process through their proxies.

- The UN (within the framework of MONUC) and/or the European Union may also consider sending permanent monitors to border areas, in order to: *i)* monitor and deter the chronic provisioning of rebel groups by state actors; *ii)* verify allegations and counter-accusations on foreign troop movements in and around the DRC. Given the vastness of the territory to be covered, aerial surveillance mechanisms may prove useful to complement observation on the ground.
- European governments should also pursue as a common objective the restoration of trust and the improvement of bilateral relations between Rwanda and the DRC, which are crucial to foster regional stability.

2. Regarding the Pacification of Eastern Congo

The transition process expected to take off in Kinshasa offers the only real opportunity for restoring peace in the DRC, but this process is endangered by the developments on the ground and the continuous violence in eastern Congo. Hence, the local and national peace processes have to be fostered in parallel. While it would make sense to protect the transitional institutions, *i.e.* the warlords, in Kinshasa, the ICST will have first and foremost to demand and obtain from the very same warlords the complete cessation of hostilities in the east – otherwise the transitional institutions will lose their relevance anyhow. The French led emergency multinational force's intervention in Ituri district had an immediate impact in Kinshasa where it was interpreted as a strong signal of the international community's determination to engage in the pacification of the Congo. If eventually successful, Operation 'Artemis' (as the intervention in Ituri is called) might also demonstrate, while being itself limited in scope and duration, that MONUC's initial concept of operations, as promoted by the US administration, was fundamentally flawed: hard cases do not call for a gradual approach but require instead a commitment equal to the situation.

- Scheduled to take over from the European force by September 2003, MONUC should therefore be significantly strengthened and provided with the mandate and means to ensure the demilitarisation of Bunia on a permanent basis, to back up the interim administration in Ituri district, and to support the negotiated cantonment, disarmament, demobilization, and reintegration of all militias.
- Similarly, MONUC should play a key role in the pacification of the entire Congolese east by reinforcing its presence in key towns and areas, as well as initiating and supporting a Pacification Commission for the Kivus.

3. Regarding the Disarmament, Demobilization and Reintegration (DDR) Process

The DDR process cannot drive the peace process, but its failure can cause the peace process to derail. In view, notably, of the general elections scheduled for 2005, the belligerent factions will all remain potential spoilers as long as they are not disarmed and dismantled. Yet, the DDR process is unlikely to

materialize unless: minimum security conditions exist on the ground; the parties are committed at the highest political and military level; and the combatants are offered a wide range of options for the future. In that respect, it should be stressed that the combatants to be disarmed and reintegrated do not only include Rwandan Hutu extremists, but also all Congolese combatants whose factions compose the transitional government, and all other Congolese members of local militias. Each of these three different caseloads will require a specific strategy to make the DDR process operative.

Ex-FAR and Interahamwe

- Experience shows that a comprehensive DDR process is unlikely to develop without the support and commitment of top military commanders. Hence, MONUC will have to negotiate directly with the highest military commanders of the belligerent factions, including ex-FAR and Interahamwe, the conditions for disarming their troops. In addition:
- The political situation in Rwanda proper should be fully taken into consideration and be monitored by MONUC when planning for the potential disarmament and repatriation of Rwandan Hutu extremists.
- Continuous pressure will have to be exerted on the Kabila component in order to cease its support for the Interahamwe and ex-FAR elements.
- Efforts should be made to respond to the wishes of those extremists who might incidentally be willing or allowed to demobilise. Political analysis backed up by a rapid reaction mechanism should be incorporated into the DDR strategy with a view to anticipating, identifying and exploiting those small windows of opportunity.

Congolese Combatants

- While until the signing of the Final Act attention was focused on the Rwandan Hutu extremists, a programme of civilian reintegration of the estimated 200,000 Congolese combatants remains to be designed. Given its utmost importance, this task should be taken charge of by relevant agencies without any delay.
- While a number of combatants may be willing/induced to preserve, at least temporarily, their military status, an agreement will have to be brokered, beyond the allocation of military posts, on the size and structure of the future national army and the incorporation of former rebel groups within its ranks.

