

## DRC UPDATE

### *Building security for the elections*

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The elections that were scheduled for June 2005 were to represent a key point in the transition of the Democratic Republic of the Congo (DRC) from conflict to peace and would mark the end of the current transitional government (TG), which has been in place since June 2003. However, the announcement on 7 January by Apollinaire Malu Malu, head of the Independent Electoral Commission, that it was unlikely that this deadline would be met revealed what has been a publicly unacknowledged fact for a long time. In doing so, Malu cited a number of legislative and logistical factors, especially the TG's failure to establish its authority over much of the country and the consequent insecurity, especially in the east.

#### **The weakness of the transition**

Malu's announcement was met with threats from within the TG and protest on the streets of Kinshasa and other cities. After one and a half years the TG has little to show for its efforts either politically or by improving security in the country,<sup>1</sup> with violence continuing in much of the east. Progress has been very slow. Although parliament made some progress, the real obstacle to transition is the lack of political will and cooperation among the members of the TG, which is reflected in the persistence of parallel chains of command in the military, the financial

institutions and the administration. These, and the corruption they engendered, reveal the reluctance of many in or associated with the TG to relinquish their power and assets. This impacts directly on progress towards elections, as many of those who are close to power and privilege realise that a great deal may be lost if they lose or 'their' candidate loses.

The need for the Inter-Institutional Seminar on the Election Process and Future Constitution held in early February 2005 in Kinshasa was in itself an acknowledgement that the TG has achieved few of its objectives in the previous two years. The ambitious timetable that was outlined by the seminar and was to be completed by October 2005 but this is unlikely to be met. This will exacerbate the concerns of opposition parties and groups outside the TG. The decision as to when the elections should be held will be a matter of finding the right point between practicalities such as logistics, enabling legislation, sufficient security and participation levels that are sufficient to gain acceptance and meet the expectations of the population and growing opposition that 'the transition must end and democracy must begin'. The situation can be likened to two trains moving towards each other along the same track, hoping that they can stop at the station at the same time thereby avoiding a collision, with an obvious effect on the passengers – the Congolese

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people. Doing so will require far greater political skill and commitment than any of the 'train drivers' have shown so far.

Dealing with the current insecurity in much of the DRC and the new threats that could emerge as stakes rise closer to the elections is a prerequisite for the elections. Current and potential insecurity in the DRC arises from a number of sources. These include the continued presence of foreign (predominantly Rwandan Hutu) rebels; the existence of some 300 000 armed Congolese from the various parties and groups who are part of the TG, and the failure to commence army integration or the national disarmament, demobilisation and reintegration (DDR) plan in any meaningful way; the number of other armed groups, mainly in Ituri, the Kivus and Katanga, that are not part of the transitional process; and politically motivated violence in many parts of the country, especially Katanga, Kasai and Kinshasa. In addition, there are the interests of neighbouring countries, especially Rwanda and Uganda and to a lesser degree Burundi, which again threaten to escalate the conflict in the DRC into a regional one.

In the face of these challenges viable responses are limited and consist of improving the unreformed forces of the transitional government; enhancing and expanding MONUC's (*Mission de l'Organisation des Nations Unies en République Démocratique du Congo*) presence and mandate; and working to improve regional relationships.

### **Strengthening international cooperation in security sector reform**

To date the international community, through the International Committee Accompanying the Transition (CIAT), has not played the strong role that was hoped for in guiding and assisting the transition that was envisaged after the Pretoria Accords of 2002. Unfortunately, if CIAT is to be effective, members need to work together to present a common view to the transitional government in terms of strategy and implementation. In the area of security sector reform (SSR) and integration of the various armed components into a single national army, there has been a noticeable lack of common purpose among its members. A number of

the TG 'factions', particularly the *Forces Armées Congolaises* (FAC) and *Rassemblement Congolais pour la Démocratie Goma* (RCD-G) maintain a high degree of 'informal' autonomous control over their armed groups, which are now supposed to be subordinate to the FARDC (*Forces Armées de la République Démocratique du Congo*) integrated military command. More obviously, President Kabila has so far refused to place the Presidential Guard (GSSP), the best trained and equipped Congolese security force, under the control of the military. Equally damaging, other elements from *Mouvement Pour la Libération du Congo* (MLC) and *Rassemblement Congolais pour la Démocratie – Mouvement de Libération* (RCD-K/ML) have largely been 'dumped' onto the FARDC without any process or support for their maintenance, let alone integration.

