



CAPE TOWN, SOUTH AFRICA

## POST-CONFLICT RECONSTRUCTION IN THE DEMOCRATIC REPUBLIC OF THE CONGO (DRC)

**Policy Advisory Group Seminar**

Centre for Conflict Resolution, Cape Town, South Africa

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## Introduction

The Centre for Conflict Resolution (CCR), Cape Town, South Africa hosted a policy advisory group seminar in Cape Town on 19 and 20 April 2010 on the theme “Post-Conflict Reconstruction in the Democratic Republic of the Congo (DRC)”.

The meeting, which was held in response to a request from the Southern African Development Community (SADC) secretariat in Botswana, assessed the challenges of post-conflict reconstruction in the DRC. The seminar discussed strategic mechanisms for enhancing the effectiveness of the Congolese government, SADC, civil society, the United Nations (UN), and the international community, in consolidating peace and security in the DRC. It focused on seven key topics: 1) the role of the UN Mission in the DRC; 2) the prospects for engagement by the UN Peacebuilding Commission; 3) the roles of SADC and South Africa; 4) disarmament, demobilisation, and reintegration (DDR) and security sector reform (SSR); 5) civil society, gender, and peacebuilding; 6) justice, human rights, and peacebuilding; and 7) election and governance issues.

### 1. The Role of the UN’s Missions in the DRC

The 20,000-strong UN Mission in the DRC (MONUC), which was set up in 1999, has been credited with a range of achievements that include: restoring peace to more than two-thirds of the country, following a conflict that erupted in 1996, involved seven regional armies, and cost over three million lives; helping to conduct the first election in 40 years in 2006/2007; and overseeing the return of more than one million refugees and internally displaced persons (IDPs) in 2009. However, MONUC’s operation as a fully integrated mission with a comprehensive mandate was not supported by commensurate human, financial, and logistical resources. Concerns about the mission’s ineffectiveness in establishing security in the eastern Congo were compounded by allegations of its involvement in plundering resources, running guns in exchange for minerals or ivory, and sexual exploitation and abuse. MONUC has also been accused of creating opportunities for powerful Western nations to advance their parochial interests in the DRC. Widespread frustration at the mission’s continued presence led President Joseph Kabila to request that MONUC’s withdrawal from the DRC start by June 2010. The UN Security Council visited the Congo in May 2010 and agreed that MONUC be converted into the UN Organisation Stabilisation Mission in the DRC (MONUSCO), mandated to remain in the country until December 2013.



“The 20,000-strong UN Mission in the DRC (MONUC) has been credited with a range of achievements”

A UN PEACEKEEPER WATCHES OVER A GROUP OF CHILDREN IN THE DRC

Image source - [www.un.org/common/photos/monuc-peacekeeper.jpg](http://www.un.org/common/photos/monuc-peacekeeper.jpg).

Photo by Pascal Guyot/AFP/Getty

## 2. Prospects for Engagement by the UN Peacebuilding Commission in the DRC

The DRC is governed by weak, parallel, militarised structures that lack any clearly defined vision of peacebuilding and how the process can be locally owned. Some fear that peacebuilding in the Congo is being used as a “Trojan horse” to advance rapid neo-liberal political and economic transformation of the country in line with the interests of the World Bank. Such manipulation of the peacebuilding process can undermine the potential for achieving a just and sustainable peace in the DRC. Although the country is not officially listed on the UN Peacebuilding Commission’s agenda, the Commission has allocated \$20 million from its Peacebuilding Fund to support the DRC’s stabilisation and recovery efforts. The Commission’s engagement with the DRC remains constrained by its advisory mandate, the limited funds available to it, and issues of state sovereignty that limit its capacity to intervene decisively to advance sustainable peace. Structurally, the Commission is hampered when attempting to coordinate peacebuilding efforts, particularly by its need to try to align the often irreconcilable interests of UN agencies and member states.

## 3. The Roles of SADC and South Africa in the DRC

SADC’s role in the DRC is constrained by its relatively limited peacekeeping experience and its lack of financial resources for peacebuilding. In addition, its power to act is largely dictated by the reactive, rather than preventive, nature of the conflict resolution mechanisms that the sub-regional body has developed. However, SADC has attempted to make a meaningful contribution to combating violence in the DRC. The organisation has recognised the need to establish institutional structures to engage in a robust approach to peacebuilding and reconstruction in the DRC. In particular, it has established a joint office with the African Union (AU) in Kinshasa. SADC’s wealthiest member, South Africa, has provided significant logistical and financial support for peacemaking and peacekeeping efforts in the DRC, culminating in the Global and All-Inclusive Agreement of December 2002. South Africa also contributed 1,268 personnel to MONUC, and provided financial, human, and logistical support for the DRC’s 2006 presidential and 2007 provincial elections. South Africa continues to play an integral role in Congolese post-conflict reconstruction efforts through the South Africa-DRC Bi-National Commission (BNC), which was first convened in Kinshasa in August 2004; and South African companies remain involved in the Congo’s economy, even as China’s own economic role in the DRC continues to grow, with the announcement of an \$8 billion infrastructure agreement in 2007.