Local Militias

- A strategy different from the formal DDR will be required for the local militias entailing post-conflict rehabilitation activities, community development projects and innovative initiatives for collecting small arms.

4. Regarding the Reconstruction of the Congolese State

Once restored – that is, once hostilities have ceased and the DDR process is successfully completed – peace will have to be rooted: the Congolese state will have to be reconstructed on a sound, and preferably different, basis. The magnitude of this task is proportional to the size of the country. Key challenges will be to define new relationships between the regions composing the Congo and the central government on the one hand, and between the Congolese state and its neighbours on the other. Although reconstruction will surely be a laborious process that can actually get started along with the

development process after the end of the transition period only, a few preliminary steps might be taken ahead of this deadline, while the country is (hopefully) in the process of recovery.

Role of the Transitional National Government

The Transitional National Government (TNG) is probably not the most reliable partner imaginable for the international donor community. The various components of the government are not renowned for holding a 'grand vision' of their country's future; they most likely remain driven by the same predatory goals they have fought for - even worse, at the time of writing they are still engaged in fighting on the ground. Yet, the overall picture may not be that bleak. The TNG may lack a national vision, but none of its components is driven by separatist objectives. The TNG may lack cohesion, but all factions have a strong incentive to stay cohesive in the form of the foreign aid that will be disbursed: all understand that an improved economic situation makes it more likely for them to perform well in elections and they may therefore appreciate the need for securing financial support. In other words, the TNG's lack of reliability may, and should, be compensated for by the pressure that international actors and donors will have to exert on its members. This is why:

- During the transition period, part of the aid should be conditioned on compliance with the peace process requirements (allowing for the implementation of recovery programmes).
- Preparations for the elections should start without delay in order to draw attention to this deadline... before the transition period is rendered obsolete.
- The government should not be overwhelmed with recommendations and ready-made solutions - as is often the case - but should be assisted in concentrating on a few priorities to achieve until the elections.

Financing the State

The main reason why state institutions are weak in the DRC does not relate to deficient human capacity but to the lack of financial resources. Bearing this in mind it is critical to work out mechanisms that generate revenue and finance the state.

- At present, the informal networks of artisans and diggers not only enable the population to survive but may also constitute the basis for economic recovery as they provide some sort of social cohesion. Yet, the informal sector, accounting for 95% of the Congolese economy, should be gradually moved into the formal sector by means of inducements such as micro-credit instruments.
- Mechanisms should also be set up to ensure the transparency of certain revenue-generating activities (resource exploitation codes) and of spending (public expenditures management).
- In order to fulfil the minimum functions of the state, the Congolese government will ultimately need much larger financial means than those presently made available by donors, especially in view of the following priorities.

Priorities for Recovery and Development

‘A strategy for the poor might be a poor strategy’¹⁴². Beyond the legitimate insistence on a participatory pro-poor approach, real development requires the ‘hard core’ of the state to be in place, starting first and foremost with an efficient infrastructure and law enforcement capacities:

- Since development goes where roads go, and roads enable, *inter alia*, to reconnect the markets, recovery of the infrastructure should be the absolute priority of the donor community.
- In order to restore law and order - as well as to ensure a successful DDR process - donors should allocate significant funds for the rebuilding, equipment and training of the police and armed forces.
- With a view to responding to immediate needs and investing for the future, donors should also target education and health sectors.
- Finally, development should not be based solely on natural resource exploitation but increasingly on trade and services. The (formal) private sector should be boosted, *inter alia*, by reducing transactions costs which are immensely high in Congo.

While the war in the DRC resulted partly from the gradual decay of Mobutu’s neo-patrimonial Zaire - long supported by international financial institutions until the end of the Cold War - the challenge for the donor community will be to help rebuilding the DRC without repeating the mistakes of the past. However, donors should not be overcautious either by waiting for ideal conditions to get involved in the DRC. As Congo is not doomed to fail, but will surely do so otherwise.

¹⁴² As put by Professor Marysse, Proceedings of the seminar *Rebuilding the Democratic Republic of Congo*. |

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