Security Sector Reform (SSR) and DDR were supposed to be two of the key objectives of the TG, but so far the process has lacked vision, political will and financial support. Establishing new integrated security mechanisms that can support the elections and reduce the number of armed people within the country is a prerequisite for ensuring that elections are held and the results are not threatened. At this point, two separate attempts at army integration are under way in Kamina (sponsored by South Africa and Belgium) and Kitona (sponsored by Angola). They bear little relation to each other, do not follow the agreed military integration structures and are not, as planned, complementary to the national DDR plan. While much of the responsibility for this lies with the transitional government and the Congolese military leadership, the lack of coordination by CIAT is likely to complicate the establishment of a single viable national army and exacerbate existing political tensions and suspicions.

### **Strengthening MONUC's current deployment**

Fighting in the Kivus in June and November 2004, accompanied by threats from Rwanda to return to the DRC to deal with the *Forces Démocratiques pour la Libération du Rwanda* (FDLR) and/or protect the 'Rwandophone' population, has revealed the fragility of the current transitional process and regional relationships.

Recent fighting among various ethnic militias in Ituri, where MONUC has its strongest presence in Congo, displaced some 70 000 people and led to the deliberate killing of nine UN peacekeepers from Bangladesh. These events are symptomatic of the lawlessness and violence that have prevailed in Ituri for a number of years. MONUC's presence to date has had little effect. It is hoped that recent events will lead to a reorientation of the mission to deal with the source of such violence – the armed groups in Ituri and elsewhere in the DRC.

At present the authorised mission strength of 16 700 is concentrated in Ituri, North Kivu, South Kivu and Kinshasa, the focal points of previous clashes and ongoing conflict. It is hoped that the deployment of additional troops in these areas as authorised in United Nations Security Council resolution (SRes) 1565 and attempts by the Special Representative of the Secretary General (SRSG) to improve the coordination and management of the mission will have a positive effect on continuing sources of instability. These initiatives should be supported by member states, including greater participation by countries with advanced military capabilities, especially in specialist and technical areas.

In addition MONUC's mandate should be strengthened to eliminate present confusion and implement the Secretary-General's earlier call 'to strengthen MONUC's capacity to deter spoilers, particularly in key areas of potential volatility.' The Security Council needs to clarify and enhance MONUC's mandate by implementing one of the lessons learned from Sierra Leone, and exposed more recently in the DRC, which is to ensure that MONUC has the authority and the obligation to act pre-emptively to counter threats to civilians, the UN's mission and the fragile peace process.

Operations currently under way in Ituri to bring to book those responsible for the killing of the UN peacekeepers should not be limited to retaliation against the armed group that was responsible (*Front Nationaliste et Intégrationniste* – FNI), but should implement a coordinated military, political and humanitarian strategy, fully supported by the TG,<sup>2</sup> to end the threat of the armed groups. Once this strategy has been tested and proven in Ituri, it will act as a deter-

rent elsewhere and prove the UN's resolve and capacity. The Security Council should explicitly authorise MONUC to 'respond robustly to any attack or threat of attack, including, if necessary, in a pre-emptive manner'. MONUC must take proactive action – to the absolute maximum of its capacity – to protect civilians, humanitarian workers and the transitional process itself by being prepared to act decisively against those threatening to act in such a manner. The notion of 'deterrence through presence' has shown itself to be insufficient to achieve the stated aims of the mission and MONUC needs to move beyond it.

### Expanding to meet new threats

As election time draws nearer, new threats are emerging, particularly in Katanga and Kasai Oriental. These two provinces were recognised by MONUC as potential conflict areas. If the Secretary-General's request in August 2004 for 23 900 troops had been granted, this would have allowed an expansion of the mission's presence there and provided a pre-emptive degree of deterrence that has been lost in other conflict areas. Katanga and Kasai have underlying historical, political, social and economic dynamics that are not only dangerous in their own areas but are also tied closely to the national political and security structures.

In Katanga, rivalry between northerners and southerners creates a dynamic that is exacerbated by competition for economic and political power in Katanga itself and revolves around the presidency of Joseph Kabila, who is from Katanga. In addition, many people of Kasaian origin in Katanga have become the objects of vilification, particularly from prominent Katangan personalities. These include Kyungu wa Kumwanza, who was provincial governor during the ethnic cleansing of Kasaian from Katanga in the early 1990s, assisted by many others, such as General John Numbi, the current chief of the Air Force, who now form part of national political and security structures. These actors have declared their support for President Kabila's re-election campaign, although they are contesting his *Partie du Peuple pour la Réconstruction et la Démocratie* (PPRD) in all other constituencies in Katanga. To achieve their objectives, they have supported

the tribal 'Mai Mai' militias as well as urban gangs that are available for hire for political agitation and violence against political and ethnic opponents, including members of the *Union pour la Démocratie et le Progrès Social* (UDPS) party of Kabila's main opponent, Etienne Tshisekedi, who is supported by many Kasaians.