‘ SADC’s role in the DRC is constrained by its relatively limited peacekeeping experience and its lack of financial resources for peacebuilding ’

OUTGOING SADC CHAIR, SOUTH AFRICAN PRESIDENT JACOB ZUMA, WITH DRC PRESIDENT JOSEPH KABILA DURING A SADC SUMMIT IN 2009

Image source - [www.nation.co.ke/news/africa/-/1066/654838/-/136x0glz/-/index.html](http://www.nation.co.ke/news/africa/-/1066/654838/-/136x0glz/-/index.html)

## 4. Disarmament, Demobilisation, and Reintegration, and Security Sector Reform in the DRC

Security, peacebuilding, and development in the DRC depend on the successful disarmament, demobilisation, and reintegration of armed fighters, which, in the case of foreign soldiers, may also include resettlement and repatriation. DDR plans were drawn up in 2002 for 150,000 soldiers. By the following year, the number of fighters in the DRC had risen to more than 300,000. However, Congolese bodies such as the National Commission for Demobilisation and Reinsertion (CONADER) and the Structure for Military Integration have so far failed to plan and implement a comprehensive national strategy to facilitate and coordinate DDR and security sector reform. Reform of the security sector has also been undermined by the existence of parallel armed groups, and disagreements over rank and status within the Armed Forces of the DRC (FARDC). Significant challenges to the reform process have included: uncertainty over the numbers of former combatants who are eligible for the various programmes; inadequate assembly and training camps for demobilised forces; poor logistics; inadequate vetting and training of ex-soldiers; and fundamental payroll problems, including large salary arrears and the presence of thousands of “ghost workers”.



Some progress has been made to engender peacebuilding and social justice concerns in the DRC

A FEMALE DEMINER IN THE DRC

Image source - Arne Hodalic  
([http://maic.jmc.edu/journal/13.3/notes/buckley\\_ikeda/buckley.html](http://maic.jmc.edu/journal/13.3/notes/buckley_ikeda/buckley.html))

## 5. Civil Society, Gender, and Peacebuilding

Gender equality in the DRC is often perceived as being solely a “women’s issue” and a matter of political correctness rather than a fundamental right that is necessary to the development and implementation of effective peacebuilding strategies. It is generally believed that responsibility for incorporating gender issues into peacebuilding programmes rests entirely with women. Collective efforts at achieving gender equality in peacebuilding processes are further undermined by the widely held perception that the gender aspects of projects can best be delivered by women and civil society. However, some progress has been made to engender peacebuilding and social justice concerns in the DRC. While civil society’s peacebuilding efforts may have been relatively weak so far, activists from the sector have nevertheless contributed significantly to governance, security sector reform, DDR, peacebuilding, and statebuilding. Civil society in the DRC has also played a critical role in mobilising social capital to hold the government accountable and make it more responsive to public needs. Furthermore, civil society groups have delivered services to prevent and resolve conflicts, and have promoted democracy, human rights, and the rule of law.

## 6. Justice, Human Rights, and Peacebuilding in the DRC

Respect for fundamental human rights and justice is essential to sustaining peace and stability and enabling post-conflict reconstruction efforts in the DRC. Since independence in 1960, various armed groups and the Congolese army have committed war crimes and crimes against humanity. Violence has come to be seen by some as a way of forging identity, as well as a strategic tool, and a means to securing power and control. Meanwhile, the desire for peace in the DRC can compromise the need for justice and fundamental human rights, as was demonstrated by the blanket amnesties granted by the Lusaka and Ituri peace agreements of 1999 and 2003 respectively. The DRC lacks the effective institutions to ensure that international standards of law and justice are respected. Funding constraints prevented the Congolese government from establishing a Special International Court, as recommended by the Inter-Congolese Dialogue, which was held between 2001 and 2003. Meanwhile, the politically-driven alternative criminal justice system offered to soldiers and civilians by the Military Courts from 2002 provides inconsistent and anachronistic remedies that fail to meet international and constitutional standards of human rights. Access to justice may have been further compromised by president Joseph Kabila's decision in February 2010 to fold the Ministry of Human Rights into the Ministry of Justice. Meanwhile, the role that the Hague-based International Criminal Court (ICC) can play in the DRC is limited by its jurisdiction – which permits it only to investigate and try international crimes committed since 2002 – as well as by the Congolese government's desire to protect its own fighters and pursue justice selectively.

## 7. Election and Governance Issues in the DRC

Promoting effective post-conflict reconstruction and overcoming the legacy of colonialism in the DRC will require just and democratic governance. The Inter-Congolese Dialogue failed to reconcile Congolese leaders and factions, to transform electoral processes, to institute "good governance", and to restore peace and stability in the DRC. The Congo's Independent Electoral Commission (IEC) lacks the capacity and funds to facilitate democratic, transparent, and competitive national elections. During the DRC's 2006 presidential and parliamentary elections, the UN provided most of the IEC's logistical and infrastructural framework, while the European Union (EU) paid for much of the \$422 million cost of the polls. Without such support and amid mounting concern over the availability of foreign financing for future polls, Congo's IEC faces enormous challenges in effectively managing national elections. Nevertheless, the Congolese people expect that the 2011-2013 electoral cycle will be more transparent and competitive and less subject to political wrangling than previous polls. Failure by the Congolese government to hold credible elections could risk plunging the country into political uncertainty and further instability. Despite the prospect of violence at the polls, no Congolese institutions – including the IEC, the



“The desire for peace in the DRC can compromise the need for justice and fundamental human rights”

Image source - [zunia.org/post/human-rights-defenders-under-attack-in-the-democratic-republic-of-the-congo/](https://www.zunia.org/post/human-rights-defenders-under-attack-in-the-democratic-republic-of-the-congo/)

country's Truth and Reconciliation Commission, and its National Human Rights Institution – are equipped or mandated to deal effectively with election-related violence. Meanwhile, SADC remains constrained by its advisory mandate and cannot enforce the implementation of regional guidelines for democratic electoral processes in the DRC.

## Policy Recommendations

The following ten policy recommendations emerged from the Cape Town policy seminar:

- First, the DRC government must define a national vision for peacebuilding that is articulated and owned by its 68 million people, and reflects an understanding of the root causes of the country's conflict. The Congolese government should prioritise peacebuilding activities as part of a societal transformation that alters relationships positively between the state and its citizens, and facilitates more equitable power-sharing. The government must also establish a regular budget with adequate controls to reinforce state authority, properly manage resources, and combat widespread corruption;
- Second, the UN Peacebuilding Commission, in collaboration with the AU and SADC, should help the Congolese government build effective institutions to manage its immense natural resources. The Commission's annual \$250-million Peacebuilding Fund is inadequate to the task, and richer regional and external actors should provide more resources. The Commission should also seek to strengthen partnerships between the UN, the EU, and other external actors in order to prevent the destabilising regional and international exploitation of the DRC's natural resources;
- Third, the UN Security Council should maintain a peacekeeping presence in the DRC that possesses a credible deterrent capability, and the capacity to oversee a secure transition from peacekeeping to peacebuilding in the DRC, especially in the provinces of Orientale, and North and South Kivu;
- Fourth, SADC, the AU, the UN, and the EU must establish an effective division of labour to support peacebuilding efforts in the DRC. The AU and SADC must provide political, technical, and financial assistance for peacekeeping and peacebuilding activities in the DRC. They should also develop and coordinate a joint strategy that allows the Congolese to identify their priority peacebuilding issues and take ownership of the process;

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- Fifth, the evolving strategic partnership between South Africa and Angola should be deployed to strengthen SADC's peacebuilding role in the DRC. While South Africa's bilateral engagement with the DRC should continue to be strengthened for the benefit of the region, this role should not be allowed to undermine the relevance and legitimacy of SADC's multilateral engagement with the country;
- Sixth, the Congolese government must demonstrate the political will and commitment to plan and implement comprehensive strategies for DDR and security sector reform. These strategies should take into account local contexts and needs and include tailor-made DDR programmes to meet the special needs of groups such as women, children, and the disabled. Lessons can usefully be learned from DDR and SSR efforts in fellow SADC countries, such as Angola, Mozambique, Namibia, South Africa, and Zimbabwe;
- Seventh, peacebuilding in the DRC must address gender disparities, mainstream gender, and strategically focus on gender-oriented activities. In engendering peacebuilding, the DRC government needs to strengthen and implement coherent, coordinated, and consistent approaches that address the root causes of conflict, build a culture of peace, and realign regional and international support for peacebuilding efforts. Support from the African Union's Gender Desk and the UN Development Fund for Women (UNIFEM) should be provided to the DRC's ministry of women's affairs in order to combat impunity for perpetrators of sexual and gender-based violence;
- Eighth, the establishment of a vibrant civil society and effective political opposition must be supported to rebuild the DRC. Congolese civil society actors should work with local communities and institutions to create and secure the policy space necessary to promote a more accountable and responsible state, as well as the rule of law. The Congolese government must strengthen partnerships with civil society actors in order to develop and implement a comprehensive post-conflict reconstruction plan;

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- Ninth, the DRC government must formulate a comprehensive strategy for rebuilding its national criminal justice system. Kinshasa should open strategic discussions with the International Criminal Court and the international community on managing crimes that fall outside the jurisdiction of the ICC. In this respect, the government must define and strengthen its post-conflict local alternative justice systems, which will require the drafting and implementation of more effective national laws to enhance the Congolese judicial system. Regional and international donors should also provide support to build the operational capacity of the DRC's judicial and legal institutions. Meanwhile, transitional justice mechanisms in the Congo must address the challenges of judicial and institutional reform. These mechanisms should reinforce the voices of the poor and the marginalised, and address structural, socio-economic, and political inequalities; and
- Finally, the DRC must build an effective and professional electoral commission that can promote democratic, inclusive, and competent electoral systems. SADC, the AU, the UN, the EU, and other donors should support the Congolese government's commitment to elections by helping to prepare the country's political parties to accept the outcomes of polls, and by ensuring that timeous elections are held between 2011 and 2013. In addition, the DRC can learn useful lessons from electoral process "best practices" and successful examples of democracy within political parties in other SADC countries.