The situation in Kasai Oriental, and to a slightly lesser degree in Kasai Occidental, points to a potential for greater conflict as the elections approach. Kasaians have long felt alienated from the benefits of the economic resources in their province and political power has only fleetingly been enjoyed by prominent members of the community. Kasai is the 'home' of Tshisekedi's UDPS, and its opposition to President Kabila and the transitional government has strong support among the local population. Many Kasaians feel that they will win the elections, and this expectation is being encouraged by the UDPS leaders. Attempts by other parties, particularly the PPRD, to establish a presence in the province and build political support – including recruitment of 'supporters' from the large itinerant population attracted by the lure of artisanal diamond mining – have been met by a backlash, occasionally violent, from UDPS and its supporters. The dynamics being played out in Kasai indicate that the electoral process and the outcome, especially if the UDPS candidate does not win, will be openly opposed in Kinshasa, Kasai and probably by Kasaians in Katanga, possibly inviting a dangerous backlash there from supporters of President Kabila.

An expanded UN presence in Katanga and Kasai represents an opportunity for a pre-emptive conflict prevention deployment in a manner that is no longer possible in much of the rest of the DRC. The UN Security Council should seize this rare opportunity, as the consequences of not doing so will be potentially devastating for the DRC.

### Improving regional relationships

Events in the DRC, particularly since the capture of Bukavu by dissident Congolese military forces in June 2004, have provided a stark reminder to the international community of the way in which regional dynamics can impact directly on the transitional process and peace in the region.

Despite numerous commitments by the DRC, Rwanda and Uganda, many of the issues that fuel conflict and instability, particularly in the eastern DRC, remain unresolved. These include the continued presence of foreign (particularly Rwandan) rebels on DRC territory; support for various Congolese armed groups; and the flow of arms across the region's borders. Recent initiatives such as the Joint Verification Mechanism and the Tripartite Commission are important confidence-building measures and may solve some of these problems. However, the continual revisiting of these issues through new mechanisms is illusory, because they focus on what the various 'partners' declare they are doing or are willing to do, rather than on what they are not doing, especially in respect to previous commitments. The international community has failed to exert significant pressure on the DRC, Rwanda and Uganda. Despite their denials, all the parties continue to actively or passively support 'spoilers' and have not undertaken even reasonable measures to limit the flow of people, arms and the fruits of economic exploitation across their borders – whether these activities are officially sanctioned or not. The international community must hold the parties to the spirit of their declarations and not merely the letter, and insist that all direct and indirect actors should be prevented from continuing such activities. In addition, they must positively influence their associates and nationals from acting against peace-building in the region.

Specifically in the case of the FDLR, the UN Security Council, in partnership with the TG, Rwanda and the African Union (AU), should develop a comprehensive plan, marshalling all available political, military and humanitarian means to solve a problem that is symptomatic of the weaknesses in the peace processes that began in Lusaka in 1999 and that, as events in North Kivu showed in late 2004, represent a continuing source of regional conflict. The Security Council should support the recent declaration by the AU that it is prepared to establish a force to assist in the solution of this problem. The council should encourage Rwanda and the DRC to facilitate this initiative militarily and politically.

The upcoming elections in the DRC represent a significant opportunity to move forward in a substantive way. But there are many existing

and emerging threats that could stymie the work of the international community and the aspirations of the Congolese. The long-term resolution of the DRC's problems lies in an enduring political solution within the country and good relationships with its neighbours. Events in 2004 in the Kivus, current violence in Ituri, and ongoing tensions in Kinshasa and increasingly in Katanga and Kasai are stark warnings that the conflict in the Congo can quickly spiral into another larger-scale war.

## Notes

- 1 The transitional government was the result of a political compromise between the warring parties. The result is a clumsy apparatus, not only because

its decisions are disputed by the eight *composantes* of the Sun City Agreement, but also because it created a sprawling bureaucracy. The president shares the *espace présidentielle* with four vice-presidents, 36 ministries were created, and 500 deputies and 120 senators were charged with drawing up and passing legislation in the transitional parliament. For a country whose administrative apparatus had been dilapidated by 32 years of Mobutu's misrule and two wars, the challenge was considerable.

- 2 The unilateral appointment by the TG of six Ituri militia leaders – some subsequently implicated in the killing of the UN peacekeepers – into the higher ranks of the FARDC is an example of the lack of ideas and capacity of the TG to deal with the situation in Ituri. CIAT and the international community and humanitarian organisations unanimously and unequivocally condemned these appointments more broadly.